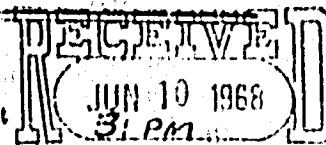


1589-3

1. Considered 7-17, 1968
2. Name of Applicant OAKE ENTERPRISES, INC.
3. Post Office Address PIERRE
4. Amount of water claimed 35.65
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 2800
7. Water to be diverted and used in SULLY & HUGHES county
about 12N 3W miles _____ of PIERRE
8. Proof of Publication
Received *[Signature]*
Not received ~~*[Signature]*~~ *[Signature]*
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1589-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Acche Enterprises Inc.Postoffice address PIERRECounty SULLY & HUGHES, State SOUTH DAKOTA

I. If a corporation

(a) Name of same Acche Enterprises Inc.(b) Date and place of incorporation October 1966, Pierre South Dakota(c) Amount of capital stock 10,000 issued 5,211 issued(d) Amount paid in \$260,550(e) Names and addresses of directors Donald E. Emrich 4600 Perry Way, Sioux City Iowa, James R. Blumberg 5127 N. Cypress Kansas City Missouri, Ray Leichter 2301 Avenue C, Council Bluffs Iowa

(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)

all three in combination(b) Cash on hand, \$ 7,000(c) Treasury stock, \$?(d) Bonds to be issued, \$?(e) Other resources, Private financing thru financial institution2. Name of diversion work Acche Enterprises Inc. #13. Amount of water claimed 16,000 gpmcubic feet per second35654. Source of water supply Missouri River5. Location of point of diversion BETWEEN POINTS S56°45'W, 380 RODS & N69°45'W, 380 RODSFROM NW CORNER, SECTION 35, T113N, R80Won East bankSully & Hughes County6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 2800 acres.SEE ATTACHMENT(b) Legal subdivisions to be irrigated See attached Map

(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.) See attached Map

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

(a) Nature of use Irrigation

Name any of the above uses claimed

(b) Amount of power to be generated NA

horse power.

Amount claimed for engine cooling NA(c) Location of plant NA(d) Method of developing power NA(e) Point where water will be returned to stream NA

MAP No. 1152-3

8. Estimated cost of work:

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

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

(c) Plumbing, \$.....

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

Rock, \$.....

(e) Other structures

Total, \$..275,000

9. Description of diversion works:

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

Irrigated by Centrifugal Pumps from Reservoir.

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....

.....feet; thickness at bottom.....feet; thickness at top.....

feet; slope at front water face.....; slope at back face.....

material used in construction

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; height.....feet;

Material

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....4.....years.

12. Choice of newspaper for publication of notice of intention to appropriate

ONIDA WATCHMAN, ONIDA, S. DAK

STATE OF SOUTH DAKOTA

County of HUGHES

I, JAMES R. DANBURY

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

10TH

day of

JUNE

1928

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Epitaph Assistant
Water Resources Com.

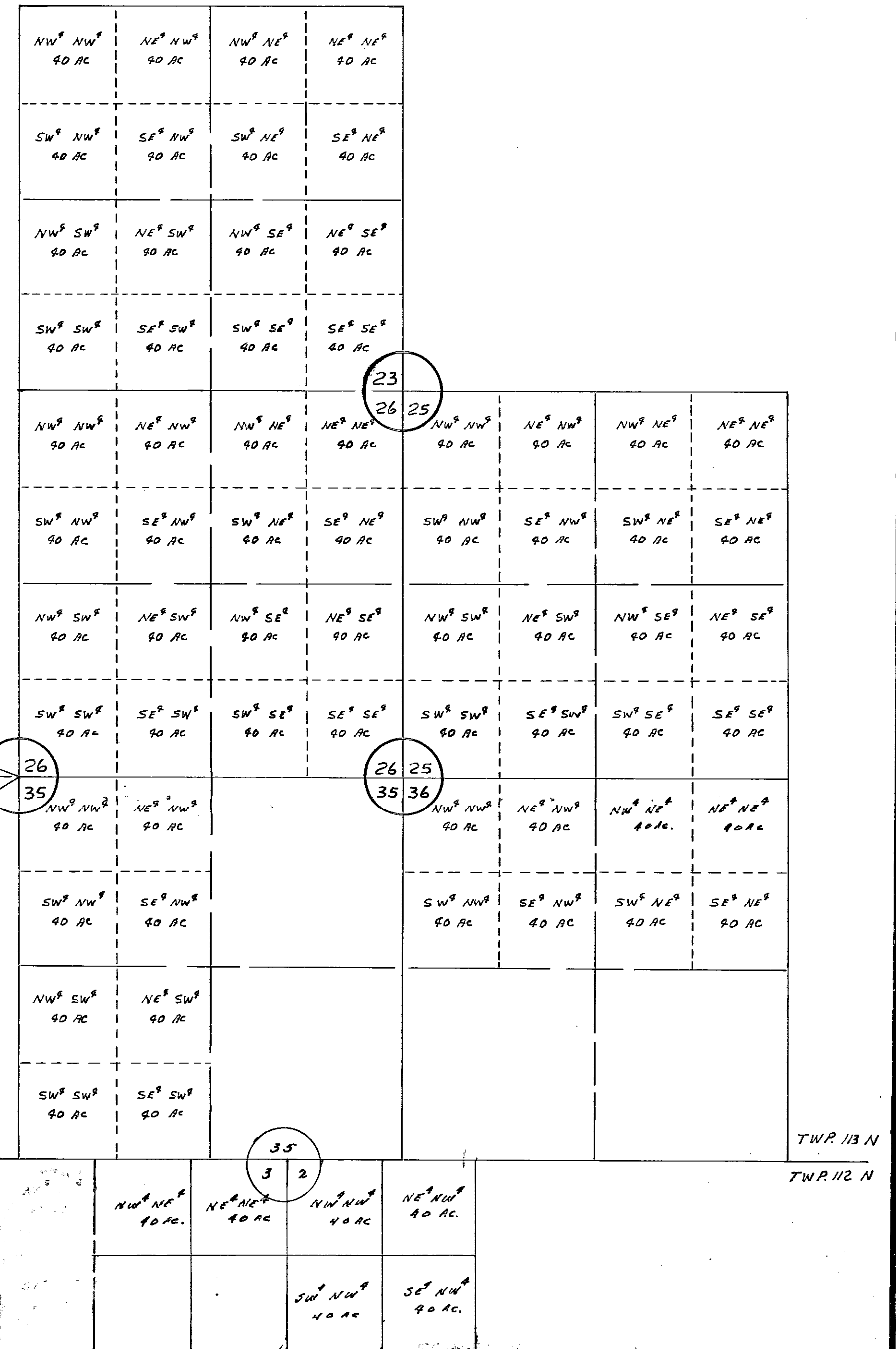
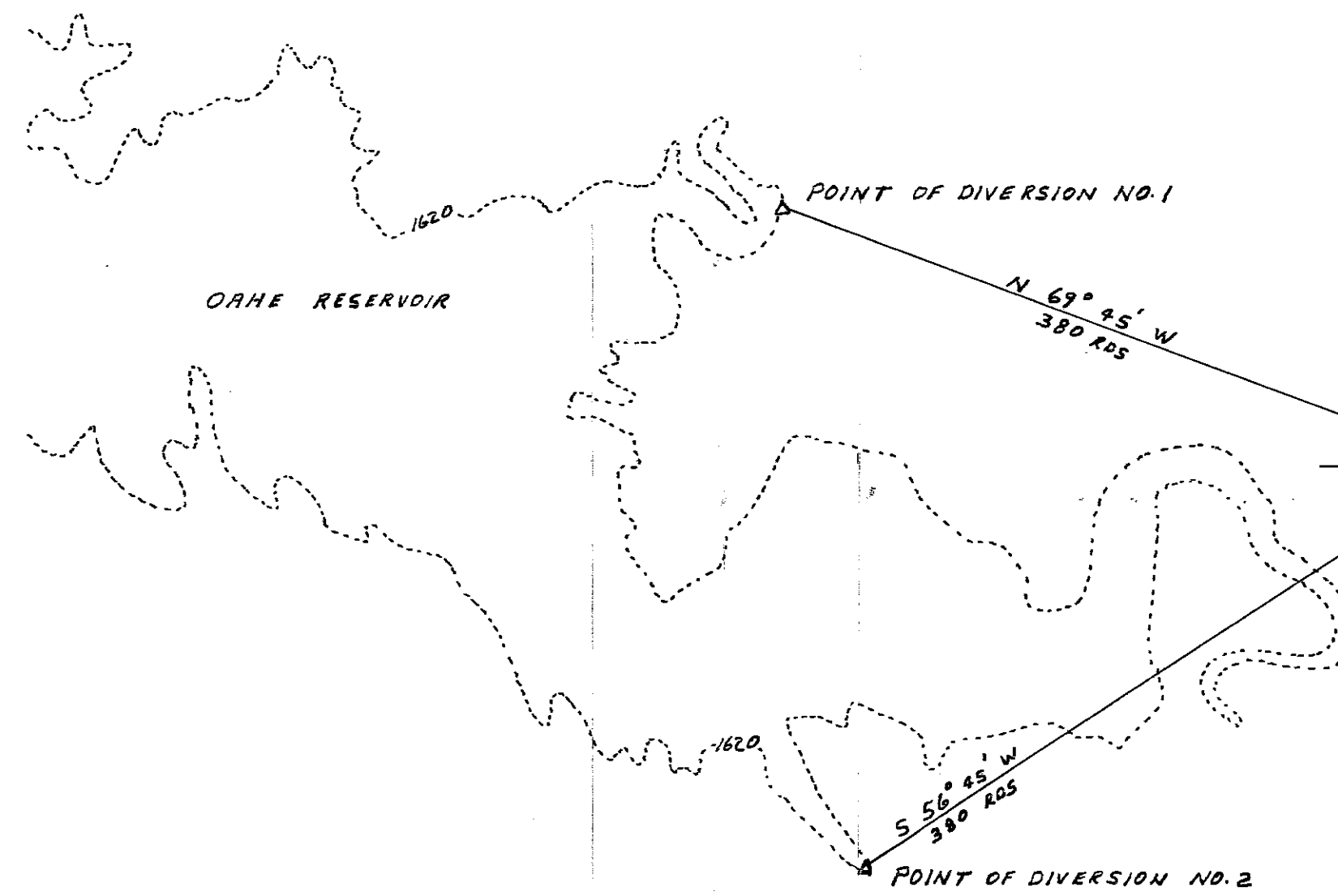
AREAS BY LEGAL SUBDIVISION

NW¹ NW¹ SEC. 23 TWP. 113 R. 80 40 AC
 NE NW SEC. 23 TWP. 113 R. 80 40
 SW NW SEC. 23 TWP. 113 R. 80 40
 SE NW SEC. 23 TWP. 113 R. 80 40
 NW NE SEC. 23 TWP. 113 R. 80 40
 NE NE SEC. 23 TWP. 113 R. 80 40
 SW NE SEC. 23 TWP. 113 R. 80 40
 SE NE SEC. 23 TWP. 113 R. 80 40
 NW SW SEC. 23 TWP. 113 R. 80 40
 NE SW SEC. 23 TWP. 113 R. 80 40
 SW SW SEC. 23 TWP. 113 R. 80 40
 SE SW SEC. 23 TWP. 113 R. 80 40
 NW SE SEC. 23 TWP. 113 R. 80 40
 NE SE SEC. 23 TWP. 113 R. 80 40
 SW SE SEC. 23 TWP. 113 R. 80 40
 SE SE SEC. 23 TWP. 113 R. 80 40
 NW NW SEC. 25 TWP. 113 R. 80 40
 NE NW SEC. 25 TWP. 113 R. 80 40
 SW NW SEC. 25 TWP. 113 R. 80 40
 SE NW SEC. 25 TWP. 113 R. 80 40
 NW NE SEC. 25 TWP. 113 R. 80 40
 NE NE SEC. 25 TWP. 113 R. 80 40
 SW NE SEC. 25 TWP. 113 R. 80 40
 SE NE SEC. 25 TWP. 113 R. 80 40
 NW SW SEC. 25 TWP. 113 R. 80 40
 NE SW SEC. 25 TWP. 113 R. 80 40
 SW SW SEC. 25 TWP. 113 R. 80 40
 SE SW SEC. 25 TWP. 113 R. 80 40
 NW SE SEC. 25 TWP. 113 R. 80 40
 NE SE SEC. 25 TWP. 113 R. 80 40
 SW SE SEC. 25 TWP. 113 R. 80 40
 SE SE SEC. 25 TWP. 113 R. 80 40
 NW NW SEC. 26 TWP. 113 R. 80 40
 NE NW SEC. 26 TWP. 113 R. 80 40
 SW NW SEC. 26 TWP. 113 R. 80 40
 SE NW SEC. 26 TWP. 113 R. 80 40
 NW NE SEC. 26 TWP. 113 R. 80 40
 NE NE SEC. 26 TWP. 113 R. 80 40
 SW NE SEC. 26 TWP. 113 R. 80 40
 SE NE SEC. 26 TWP. 113 R. 80 40
 NW SW SEC. 26 TWP. 113 R. 80 40
 NE SW SEC. 26 TWP. 113 R. 80 40
 SW SW SEC. 26 TWP. 113 R. 80 40
 SE SW SEC. 26 TWP. 113 R. 80 40
 NW SE SEC. 26 TWP. 113 R. 80 40
 NE SE SEC. 26 TWP. 113 R. 80 40
 SW SE SEC. 26 TWP. 113 R. 80 40
 SE SE SEC. 26 TWP. 113 R. 80 40

NW¹ NW¹ SEC. 35 TWP. 113 R. 80 40 AC
 NE NW SEC. 35 TWP. 113 R. 80 40
 SW NW SEC. 35 TWP. 113 R. 80 40
 SE NW SEC. 35 TWP. 113 R. 80 40
 NW SW SEC. 35 TWP. 113 R. 80 40
 NE SW SEC. 35 TWP. 113 R. 80 40
 SW SW SEC. 35 TWP. 113 R. 80 40
 SE SW SEC. 35 TWP. 113 R. 80 40
 NW NW SEC. 36 TWP. 113 R. 80 40
 NE NW SEC. 36 TWP. 113 R. 80 40
 SW NW SEC. 36 TWP. 113 R. 80 40
 SE NW SEC. 36 TWP. 113 R. 80 40
 NW NE SEC. 2 TWP. 112 R. 80 40
 NE NE SEC. 2 TWP. 112 R. 80 40
 SW NE SEC. 2 TWP. 112 R. 80 40
 SE NE SEC. 2 TWP. 112 R. 80 40
 NW NE SEC. 3 TWP. 112 R. 80 40
 NE NE SEC. 3 TWP. 112 R. 80 40
 SW NE SEC. 3 TWP. 112 R. 80 40
 SE NE SEC. 3 TWP. 112 R. 80 40

TOTAL 2800 AC

R. 80 W



SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA
 COUNTY OF HUGHES - SULLY

I MAYNARD C. SOMMER, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF Oahe Enterprises Corporation, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN THEIR OWNERSHIP BOUNDRIES ON MAY 1968 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.
 WITNESS MY HAND AND SEAL THIS 27th DAY OF MAY 1968.

Maynard C. Sommer
 REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
 COUNTY OF HUGHES - SULLY

ON THIS DAY, BEFORE ME, THE UNDER SIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MAYNARD C. SOMMER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
 WITNESS MY HAND AND SEAL THIS 27th DAY OF MAY 1968.

MY COMMISSION EXPIRES: January 19, 1976

AB Snell
 NOTARY PUBLIC

WATER TO BE DIVERTED ON
 WATERLINE BETWEEN POINT
 OF DIVERSION NO. 1 AND
 POINT OF DIVERSION NO. 2

SHOWING AREA & DIVERSION POINTS WHERE WATERS
 WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

Oahe Enterprises Corporation
 Maynard C. Sommer

OWNER
 SURVEYOR

Remarks by State Water Resources Commission:

THIS PERMIT IS APPROVED AS PART OF THE OANE
CONSERVANCY SUB-DISTRICT FUTURE USE WATER RIGHT
NO. 1067-3. PRIORITY FOR THIS PERMIT IS ESTABLISHED
UNDER WATER RIGHT 1067-3.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, AUGUST 28, 1968

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock
P.m. upon the 10TH day of JUNE, 1968

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1589-3

Date of first receipt of application JUNE 10, 1968

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 NOVEMBER 7, 1963

Approved JULY 17, 1968, Recorded in Book 10 Page 244

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 JANUARY 17, 1971

2nd. The whole of said work is to be completed on or before JULY 17, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 17, 1977

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 35.65 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 17, 1977; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 28TH day of AUGUST, 1968.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued: _____, 19____

Water License Issued: _____, 19____

NW	NW	SEC.	23	TWP.	113	R. 80	40	AC
NE	NW	SEC.	23	TWP.	113	R. 80	40	
SW	NW	SEC.	23	TWP.	113	R. 80	40	
SE	NW	SEC.	23	TWP.	113	R. 80	40	
NW	NE	SEC.	23	TWP.	113	R. 80	40	
NE	NE	SEC.	23	TWP.	113	R. 80	40	
SW	NE	SEC.	23	TWP.	113	R. 80	40	
SE	NE	SEC.	23	TWP.	113	R. 80	40	
NW	SW	SEC.	23	TWP.	113	R. 80	40	
NE	SW	SEC.	23	TWP.	113	R. 80	40	
SW	SW	SEC.	23	TWP.	113	R. 80	40	
SE	SW	SEC.	23	TWP.	113	R. 80	40	
NW	SE	SEC.	23	TWP.	113	R. 80	40	
NE	SE	SEC.	23	TWP.	113	R. 80	40	
SW	SE	SEC.	23	TWP.	113	R. 80	40	
SE	SE	SEC.	23	TWP.	113	R. 80	40	
NW	NW	SEC.	25	TWP.	113	R. 80	40	
NE	NW	SEC.	25	TWP.	113	R. 80	40	
SW	NW	SEC.	25	TWP.	113	R. 80	40	
SE	NW	SEC.	25	TWP.	113	R. 80	40	
NW	NE	SEC.	25	TWP.	113	R. 80	40	
NE	NE	SEC.	25	TWP.	113	R. 80	40	
SW	NE	SEC.	25	TWP.	113	R. 80	40	
SE	NE	SEC.	25	TWP.	113	R. 80	40	
NW	SW	SEC.	25	TWP.	113	R. 80	40	
NE	SW	SEC.	25	TWP.	113	R. 80	40	
SW	SW	SEC.	25	TWP.	113	R. 80	40	
SE	SW	SEC.	25	TWP.	113	R. 80	40	
NW	SE	SEC.	25	TWP.	113	R. 80	40	
NE	SE	SEC.	25	TWP.	113	R. 80	40	
SW	SE	SEC.	26	TWP.	113	R. 80	40	
SE	SE	SEC.	25	TWP.	113	R. 80	40	
NW	NW	SEC.	26	TWP.	113	R. 80	40	
NE	NW	SEC.	26	TWP.	113	R. 80	40	
SW	NW	SEC.	26	TWP.	113	R. 80	40	
SE	NW	SEC.	26	TWP.	113	R. 80	40	
NW	NE	SEC.	26	TWP.	113	R. 80	40	
NE	NE	SEC.	26	TWP.	113	R. 80	40	
SW	NE	SEC.	26	TWP.	113	R. 80	40	
SE	NE	SEC.	26	TWP.	113	R. 80	40	
NW	SW	SEC.	26	TWP.	113	R. 80	40	
NE	SW	SEC.	26	TWP.	113	R. 80	40	
SW	SW	SEC.	26	TWP.	113	R. 80	40	
SE	SW	SEC.	26	TWP.	113	R. 80	40	
NW	SE	SEC.	26	TWP.	113	R. 80	40	
NE	SE	SEC.	26	TWP.	113	R. 80	40	
SW	SE	SEC.	26	TWP.	113	R. 80	40	
SE	SE	SEC.	26	TWP.	113	R. 80	40	

TOTAL 2300 AC.

on or before
(First Publication **June 20**, 19**68**)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., **June 11**, 19**68**

Notice is hereby given that **Oahe Enterprises, Inc.** whose postoffice address is **Pierre** 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 **35.65** cubic feet of water per second of time from the **Missouri River** through the **Oahe Enterprises, Inc. $\frac{1}{2}$** the point of diversion of which is to be located on the **left** bank of said stream in the **between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, and NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28** Twp. **113N** Range **80W**. Said water to be used for the purpose of providing irrigation on the following described land:

Sections, 23, 25 and 26, W $\frac{1}{2}$, Section 35, N $\frac{1}{2}$ Section 36, T113N, R80W, NW $\frac{1}{4}$, Section 2, N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 3, T112N, R80W.

~~and for~~ ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **17th** day of **July**, 19**68** 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: **Oahe Enterprises, Inc.**
Pierre, S.D.

State Water Resources Commission

By:

~~Chief Engineer, Bureau of Reclamation~~
BURTON F. JONES
Water Rights Specialist

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Sully }

E. L. Thompson, of said County and State, being first duly sworn, on his oath says, that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, printed and published in the English language in the City of Onida, in said County and state, by said E. L. Thompson, and has been admitted to the United States mail under the second class mailing privilege at all of the times hereinafter mentioned, and for more than one year immediately preceding the first publication herein mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper in charge of the advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

APPROPRIATION OF WATER

a printed copy of which is hereto attached, was printed and published in said newspaper for 4 successive issues, the first publication being made on THURSDAY, the 4th day of July 1968, and the last publication on THURSDAY, the 25th day of July 1968, and that \$15.26, being the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publishers of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

E. L. Thompson

(SEAL)

Subscribed and sworn to before me this

22 day of Aug, 1968

Royal Van Camp

Notary Public In and For Sully County, South Dakota

ROYAL VAN CAMP, Notary Public.
My Commission expires Jan. 15, 1975.

My Commission expires

APPROPRIATION OF WATER

Notice is hereby given that Oahe Enterprises, Inc. whose postoffice address is Pierre, 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 35.65 cubic feet of water per second of time from the Missouri River through the Oahe Enterprises, Inc. No. 1, the point of diversion of which is to be located on the left bank of said stream between points in the 28 Twp. 113N, Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:

Sections, 23, 25 and 26, W½, Section 35, N½ Section 36, T113N, R80W; NW¼, Section 2, N½, NE¼, Section 3, T112N R80W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 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: Burton F. Jones

Water Rights Specialist

cc: Oahe Enterprises, Inc.
Pierre, S.D.

19-22

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON OAHE DAM, LAKE OAHE PROJECT, SOUTH DAKOTA

No. DACV45-2-69-6066

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to Oahe Enterprises, a corporation, duly organized and existing under and by virtue of the laws of the State of South Dakota, with its principal office at Pierre, South Dakota 57501,

hereinafter designated as the grantee, for a period ~~not exceeding~~ Coextensive with State Water ~~() years from the date hereof~~ / Permit No. 1589-3, an easement for a right of way for the installation, operation and maintenance of a portable irrigation water pipeline and a portable pumping system.

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" map entitled Oahe Reservoir, Segment "D", attached hereto and made a part hereof, and described as follows:

The North 33.00 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, Township 113 North, Range 80 West of the 5th Principal Meridian, Sully County, South Dakota, also a strip of land 66.00 feet in width situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 34, said strip of land lying 33.00 feet on each side of the following described line:

Beginning at the Northeast corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 45.00' West to the shoreline of Lake Oahe, containing 0.75 of an acre, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of Fifty and no/100 Dollars - - - - - (\$ 50.00)
payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, Omaha District, Corps of Engineers, 7410 U. S. Post Office and Court House, Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, ~~nor for injuries to the person or property of the grantee (if an individual),~~ nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the ~~heirs~~ representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That the grantee shall not discharge waste or effluent from the granted property in such manner that such discharge will contaminate streams of other bodies of water or otherwise become a public nuisance.

16. That this easement and right of way for a water pipeline and pumping plant is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

17. That the grantee shall not install erosion control devices around the intake of the irrigation system, without the approval by said officer in charge.

Prior to the execution of this easement, Conditions Nos. 7 and 13 were altered and Conditions Nos. 15, 16 and 17 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

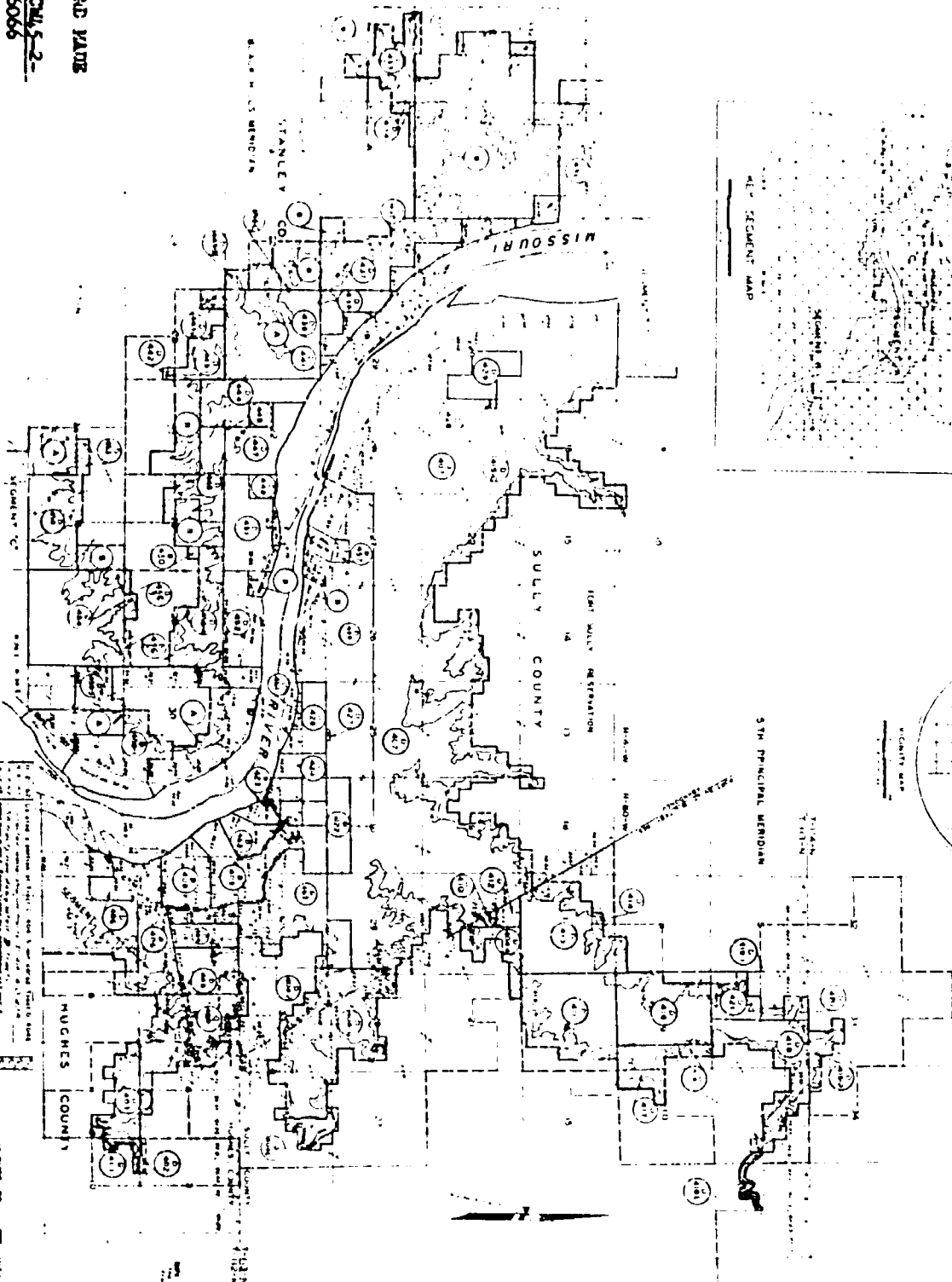
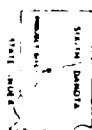
IN WITNESS WHEREOF I have hereunto set my hand this 11th
day of June 19 69.

/s/ Dale Knut

DALE KNUT

Chief, Real Estate Division

8 Omaha District, Corps of Engineers

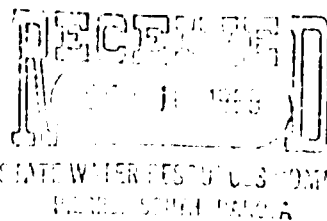


TRACT MASTER OF ACQUISITION		RECORDS	
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83	83	84	84
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89	89	90	90
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93	93	94	94
95	95	96	96
97	97	98	98
99	99	100	100

[illegible]

Permit No.

Water Division No. Water District



Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.)

(Date)

TO THE STATE WATER R. SOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the

19....., at County of State of South Dakota,

before proof will be submitted of the application to beneficial use

(Examining Engineer or Officer)

..... of the waters of Oake Reservoir

..... In accordance with the terms and conditions of Permit No. 1589-3
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

Oake Enterprises Inc2. The use to which said water has been applied is Irrigation3. The amount applied to beneficial use is Total4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Section 23 Sully County 113NR 80W320 acres0

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

10" aluminum pipe6. The right to take the water from such works is based upon permit No. 1589-37. The source of supply from which such water is diverted is Missouri River8. The date of priority which said user is prepared to establish is ?(Sign) James P. Pauling

Permit No. 1589-3

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Box 1011 Pierre, South Dakota

(Date) _____

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the ^{partial} completion of the works for the diversion of 16,000 GPM / 35.65 cu. ft. per second of the waters of the state from Oake Reservoir through the Irrigation for _____ purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Oake Enterprises Inc
2. The postoffice address of such person or the place of business of such corporation is P.O. Box 1011
County of Hughes State of South Dakota
3. The number of such permit is 1589-3 and the date set for the completion of such work is July 1969
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be ^{partially} completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 16,000 GPM / 35.65 cubic feet per second.
6. The amount of land for which said water is available is 2,800 acres,
particularly described as follows: Section 23, 25, + 26, NW 1/4 of
Sec 35, NE 1/2 Sec 36 all in Sully County:
NW 1/4 Sec 3, NE 1/2 of NE 1/4 Sec 2 Hughes County

I hereby certify that the facts set forth in the above notice are true.

Oake Enterprises Inc

(Signature of Owners)

James P. Penning
Director

gib

No. 1589-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date NOVEMBER 16, 1972

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

PORTIONS OF T112N & 113N, R80W, DESCRIBED
IN WATER PERMIT 1589-3

formerly owned by DAHE ENTERPRISES, INC.

has been transferred to CHARLES A. CANNON III

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1589.3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
 County of Hughes) ss.

I, Charles A. Cannon III 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.

Charles A. Cannon III
 (Signed)

Suscribed and sworn to before me this 15th day of November, 19 72.

Billy Hartman
 (Notary Public)
Technical Assistant, W.R.C.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6892

PIERRE, April 11, 1979

RECEIVED OF Harvey Sheehan, Box 1132, Pierre, SD 57501

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of water right No. 1589-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9Y

DATE MICROFILMED

4-12-82
K. Jones (J. Hatch)
CAMERA OPERATOR

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: 4-10-79

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

PORTIONS OF SECTIONS 23, 25, 26, 35 & 36, T113N, R20W & SECTIONS
23, T112N, R20W, DESCRIBED IN PERMIT NO. 1589-3

formerly owned by CHARLES A. CANNON, JR.

has been transferred to HARVEY D. SHEEHAN, BOX 1132, PIERRE

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

Water Right Permit No. 1589-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

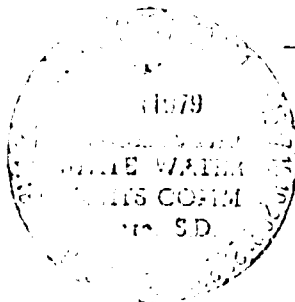
STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Harvey D. Sheehan 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.

Harvey D. Sheehan
(Signed)

Subscribed and sworn to before me this 10th Day of April 1979.

Betty H. Eastland WRS
(Notary Public)



Township 113 North, Range 80, Sully County, South Dakota

Section 23: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ (All of Section 23)
Section 25: ✓ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ (All of Section 25)
Section 26: ✓ SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$
Section 35: ✓ W $\frac{1}{2}$ NW $\frac{1}{4}$ 1552-3
Section 36: ✓ S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$

Township 113 North, Range 80, Sully County, South Dakota

Section 26: ✓ NE $\frac{1}{4}$
Section 35: E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$

Township 113 North, Range 79, Sully County, South Dakota

Section 11: NW $\frac{1}{4}$, SW $\frac{1}{4}$
Section 16: SE $\frac{1}{4}$, SW $\frac{1}{4}$
Section 18: SW $\frac{1}{4}$, SE $\frac{1}{4}$
Section 19: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ (all of Section 19)
Section 20: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 20)
Section 21: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 21)
Section 28: ✓ SW $\frac{1}{4}$, SE $\frac{1}{4}$
Section 29: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 29)
Section 30: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 30)
Section 31: ✓ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 31)

Township 113 North, Range 80, Sully County, South Dakota

Section 24: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ (all of Section 24)
Section 36: SW $\frac{1}{4}$, SE $\frac{1}{4}$

Township 113 North, Range 79, Sully County, South Dakota

Section 28: NW $\frac{1}{4}$

Township 113 North, Range 78, Sully County, South Dakota

Section 4: East Half (E $\frac{1}{2}$)

Township 113 North, Range 79, Sully County, South Dakota

Section 22: NE $\frac{1}{4}$, NW $\frac{1}{4}$

Township 113 North, Range 80, Sully County, South Dakota

Section 20: ✓ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$;
SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; Lot 3,
except North 660 Feet thereof; Lot 4;
NE $\frac{1}{4}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Lot 8, except the South 500 Feet of West
20 acres;

Section 21: ✓ S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$.

Section 22: ✓ All, except Lot H-1 (2.647 acres) in
NE $\frac{1}{4}$ thereof and Lot H-1 (2.346 acres)
in SE $\frac{1}{4}$ thereof

Township 113 North, Range 80, Sully County, South Dakota

- Section 27: ✓ All, except S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{2}$ SW $\frac{1}{2}$; .
 Section 28: ✓ N $\frac{1}{2}$ N $\frac{1}{2}$; North ten acres of Lot 1;
 SE $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$, except South 15 acres of SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and
 SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$,
 Section 29: ✓ The North 1650 Feet of Lots 1 and 2, except
 the West 600 feet of South 600 feet;
 Section 34: ✓ N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Township 112 North, Range 80, Hughes County, South Dakota

- Section 3: ✓ N $\frac{1}{2}$ NE $\frac{1}{4}$ (Lots 1 and 2)
 Section 2: ✓ NW $\frac{1}{4}$ (Lots 3 and 4 and S $\frac{1}{2}$ NW $\frac{1}{4}$) 1557-3

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7219

PIERRE, January 17, 1900

RECEIVED OF Sheehan and Schafer Partnership, Pierre, SD 57501

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of water right No. 1589-3		2 50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL /		50

WATER RIGHTS COMMISSION

By

John Hatch

Ch of Engineer, Executive Officer

JOHN HATCH

gy

NO. 1589-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/17/80

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

Portions of Section 23, 25, 26, 35, 36 T113N, 80W and

Sec. 2, T112N, R80W total of 2800 acres.

formerly owned by Harvey Sheehan

has been transferred to Sheehan and Schafer Partnership, Pierre, SD

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

Water Right Permit No. 1589-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

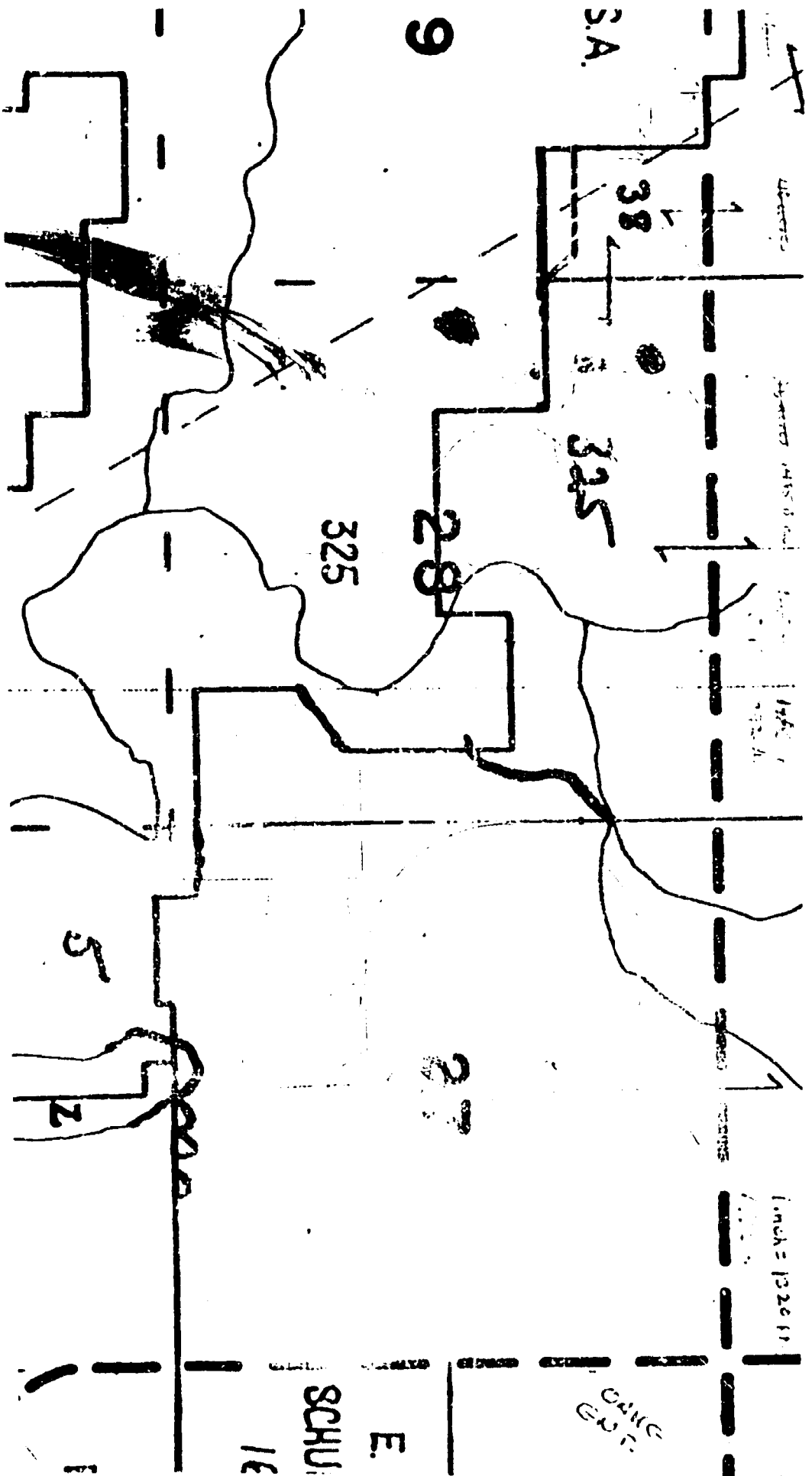
STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Sheehan & Schafer 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.

Harvey Sheehan
(Signed)

Subscribed and sworn to before me this 17th Day of January, 1980.

Harvey Sheehan
(Notary Public)



1589-3
1713-3
1781-3
1991-3
3434-3
4174-3
4175-3

December 8, 1982

Dave Snyder
Agri Management
108 N. Euclid Avenue
Pierre, South Dakota 57501

Dear Mr. Snyder:

Per our telephone conversation of December 7, 1982, enclosed please find transfer forms for transferring Water Permit Nos. 1589-3, 1713-3, 1781-3, 1991-3, 3434-3, 4174-3 and 4175-3 from Sheehan and Schafer, Partnership to J.E.S. Farms.

The forms should be checked over, dated, signed and notarized before returning them to this office with a \$2.50 filing fee for each transfer (total of \$17.50). Upon receipt of the transfer forms and filing fees, the permits can be transferred to J.E.S. Farms.

If you have any questions, please advise.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Encl.

1589-3
1713-3
1781-3
1991-3
3434-3
4174-3
4175-3

November 19, 1983

J.E.S. Farms
c/o Agri Management, Inc
108 W. Euclid Avenue
Pierre, South Dakota 57501

Dear Sirs:

Enclosed are receipts Nos. 4-9104, 4-9105, 4-9106, 4-9107, 4-9108, 4-9109 and 4-9110 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1713-3, 1781-3, 1991-3, 3434-3, 4174-3, 4175-3 and 1589-3.

Our records now show J.E.S. Farms as the owner of the above numbered Water Rights.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ms
ENC.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9110

PIERRE, January 12, 1903

RECEIVED OF J.E.S. Farms, c/o Agri Management Inc., 108 N. Euclid, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing TRANSFER OF WR# 1589-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
(Chief Engineer, Executive Officer
JOHN HATCH)ms

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1-6-83

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

2800 acres - Section 23, 25 & 26, W1/2 Section 35, N1/2 Section 36, T113N, R80W,

NW1/4 Section 2, N1/2E1/4, Section 3, T112N, R80W

formerly owned by Sheehan & Schafer, Partnership

has been transferred to J.E.S. Farms, Route A, Box 82, Pierre, South Dakota 57501

(please include complete mailing address)

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

Water Right Permit No. 1589-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

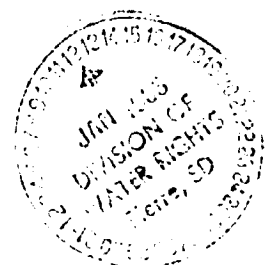
STATE OF SOUTH DAKOTA)
) ss.
County of Hughes)

I, Harvey Sheehan 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.

Harvey Sheehan
(Signed)

Subscribed and sworn to before me this 6 Day of January, 1983.

Notary Public
(Notary Public)



The following have been deducted from 1067-3

U.S. 594-3

1,440 cfs from Missouri River

500 cfs from James River

14,000 acre feet from Cresbard Reservoir

1,100 acre feet from Crebair Reservoir

16,000 acre feet from Foster Creek

5,100 acre feet from Byron Reservoir

16,800 acre feet from Medicine Knoll Creek

446,000 acre feet from Blunt Reservoir

Permit # 1589-3 J.E.S. Farms

35.65 cfs from Missouri River

Permit # 1988-3 Gray Goose Irrigation Dist.

450 cfs from Missouri River

Current Status of 1067-3

March 20, 1984

5474.4 cfs from Missouri River

6500.0 cfs from James River

22,500 acre feet Cresbard Reservoir

168,200 acre feet Blunt Reservoir

200,000 acre feet Other Reservoirs

RECEIPT

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

Pierre, _____ March 10, 1997

RECEIVED OF Lavenport, Evans, Hurwitz & Smith ATT: Robert E. Hayes Box 1030 Sioux Falls SD
the following amount in fees for services rendered as provided for by law: for JES trust 57101-1030

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>1589-3</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 (ES)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12/22/86

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

2800 acres- Section 23, 25, & 26, W½ Section 35, N½ Section 36,

T113N, R80W, NW¼ Section 2, N½NE¼, Section 3, T112N, R80W.

formerly owned by Harvey and Andrea Sheehan dba J.E.S. Farms

has been transferred to *J.E.S. Trust c/o Mr. Laurel Olson

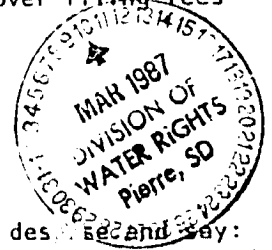
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1589-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of HUGHES) ss.



I, Harvey Sheehan being first duly sworn on my oath do hereby declare:
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 22 Day of December, 1986.

[Signature]
(Notary Public)

* Mr. Laurel Olson
1431 Opus Place, Suite 665
Downers Grove, IL 60515

South Dakota Department of
Water & Natural Resources

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

3434-3
1991-3
1781-3
1713-3
1589-3
4175-3
4174-3

March 19, 1987

Davenport, Evans, Hurwitz & Smith
PO Box 1030
Sioux Falls, South Dakota 57101-1030

ATTENTION: Robert E. Hayes

Dear Mr. Hayes:

Enclosed are receipt numbers 410766, 410767, 410768, 410769, 410770, 410771 and 410772 in the amount of \$2.50 each for transfer of Water Right Numbers 3434-3, 1991-3, 1781-3, 1713-3, 1589-3, 4175-3 and 4174-3.

Our records now show J.E.S. Trust, c/o Mr. Laurel Olson as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

J.E.S. FARMS

HARVEY D. SHEEHAN
OWNER

February 27, 1992

BOX 377, BOX 82
PIERRE, SOUTH DAKOTA 57501

Chief Engineer
Water Rights Division, DWR
523 E. Capitol
Pierre, S. D. 57501

Dear Sir:

Enclosed please find seven original "Notice of Transfer of Ownership" forms which need to be filed. The water right numbers are as follows: 1991-3, 1781-3, 1713-3, 1589-3, 4175-3, 4174-3, and 3434-3.

I am including a check in the amount of \$17.50 to cover the filing fees.

If you should have any questions, don't hesitate to contact us.

Very truly yours,

Harvey D. Sheehan
Harvey D. Sheehan

HDS:as
Enclosures
cc: Mark Marshall



NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1589-3

Date: February 27, 1992

I\We request that Water Permit No. 1589-3

formerly owned by: J E S Trust

be transferred to: (name & address) Harvey D Sheehan and Andrea L Sheehan, husband and
wife, HCR 37 Box 82, Pierre, SD 57501 (Telephone No.) _____

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

2800 acres - Sections 23, 25 & 26, W 1/2 Section 35, N 1/2 Section 36, T113N, R80W,

NW 1/4 Section 2, N 1/2 NE 1/4 Section 3, T112N, R80W

I/We understand that the validity of Water Permit No. 1589-3 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 at the Division of Water Rights, 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 Butte)

I/We _____ 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.

Harry O. Barker

Charles A. Mithan

(Signed)

Subscribed and sworn to before me this 2nd day of March, 1992.

Karen Schlegel

(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.

RECEIPT

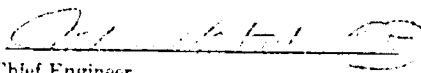
Division of Water Rights South Dakota Department of Water and Natural Resources

Pierre, February 27, 1932

RECEIVED OF Harvey and Andrea Sheehan, HCR 31 #82, Pierre, SD 57501

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>Water Permit No. 1589-3</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 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1992

Harvey & Andrea Sheehan
HCR 37 Box 82
Pierre, SD 57501

Dear Mr. & Mrs. Sheehan:

Enclosed are copies of the "Notice of Transfer of Ownership" forms you filed with our office. The transfers have been completed and Water Permit Nos. 1589-3, 1713-3, 1781-3, 1991-3, 3434-3, 4174-3, 4175-3, 5505-3 and Water Permit Application No. 5621-3 are now listed as Harvey D Sheehan and Andrea L Sheehan, husband and wife.

Enclosed are Receipt Nos. 412109 and 413110 in the amount of \$2.50 each. These receipts were for transferring Nos. 5505-3 and 5621-3. The receipts for the remaining transfers were given to Mr. Sheehan February 27, 1992.

Thank you for stopping in the office and completing the transfer forms. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 733-3352

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP



No. _____

TO: Chief Engineer
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

DATE: October 27, 1992

Please take notice that Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, have granted to The Equitable Life Assurance Society of the United States, Post Office Box 410379, St. Louis, Missouri 63141 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Schedule "A" attached to this Notice and incorporated herein by reference, including without limitation the following water permits and licenses:

Water Permit No. 1589-3
Water Permit No. 1713-3
Water Permit No. 1991-3
Water Permit No. 3434-3
Water Permit No. 4174-3
Water Permit No. 4175-3
Water Permit No. 5505-3
Water Permit No. 5621-3
Water License No. 5505-3

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY) : SS

We, Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, being first duly sworn on oath depose and say that our relationship to the above-described undertaking is that of Owner, that we have read the above foregoing statement, and that we know of our own personal knowledge that the information herein stated is true.

Harvey D. Sheehan
Harvey D. Sheehan

Andrea L. Sheehan

Subscribed and sworn to before me
this 27th day of October, 1992.

Raymond C. St. John
Notary Public - South Dakota

My Commission Expires:



SCHEDULE "A"

LEGAL DESCRIPTION

Harvey D. & Andrea L. Sheehan
Hughes & Sully Counties, SD.

TOWNSHIP 112 NORTH, RANGE 79 WEST 5th P.M. HUGHES CO., SD

SECTION 5: ALL
SECTION 6: ALL
SECTION 7: ALL
SECTION 8: ALL
SECTION 20: ALL
SECTION 21: S2, except Plat of Lots 1 & 2
SECTION 27: NW4
SECTION 28: NW4 except lot 1 of Gavits
Subdivision; SE4

TOWNSHIP 112 NORTH, RANGE 80 WEST 5th P.M. HUGHES CO., SD

SECTION 2: NW4 [Lots 3 & 4, & S2NW4]
SECTION 3: N2NE4 [Lots 1&2]

TOWNSHIP 113 NORTH, RANGE 79 WEST 5th P.M. SULLY CO., SD

SECTION 11: NW4, SW4
SECTION 16: SE4, SW4
SECTION 18: SW4, SE4
SECTION 19: ALL
SECTION 20: ALL
SECTION 21: ALL
SECTION 22: NE4, NW4
SECTION 28: ALL
SECTION 29: ALL, including Lots A-1 & A-2
SECTION 30: ALL
SECTION 31: ALL
SECTION 32: ALL
SECTION 33: W2

TOWNSHIP 113 NORTH, RANGE 80 WEST 5th P.M. SULLY CO., SD

SECTION 20: SE4NE4NE4, S2SW4NE4NE4, S2SE4NW4NE4,
SE4SE4NE4, N2SE4NE4, NE4SW4NE4,
LOT 3, except North 660 feet thereof;
LOT 4, NE4SE4, NE4SE4SW4, N2SE4SE4SW4
LOT 8 except South 500 feet of
West 20 acres
SECTION 21: S2NE4, S2NW4NW4, SW4NW4, S2
SECTION 22: ALL, except Lot H-1 [2.647 ac] in
NE4 and Lot H-1 [2.346 ac] in SE4

LEGAL DESCRIPTION CONTINUED:
Harvey D. & Andrea L. Sheehan

TOWNSHIP 113 NORTH, RANGE 80 WEST 5th P.M. SULLY CO., SD

- SECTION 23: ALL
SECTION 24: ALL
SECTION 25: ALL
SECTION 26: ALL, except "ER-1 1.46 acres, more or less, conveyed to East River Power Cooperative, Inc. Madison, SD. as shown by Plat recorded Book 4 of Plats, Page 53, and Deed recorded Book 47 of Deeds, Page 94, being part of the NW4NW4
SECTION 27: ALL, except S2SW4SW4SW4
SECTION 28: N2N2, North 10 acres of Lot 1, SE4NW4, S2NE4, except South 15 acres of SE4SW4NE4 and SW4SE4NE4 thereof, E2NE4SE4, N2SE4SE4, N2S2SE4SE4
SECTION 29: The North 1650 feet of Lots 1 & 2 except the West 600 feet of South 500 feet
SECTION 34: N2N2NE4NW4NW4, N2N2NW4NE4NW4, NE4NE4NE4NW4
SECTION 35: SW4, NW4
SECTION 36: ALL

RECEIPT

413495

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 3, 1992

RECEIVED OF Raymond Kintz (Harvey Sheehan) Titles of Dakota, Inc., PO Box 100, Dupree, SD
the following amount in fees for services rendered as provided for by law: 57623-0100

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 _____		
Fee for Filing Extension Request _____		
Fee for <u>Notice of Conditional Assignment of Ownership</u> <u>Water Permit No. 1589-3</u>		2 50
(Any Other Work Provided by Law)	Total	2 50

By John Hadel / [Signature]
Chief Engineer

1589-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

November 4, 1992

Raymond Kintz
Titles of Dakota, Inc
PO Box 100
Dupree, SD 57623-0100

Dear Mr. Kintz:

Enclosed, as we discussed, is your check in the amount of \$22.50. The amount actually needed for filing the eight "Conditional Assignments" is \$20.00.

Upon receipt of the \$20.00 fee from you, the "Notice of Conditional Assignment of Ownership" will be placed in Water Permit Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3, 4175-3, and 5621-3 and Water Right No. 5505-3.

If you have any questions, please contact me.

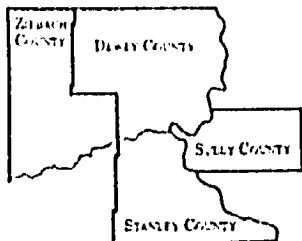
Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure: Check #2230 in the amount of \$22.50

1589-2

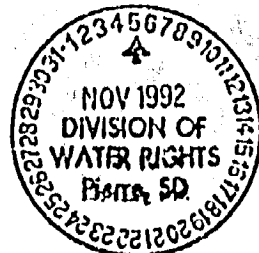


Titles of Dakota Inc.

PO Box 100
Dupree, SD 57623-0100
(605) 365-5247
FAX (605) 365-5248

TIDAK

Lorraine J. Kintz, President
Raymond H. Kintz, Secretary



November 4, 1992

DEWEY COUNTY
TITLE COMPANY
P.O. Box 402
Timber Lake, SD 57656-0402
(605) 365-5247

STANLEY COUNTY
ABSTRACT COMPANY
P.O. Box 278
Ft. Pierre, SD 57532-0278
(605) 223-2727

SULLY COUNTY LAND
& ABSTRACT COMPANY
P.O. Box 167
Onida, SD 57564-0167
(605) 258-2291

ZIEBACH COUNTY
ABSTRACT COMPANY
P.O. Box 100
Dupree, SD 57623-0100
(605) 365-5247

TIDAK
MICROFILM SERVICES, INC.
P.O. Box 100
Dupree, SD 57623-0100
(605) 365-5247

ATTN: Genny
Division of Water Rights
523 East Capitol
Pierre, SD 57501

Re: Sheehan Conditional Transfer

Dear Genny:

Enclosed please find our rissued check in the
above matter to c or the cost of Filing on 8 permits
rather than the 2 permits originally paid for

Please return the filing information to our
Fort Pierre Office as originally requested.

Thank you.

Sincerely yours,

Raymond H. Kintz

ABSTRACTS OF TITLE

LOAN CLOSINGS & ESCROWS

MICROFILM SERVICES

TITLE INSURANCE



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE LOSS BUILDING
524 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-2167

November 6, 1992

Raymond Kintz
Titles of Dakota, Inc
PO Box 100
Dupree, SD 57623-0100

Dear Mr. Kintz:

Enclosed are Receipt Nos. 413495, 413496, 413497, 413498, 413499, 413500, 413502 and 413503 in the amounts of \$2.50 each. The "Notice of Conditional Assignment of Ownership" dated October 30, 1992, has been filed in Water Permit Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3, 4175-3 and 5621-3 and Water Right No. 5505-3.

Water Permit Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3 were incorporated into Water Right No. 5505-3. All of the lands developed for irrigation under these permits are now described in Water Right No. 5505-3. As we discussed by phone, you indicated you felt the "Assignment" should still be filed with each water permit.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures: Receipts



SEP 22 1992

1589-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

5505-3

Harvey D. and Andrea L. Sheehan
HCR 37, Box 82
Pierre, SD 57501

Dear Mr. and Mrs. Sheehan:

Enclosed is Water License No. 5505-3 and Receipt No. 411904 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5505-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

enclosures

cc: Kent Rasmussen, P O. Box 866, Rapid City, SD 57709-0866

NOTE: The applicable portions of Water Permit Nos. (1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3 are incorporated into this Water License.

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP



No.

TO: Chief Engineer
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

DATE: October 27, 1992

Please take notice that Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, have granted to The Equitable Life Assurance Society of the United States, Post Office Box 410379, St. Louis, Missouri 63141 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Schedule "A" attached to this Notice and incorporated herein by reference, including without limitation the following water permits and licenses:

Water Permit No. 1589-3
Water Permit No. 1713-3
Water Permit No. 1991-3
Water Permit No. 3434-3
Water Permit No. 4174-3
Water Permit No. 4175-3
Water Permit No. 5505-3
Water Permit No. 5621-3
Water License No. 5505-3

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.

A fee of \$2.50 is attached to cover the filing fees as required under SDCL § 46-2-13.

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF SULLY)

We, Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, being first duly sworn on oath depose and say that our relationship to the above-described undertaking is that of Owner, that we have read the above foregoing statement, and that we know of our own personal knowledge that the information herein stated is true.

Harvey D. Sheehan
Harvey D. Sheehan

Andrea L. Sheehan
Andrea L. Sheehan

Subscribed and sworn to before me
this 27th day of October, 1992.

Raymond H. Kintz
Notary Public - South Dakota

My Commission Expires:



SCHEDULE "A"

LEGAL DESCRIPTION

Harvey D. & Andrea L. Sheehan

Hughes & Sully Counties, SD.

TOWNSHIP 112 NORTH, RANGE 72 WEST 5th P.M. HUGHES CO., SD

SECTION 5: ALL
SECTION 6: ALL
SECTION 7: ALL
SECTION 8: ALL
SECTION 20: ALL
SECTION 21: S2, except Plat of Lots 1 & 2
SECTION 27: NW4
SECTION 28: NW4 except lot 1 of Gavits
Subdivision; SE4

TOWNSHIP 112 NORTH, RANGE 80 WEST 5th P.M. HUGHES CO., SD

SECTION 2: NW4 [Lots 3 & 4, & S2NW4]
SECTION 3: N2NE4 [Lots 1&2]

TOWNSHIP 113 NORTH, RANGE 72 WEST 5th P.M. SULLY CO., SD

SECTION 11: NW4, SW4
SECTION 16: SE4, SW4
SECTION 18: SW4, SE4
SECTION 19: ALL
SECTION 20: ALL
SECTION 21: ALL
SECTION 22: NE4, NW4
SECTION 28: ALL
SECTION 29: ALL, including Lots A-1 & A-2
SECTION 30: ALL
SECTION 31: ALL
SECTION 32: ALL
SECTION 33: W2

1

TOWNSHIP 113 NORTH, RANGE 30 WEST 5th P.M. SULLY CO., SD

SECTION 20: SE4NE4NE4, S2SW4NE4NE4, S2SE4NW4NE4,
SE4SE4NE4, N2SE4NE4, NE4SW4NE4,
LOT 3, except North 660 feet thereof;
LOT 4, NE4SE4, NE4SE4SW4, N2SE4SE4SW4
LOT 8 except South 500 feet of
West 20 acres
SECTION 21: S2NE4, S2NW4NW4, SW4NW4, S2
SECTION 22: ALL, except Lot H-1 [2.647 ac] in
NE4 and Lot H-1 [2.346 ac] in SE4

LEGAL DESCRIPTION CONTINUED:
Harvey D. & Andrea L. Sheehan

TOWNSHIP 113 NORTH, RANGE 92 WEST 5th P.M. SULLY CO., SD

- SECTION 23: ALL
SECTION 24: ALL
SECTION 25: ALL
SECTION 26: ALL, except "ER-1 1.46 acres, more or less, conveyed to East River Power Cooperative, Inc. Madison, SD. as shown by Plat recorded Book 4 of Plats, Page 53, and Deed recorded Book 47 of Deeds, Page 94, being part of the NW4NW4
SECTION 27: ALL, except S2SW4SW4SW4
SECTION 28: N2N2, North 10 acres of Lot 1, SE4NW4, S2NE4, except South 15 acres of SE4SW4NE4 and SW4SE4NE4 thereof, E2NE4SE4, N2SE4SE4, N2S2SE4SE4
SECTION 29: The North 1650 feet of Lots 1 & 2 except the West 600 feet of South 600 feet
SECTION 34: N2N2NE4NW4NW4, N2N2NW4NE4NW4, NE4NE4NE4NW4
SECTION 35: SW4, NW4
SECTION 36: ALL

WATER RIGHTS PROGRAM FILE DOCUMENTATION

NAME OF PERSON OR FILE: Elizabeth Lewis

ADDRESS: w/Woods, Fuller, Shultz & Smith, Sioux Falls, SD

DATE: February 27, 1997

TELEPHONE: 605.336-3890

RE: Assignment of Water Rights held by Harvey & Andrea Sheehan

COMMENTS:

Ms. Lewis called to find what they needed to do to assign water rights held by Sheehans to Equitable Life Assurance Co. She also had some concerns over the number of permits or rights the Sheehans currently held.

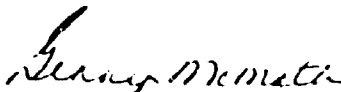
I told her that the Sheehans currently had Water Right No. 5505-3 and Water Permit No. 5621-3. The remaining water permits (Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3) had been incorporated into No. 5505-3. An assignment was already on file with each of them (assigning them to the Equitable) and unless a change has occurred, filing additional assignments would not be necessary.

A letter was received from Ms. Lewis on March 6th confirming our conversation.

I later received a call from Raymond Kintz s/Titles of Dakota, Inc in Dupree asking about the same matter. He was concerned that the information should be again filed with all of the water permits or rights. I explained that the assignments were previously filed and that most of the permits were incorporated into No. 5505-3. The only two numbers we were now working with would be No. 5505-3 and No. 5621-3.

He understood but wanted to know if they could re-file the assignments in all of the permits or rights under Sheehan's name. I told him that it would not be necessary, however if they wanted to do it that way, it wouldn't harm anything.

March 31, 1997: Mr. Kintz filed a "NOTICE OF CONDITIONAL ASSIGNMENT" with Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3, 4175-3, 5505-3 and 5621-3. Send receipt for filing fees to him at PO Box 278, Ft. Pierre, SD 57532.


Genny McMath
Environmental Scientist

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP

No. _____

TO Chief Engineer
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

DATE March 7, 1997

Please take notice that Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, have granted to The Equitable Life Assurance Society of the United States, Post Office Box 410379, St. Louis, Missouri 63141 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Schedule "A" attached to this Notice and incorporated herein by reference, including without limitation the following water permits and licenses:

Water Permit No. 1589-3
Water Permit No. 1713-3
Water Permit No. 1991-3
Water Permit No. 3434-3
Water Permit No. 4174-3
Water Permit No. 4175-3
Water Permit No. 5505-3
Water Permit No. 5621-3
Water License No. 5505-3

The security interests granted by Harvey D. Sheehan and Andrea L. Sheehan to the Lender secures the principal sum of \$2,000,000.00, with interest thereon at the initial rate of seven and 65/100 percentum (7.65%) per annum according to the terms of a certain Adjustable Interest Rate Promissory Note, as well as other obligations as provided in the Security Agreement and other loan documents. This security interest and conditional assignment of ownership is in addition to any security interest and conditional assignment of ownership previously made, executed and delivered by Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, to the Lender in connection with an earlier loan by the Lender of the sum of \$5,500,000.00 pursuant to a Promissory Note dated October 9, 1992.

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.

A fee of \$2.50 is attached to cover the filing fees as required under SDCL § 46-2-13

We, Harvey D. Sheehan and Andrea L. Sheehan, husband and wife, being first duly sworn on oath depose and say that our relationship to the above-described undertaking is that of Owner, that we have read the above foregoing statement, and that we know of our own personal knowledge that the information herein stated is true.

Harvey D. Sheehan

Andrea L. Shcechan
Andrea L. Shcechan

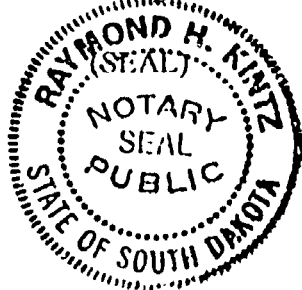
Subscribed and sworn to before me

this 7TH day of March, 1997

Notary Public - South Dakota

My Commission Expires: October 26, 1997

Raymond H. Kintz - Notary Public



SCHEDULE "A"

LEGAL DESCRIPTION

Harvey D. & Andrea L. Sheehan

Hughes & Sully Counties, SD.

TOWNSHIP 112 NORTH, RANGE 79 WEST 5th P.M. HUGHES CO., SD

SECTION 5: ALL
SECTION 6: ALL
SECTION 7: ALL
SECTION 8: ALL
SECTION 20: ALL
SECTION 21: S1/2, except Plat of Lots 1 & 2
SECTION 27: NW1/4
SECTION 28: NW1/4 except lot 1 of Gavits
Subdivision; SE1/4

TOWNSHIP 112 NORTH, RANGE 80 WEST 5th P.M. HUGHES CO., SD

SECTION 2: NW1/4 [Lots 3 & 4, & S1/2NW1/4]
SECTION 3: N1/2NE1/4 [Lots 1&2]

TOWNSHIP 113 NORTH, RANGE 79 WEST 5th P.M. SULLY CO., SD

SECTION 11: NW1/4, SW1/4...
SECTION 16: SE1/4, SW1/4
SECTION 18: SW1/4, SE1/4
SECTION 19: ALL
SECTION 20: ALL
SECTION 21: ALL
SECTION 22: NE1/4, NW1/4
SECTION 23: ALL
SECTION 29: ALL, including Lots A-1 & A-2
SECTION 30: ALL
SECTION 31: ALL
SECTION 32: ALL
SECTION 33: W1/2

TOWNSHIP 113 NORTH, RANGE 80 WEST 5th P.M. SULLY CO., SD

SECTION 20: SE1/4NE1/4NE1/4, S1/2SW1/4NE1/4NE1/4,
S1/2SE1/4NW1/4NE1/4, SE1/4SE1/4NE1/4,
N1/2SE1/4NE1/4, NE1/4SW1/4NE1/4,
LOT 3, except North 660 feet thereof;
LOT 4, NE1/4SE1/4, NE1/4SE1/4SW1/4,
N1/2SE1/4SE1/4SW1/4
LOT 8 except South 500 feet of
West 20 acres
SECTION 21: S1/2NE1/4, S1/2NW1/4NW1/4,
SW1/4NW1/4, S1/2
SECTION 22: ALL, except Lot H-1 [2.647 ac] in
NE1/4 and Lot H-1 [2.346 ac] in SE1/4

SCHEDULE "A" CONTINUED

LEGAL DESCRIPTION CONTINUED:
Harvey D. & Andrea L. Sheehan

TOWNSHIP 113 NORTH, RANGE 80 WEST 5th P.M. SULLY CO., SD

- SECTION 23: ALL
SECTION 24: ALL
SECTION 25: ALL
SECTION 26: ALL, except "BR-1 1.46 acres, more or less, conveyed to East River Power Cooperative, Inc. Madison, SD. as shown by Plat recorded Book 4 of Plats, Page 53, and Deed recorded Book 47 of Deeds, Page 94, being part of the NW1/4NW1/4
SECTION 27: ALL, except S1/2SW1/4SW1/4SW1/4
SECTION 28: N1/2N1/2, North 10 acres of Lot 1, SE1/4NW1/4, S1/2NE1/4, except South 15 acres of SE1/4SW1/4NE1/4 and SW1/4SE1/4NE1/4 thereof, E1/2NE1/4SE1/4, N1/2SE1/4SE1/4, N1/2S1/2SE1/4SE1/4
SECTION 29: The North 1650 feet of Lots 1 & 2 except the West 600 feet of South 600 feet
SECTION 34: N1/2N1/2NE1/4NW1/4NW1/4, N1/2N1/2NW1/4NE1/4NW1/4, NE1/4NE1/4NE1/4NW1/4
SECTION 35: SW1/4, NW1/4
SECTION 36: ALL

RECEIPT

415295

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 31, 1997

RECEIVED OF Titles of Dakota, Inc., P.O. Box 100, Dupree, SD 57623

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 Water Permit No. 1589-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

John Hatch 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

May 28, 1997

Randy Kintz
Stanley County Abstract Office
PO Box 278
Ft Pierre SD 57532

Dear Mr. Kintz:

Enclosed are your Receipt Nos. 415295, 415296, 415297, 415298, 415299, 415300, 415301 and 415302 in the amount of \$2.50 each. The fees were paid for filing a "Notice of Conditional Assignment of Ownership" with Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3, 4175-3, 5505-3 and 5621-3 (Harvey and Andrea Sheehan).

You submitted the fees and assignment papers to our office on March 31, 1997. Copies of the assignment were placed with the files; however, I didn't realize until today that I had not forwarded the receipts to you. I apologize for the delay in getting them out to you.

If you have any questions, please contact me.

Sincerely,

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

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

encl