

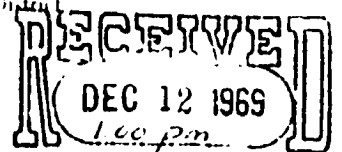
1. Considered 1-7, 1970
2. Name of Applicant GREEN ACRES, INC.
3. Post Office Address PIERRE
4. Amount of water claimed 14.20
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 1000
7. Water to be diverted and used in SULLY county
about 14N 6W miles of PIERRE
8. Proof of Publication Received 1st
- Not Received _____
9. Application Approved _____
- Subject to _____
- Not Approved _____
- Action deferred _____

10. Remarks:

1713-3

No. 1713-3
 Map No. 1240-3 Water Division No. 3 MISSOURI RIVER Division
 (Blank to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Green Acres, Inc.
 Postoffice address P.O. Box 310 Pierre State South Dakota
 If a corporation show date and place of incorporation September, 1969 Pierre, South Dakota
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor
3. Name of diversion work Green Acres Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 14.20
5. Source of water supply Missouri River
6. Location of point of diversion Between a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, and a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T113N, R80W
 County Sully
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 1,000

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T113N R80W	18		
N $\frac{1}{2}$ & SE $\frac{1}{4}$ Section 28 " "	325		
Section 27 " "	632		
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34 " "	5		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Capital Journal, Pierre, S. Dak.
12. Principal Features of the Proposed Water Supply System:

A. Works proposed to divert water from its natural source.

Pump and motor with 10" buried pipeline to storage reservoir

B. Works proposed to transport water to place of use.

Secondary pumping unit with buried pipe to three pivots

C. Works proposed to apply water to beneficial use.

Two "Hygromatic" systems with levelled land to be irrigated by gravity
 Two smaller self-propelled systems to be installed later

Estimated Total Cost \$ 100,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

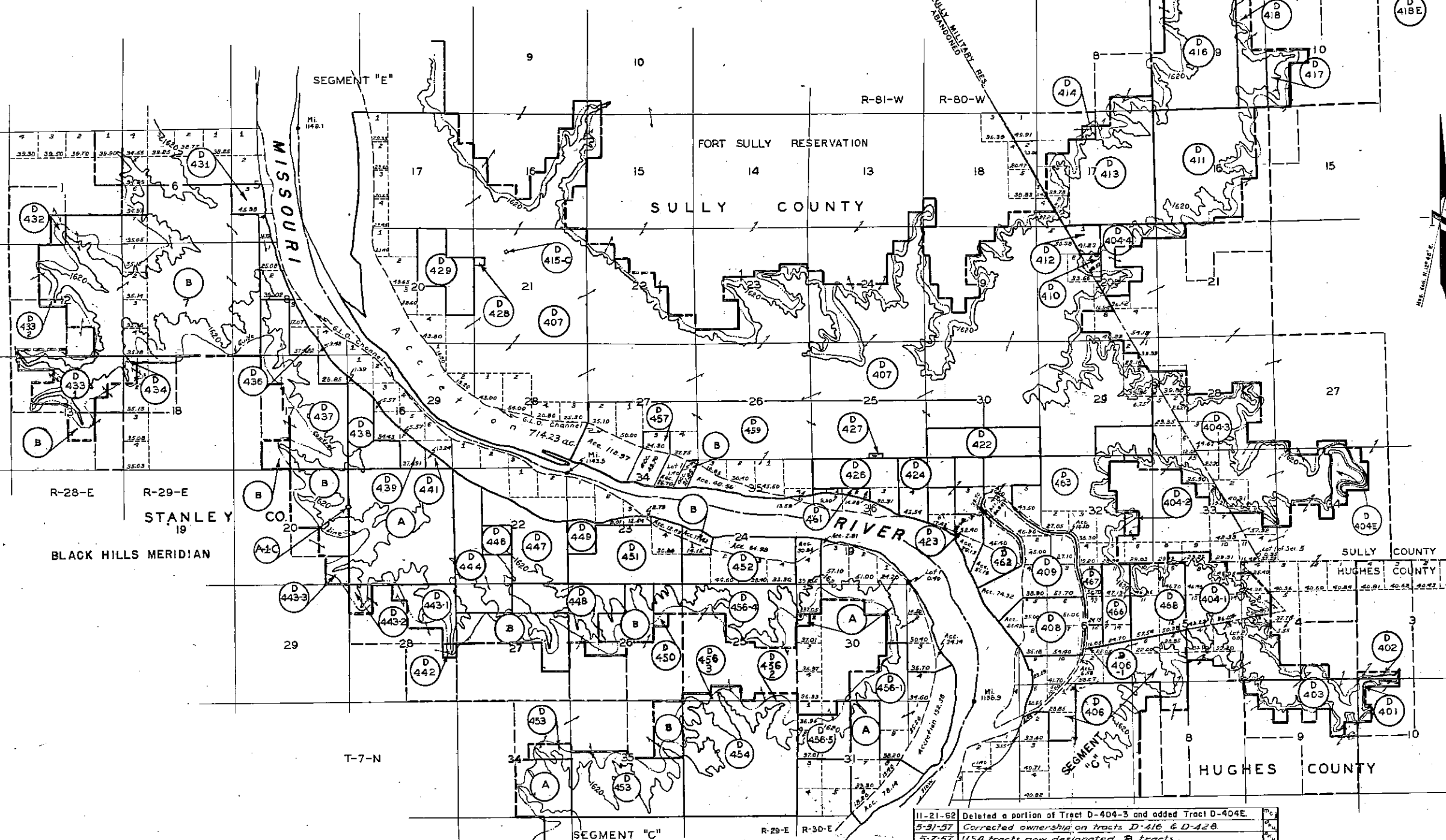
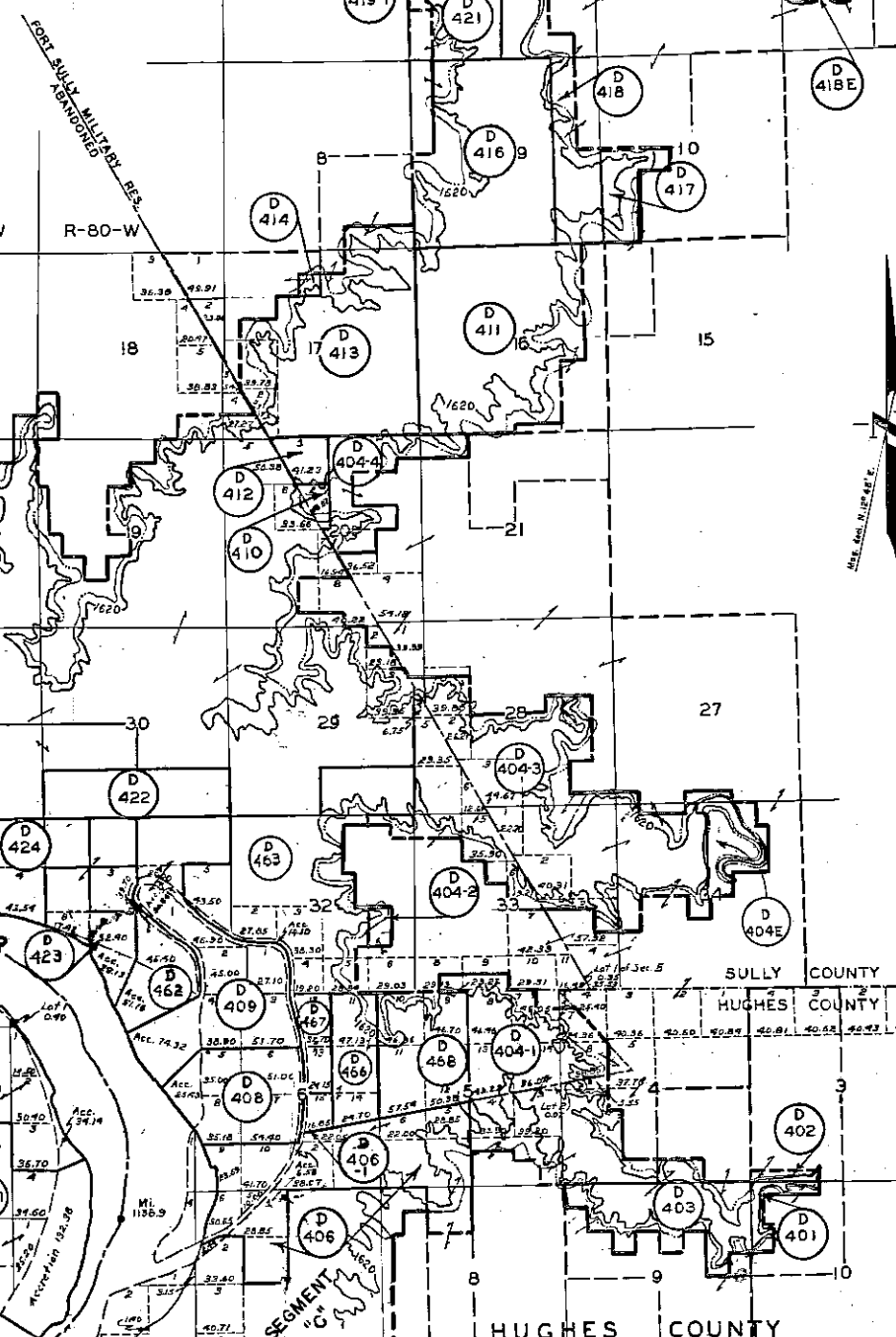
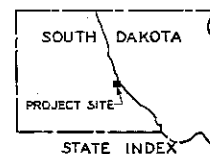
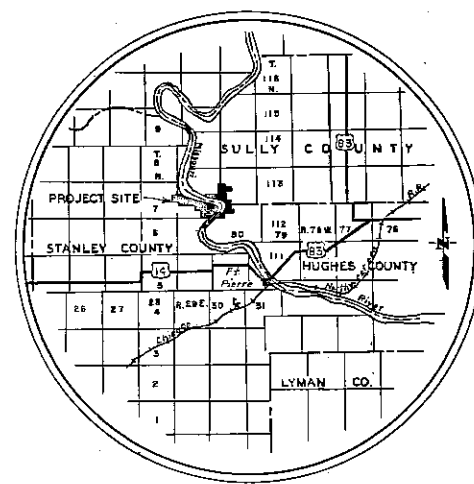
County of Hughes

I, James E. Thompson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed James E. ThompsonSubscribed and sworn to before me this 12th day of December 19 69

Notary Public (or other qualified officer)

Richard A. Anderson



11-21-62	Deleted a portion of Tract D-404-3 and added Tract D-404E.
5-31-57	Corrected ownership on tracts D-416 & D-428
5-7-57	USA tracts now designated B tracts
6-17-57	Added tract D-416, Indian tract D-416A as tract A.
3-17-57	Revised tract D-416. Added tract D-416A
3-10-57	Revised tract D-416, Added tract D-416E.
7-10-56	Corrected boundary lines of Lots 728, Sect. 4, Haynes Q.
6-20-55	Revised tract Register.
4-30-56	Revised tract D-406, added Tract D-406F.
4-24-55	Added D-420; Revised D-419-1.
1-30-56	Revised to final revised line. Corrected Acmly acreage.
1-30-56	Added D-463, D-466, D-468. Deleted D-464.
10-27-54	Revised D-404, D-404-1, D-413.
DATE	REVISIONS

HUGHES CO. FEE: 1934.51 Ac.
SULLY CO. FEE: 13,361.48 Ac.
USA 23.25 Ac.
EASE: 19.88 Ac.
STANLEY CO. FEE: 4741.58 Ac.
(B) TRANS: 2234.89 Ac.
USA (ND) TRANS: 1381.57 Ac.

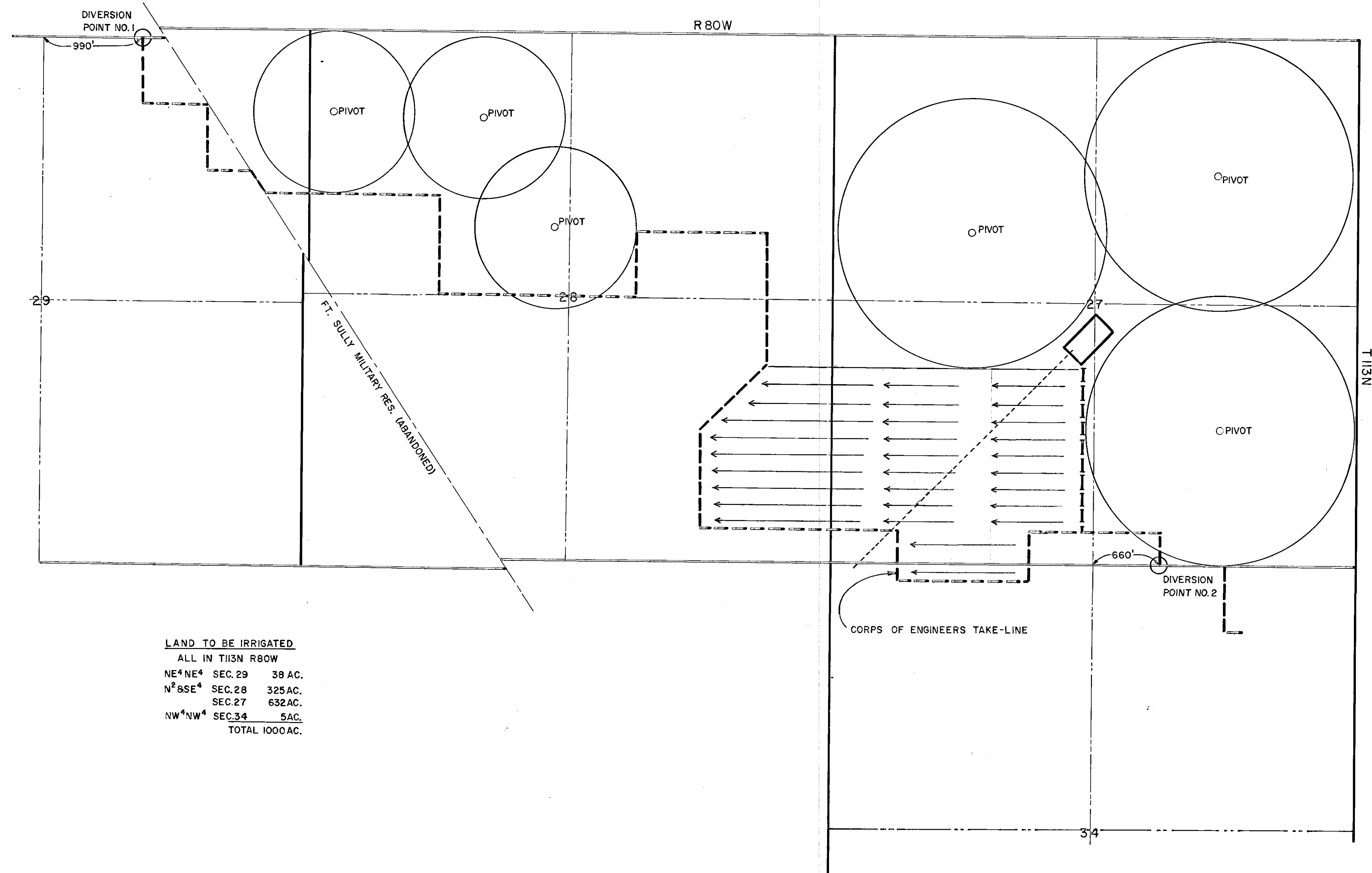
THIS DRAWING HAS BEEN REDUCED TO
ONE-HALF THE ORIGINAL SCALE.

TRACT REGISTER OF ACQUISITION AFTER 1-JAN 1943 (CIVIL)			
TRACT NO	LAND OWNER	ACREAGE FEE EASE	REMARKS
D-401	Peter Allaman, et ux	32.89	
D-402	Ivan C. Allaman, et ux	15.00	
D-403	Joseph Winkler	220.00	
D-404-1	E.D. Roberts	660.07	1378Ac in Sully Co. 44629Ac in Hughes Co.
D-404-2	E.D. Roberts	15.00	
D-404-3	E.D. Roberts	850.89	
D-404-4	E.D. Roberts	141.05	
D-405	Floyd Putman, et ux	4522.44	
D-405-1	Floyd Putman, et ux	15.00	
D-407	State of South Dakota	5947.75	
D-408	Pearl Telford, et ux	206.08	
D-409	Xavier Ziltener, et ux	419.76	244.76 Ac in Sully Co. 170.00 Ac in Hughes Co.
D-410	State of South Dakota	18.27	
D-411	State of South Dakota	520.00	
D-412	Charles B. Floyd, et al	41.23	
D-413	Charles B. Floyd, et al	538.47	
D-414	Charles B. Floyd, et al	10.00	
D-415	State of South Dakota, et al	76.00	Area for Burial Rights Only
D-416	Henry Gracelose, et ux	440.00	
D-417	G.E. Davis	750.01	
D-418	Paul F. Steffen, et ux	510.07	
D-418-1	Paul F. Steffen, et ux		12.86 Perm. flowage Eas. from 5-24-57
D-419-1		20.00	
D-419-2		20.00	
D-420	G. R. Garrett, et al	40.36	
D-421		120.00	
D-422	Elizabeth Doyle	160.00	
D-423	State of South Dakota	158.81	
D-424	Clarence B. Smith, et ux	123.30	
D-404-5	E. D. Roberts		92.50 Perm. flowage Eas. from 9-10-56
D-426	Xavier Ziltener, et ux	150.21	
D-427	School District No 33	3.60	
D-428	Fort Sully Monument Assn, et al	4.00	
D-429	J.H. Zimmerman	160.00	
D-430			
D-431	Amy Neumeyer Holland	126.80	
D-432	Hazel Holland Madon	21.80	
D-433-1	K.W. Holland	230.00	
D-434	Ellen A. Klopning	30.18	
D-435			
D-436	M.E. Hill	86.62	
D-437	Cathryn Holland, et al	410.00	
D-438	State of South Dakota	158.00	
D-439	Cathryn Holland, et al	83.98	
D-440			
D-441	State of South Dakota	13.20	
D-442	William J. Truman, et ux	10.00	
D-443-1	K.W. Holland	110.00	
D-443-2	K.W. Holland	30.00	
D-443-3	K.W. Holland	30.00	
D-444	Cathryn Holland, et al	266.00	
D-445			
D-446	Cathryn Holland, et al	40.00	
D-447	F.H. French	231.71	
D-448	Cathryn Holland	230.00	
D-449			
D-449	Joseph N. Holland, et ux	70.31	
D-450	Hazel Holland Madon	12.00	
D-451	Cathryn Holland, et al	263.49	
D-452	Hazel Holland Madon, Trustee	241.28	
D-453	William J. Truman, et ux	37.00	
D-454	State of South Dakota	690.00	
D-455			
D-456-1	Paul L. Hallam	388.38	
D-456-2	Paul L. Hallam	15.00	
D-456-3	Paul L. Hallam	30.00	
D-456-4	Paul L. Hallam	422.99	
D-456-5	Paul L. Hallam	125.46	
D-457	W.K. Holland	16.00	
D-457		68.90	
D-458	State of South Dakota		
D-459		125.812	
D-460			
D-461		23.58	
D-462	State of South Dakota	136.26	
D-463		494.66	
D-464	Deleted		
D-465			
D-466	Floyd Putman, et ux	111.83	
D-467	Wichita Mastley, et al	61.93	
D-468	State of South Dakota	201.58	
B	Dept. of the Interior (B.L. Mc Bureau of Indian Affairs (Cheyenne Res.)		See Sec. 4 for total acreage See Segment "c" for total acreage
A-1-C	Bureau of Indian Affairs (Cheyenne Res.)		"Area for Burial Rights Only"

Sec line
when it goes
north

ACQUISITION AUTHORIZATION		TRACT NUMBER	
PUBLIC LAW 74-177, 5088966, DTD 12-20-54 1ST H.D. O.C. to M.R. DTD 1-20-55 6th ind. to letter Dated 1-Sep-55 Dated 6-Nov-55		39	
REVISIONS	DATE	BY	
	3-30-54	Corrected to date.	
	1-3-55	Change D-429 Owner.	
	7-5-55	Added tract D-430 Revised D-431 D-432 D-433 Revised acreage 140	
	8-5-55	Revised D-434 Added D-435 D-436 D-437 D-438 D-439 D-440 D-441 D-442 D-443 D-444 D-445 D-446 D-447 D-448 D-449 D-450 D-451 D-452 D-453 D-454 D-455 D-456 D-457 D-458 D-459 D-460 D-461 D-462 D-463 D-464 D-465 D-466 D-467 D-468 D-469 D-470 D-471 D-472 D-473 D-474 D-475 D-476 D-477 D-478 D-479 D-480 D-481 D-482 D-483 D-484 D-485 D-486 D-487 D-488 D-489 D-490 D-491 D-492 D-493 D-494 D-495 D-496 D-497 D-498 D-499 D-500 D-501 D-502 D-503 D-504 D-505 D-506 D-507 D-508 D-509 D-510 D-511 D-512 D-513 D-514 D-515 D-516 D-517 D-518 D-519 D-520 D-521 D-522 D-523 D-524 D-525 D-526 D-527 D-528 D-529 D-530 D-531 D-532 D-533 D-534 D-535 D-536 D-537 D-538 D-539 D-540 D-541 D-542 D-543 D-544 D-545 D-546 D-547 D-548 D-549 D-550 D-551 D-552 D-553 D-554 D-555 D-556 D-557 D-558 D-559 D-560 D-561 D-562 D-563 D-564 D-565 D-566 D-567 D-568 D-569 D-570 D-571 D-572 D-573 D-574 D-575 D-576 D-577 D-578 D-579 D-580 D-581 D-582 D-583 D-584 D-585 D-586 D-587 D-588 D-589 D-590 D-591 D-592 D-593 D-594 D-595 D-596 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GREEN ACRES IRRIGATION PROJECT
(SULLY COUNTY)



LAND TO BE IRRIGATED
ALL IN T113N R80W
NE⁴NE⁴ SEC. 29 38 AC.
N²8SE⁴ SEC. 28 325 AC.
SEC. 27 632 AC.
NW⁴NW⁴ SEC. 34 5 AC.
TOTAL 1000 AC.

GREEN ACRES
IRRIGATION PROJECT

SULLY COUNTY
DECEMBER, 1969

WATER RIGHT APPLICATION APPROVAL

CHARLES A. CANNON III

The Water Resources Commission hereby approves Water Right Application No. 1713-3

GRIMAL ACRES, INC.

(Applicant)

203-210

(Post Office Address)

PIERRE,

SOUTH DAKOTA

(State)

With the following modifications

Date of first receipt of application DECEMBER 12 19 69

Date of return to applicant for correction, amendments or changes required 19

Date of receipt of corrected application 19

Approved JANUARY 7 19 70 Recorded in Book 11 Page 77

WATER RIGHT PERMIT NO. 1713-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1713-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 12 19 69
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 7 19 72
3. The whole of said work is to be completed on or before JANUARY 7 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 7 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 14.20 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 7 19 79; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 11TH day of FEBRUARY 19 70

WATER RESOURCES COMMISSION

By

Chief Engineer, Executive Officer

Certificate of Construction Issued 19

Water License Issued 19

Affidavit of Publication

State of South Dakota } ss.
County of Hughes

John W. Hippie

of said County and State, being first duly sworn, on his oath says:

Daily Capital Journal

Is a

daily

newspaper of general circulation, printed and

published in Pierre

in said County

and State by Hippie Printing Company

and has

been such newspaper during the times hereinafter mentioned; that the

said Daily Capital Journal

is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than two hundred bona fide subscribers; that I, the undersigned, am business manager

of said newspaper, in

charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement

NOTICE

headed INTENT TO APPROPRIATE WATER

a printed copy of which is hereto attached, was printed and published in the said news-

paper once each week for four

successive weeks; the first publica-

tion being made on December 15

1969

subsequent publications on

December 22, 1969

December 29

1969; and last publication on

January 5,

1970; that \$15.34

being the full amount of the fee for publication of the annexed notice inures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any other person whomsoever.

John W. Hippie

Subscribed and sworn to before me

this 5th

day of

January

1970

John W. Hippie

Notary Public Hughes

County.

Attorney's Affidavit Ex Rel Fees

State of South Dakota } ss.
County of

being first duly sworn,
on his oath says: I am

of the

that

directed the publication of the annexed notice; that the full amount as

appears by the foregoing affidavit of

for the publication

of such notice has been paid; that no agreement or understanding for any division thereof, has been made with any person whomsoever, and that no part thereof has been refunded by the party publishing said notice.

Subscribed and sworn to before me

his

day of

10

Notary Public

County.

No. 1380 41 dly. Dec. 15 - 22 -
29, Jan. 5

No. 1713-3

NOTICE

INTENT TO APPROPRIATE

WATER

Pierre, South Dakota 57601

December 12, 1969

Notice is hereby given that Green Acres, Inc., whose post office address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 14,200 cubic feet of water per second of time from the Missouri River through the Green Acres Irrigation Project No. 1, the point of diversion of which is to be located in between points in the NE 1/4 NE 1/4, Section 29, and in the SW 1/4 SW 1/4 of Section 27, Twp. 113N, Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 NE 1/4, Section 29; N 1/2 and SE 1/4, Section 28; Section 27, and the NW 1/4 NW 1/4, Section 34, T113N, R80W.

This application No. 1713-3 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of January, 1970, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES

COMMISSION

By: Burton F. Jones

Water Right Specialist

Publication Fees - \$

Notary Fees -

Total - - - \$

Received payment.

LEGAL RATES

South Dakota Session Laws of
1957, Chapter 500 page 601-602.

RECEIVED
FEB 11 1970

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Form 8 - Notice of Intent to Appropriate Water

1713-3

Publish first publication, on or before December 16, 19 69

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

December 12, 19 69

Notice is hereby given that Green Acres, Inc.

whose post office address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

14.20 cubic feet of water per second of time from the Missouri River through the

Green Acres Irrigation Project #1, the point of diversion of which is to be located in the

between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 27, Twp. 113N, Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29; N $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 28; Section 27, and the

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T113N, R80W

This application No. 1713-3 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of January, 19 70, at 2:00 p. M. All interested persons may appear and be heard.

CC: James Thompson
P.O. Box 310
Pierre, S. Dak.

WATER RESOURCES COMMISSION

By:

Burton F. Jones
Water Right Specialist

OPTION TO PURCHASE

In consideration of One Hundred Dollars (\$100.00), the receipt of which is hereby acknowledged, the undersigned hereby gives to James Thompson the exclusive option to purchase for the consideration of One Hundred Forty Thousand Dollars (\$140,000), the following described property in Sully County, State of South Dakota, to wit:

All of Sections Twenty Seven (27) and Twenty Eight (28) except tracts therein acquired heretofore by the United States; the North Sixteen Hundred Fifty (1650) feet of Lot One (1) and Lot Two (2), except West Six Hundred Sixty feet (660) of South Six Hundred (600) feet, of Section Twenty Nine (29); and parts (7½ acres) of the Northwest Quarter (NW¼) of Section Thirty Four (34); all of the tracts described are in Township 113 North, Range 80 West of the 5th Principal Meridian. The said described tracts contain One Thousand (1000) acres, more or less, subject to reservations and rights relating to deposits of oil, gas and like substance and subject to easements and limitations of record.

If the optionee shall give written notice on or before October 1, 1969, to the undersigned of his election to exercise the option provided, the undersigned owner agrees to consummate on or before November 1, 1969, a contract of sale providing for cash payment of \$30,000, the further sum of \$40,000 on March 2, 1970 and the balance of \$70,000 payable on an amortization basis in ten equal annual installments including interest at the rate of 6½ per cent per annum. The amortized payments shall be made on March 1, 1971, and on the same date of each succeeding calendar year until the whole purchase price with interest is paid. In the event that the parties cannot agree upon the terms and conditions of a contract of sale, both parties shall be released from all obligations.

Dated this 18th Day of July, 1969.

Witnesses:

Helene M. Hank

Greg M. Neil

E. A. V. Kerner

1713-3

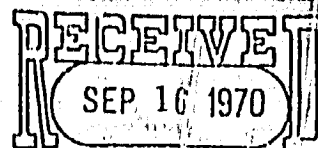


DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
7410 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

MRORE-M

11 September 1970

Regional Director
U.S. Department of Interior
Bureau of Reclamation
Regional Office, Region 6
P. O. Box 2553
Billings, Montana 59101



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Sir:

Inclosed for your information and files is a conformed copy of Easement No. DACW45-2-71-6003 granting Green Acres, Inc., Pierre, South Dakota, an easement for right of way for a portable irrigation pipeline and pumping system on land within the boundaries of Oahe Dam, Lake Oahe Project, South Dakota, for a period coextensive with South Dakota Water Permit No. 1713.2. The South Dakota Water Permit allows 14.20 cubic feet per second for use on 1000 acres of land.

Sincerely yours,

1 Incl
as stated

L. Y. LAWTON,
Chief, Real Estate Division

Copy Furnished:
South Dakota Water Resources Commission

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

ON OMAHA DAM, LAKE OMAHA, SOUTH DAKOTA

NO. DACM5-2-71 (CO)

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 GREEN ACRES, INC., a corporation duly organized and existing under and by virtue of the laws of the State of South Dakota, with its principal office at 311 South Gateau Street, Pierre, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{not exceeding} ~~ten years from the date hereof~~ ^{ten years from the date hereof} an easement for a right of way for installation, operation and maintenance of a portable irrigation pumping system, with approximately four hundred (400) feet of portable irrigation pipeline, extending from said pumping system to Lake Oahu, and one hundred (100) feet of irrigation pipeline, being buried four (4) feet in ~~the ground~~ ^{the ground} ~~and under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof and described as follows:~~

depth, extending from the pumping system to the project boundary of Lake Oahu; said portable pumping system and irrigation pipeline hereinafter referred to as "said line", situated over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof, and described as follows:

A strip of land 66.00 feet in width situated in the ~~Southwest~~ ^{Southwest} of Section 27 and the ~~Northwest~~ ^{Northwest} of Section 34, Township 113 North, Range 80 West, Sully County, South Dakota, said strip lying 33.00 feet on each side of the following described line: Beginning at the Northeast corner of said ~~Section 27~~ ^{Section 27}, thence South 45° 00' West to the shoreline of Lake Oahu, 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 ONE HUNDRED (\$100.00) NO/100 DOLLARS for the term, payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to District Engineer, Omaha District, Corps of Engineers, 7410 U. S. Post Office & 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, or for injuries to the person of the grantee (~~or his property~~), 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.

Condition Nos. 15, 16, 17, 18 and 19 are continued on page 3a, attached hereto, and by this reference made a part hereof.

Prior to the execution of this instrument, Condition Nos. 15, 16, 17, 18 and 19 were added and Condition Nos. 7 and 13 were altered.

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

IN WITNESS WHEREOF I have hereunto set my hand this 10th day of July 1970

(s/)
L. E. LANTON
Acting Chief, Real Estate Division
Omaha District, Corps of Engineers

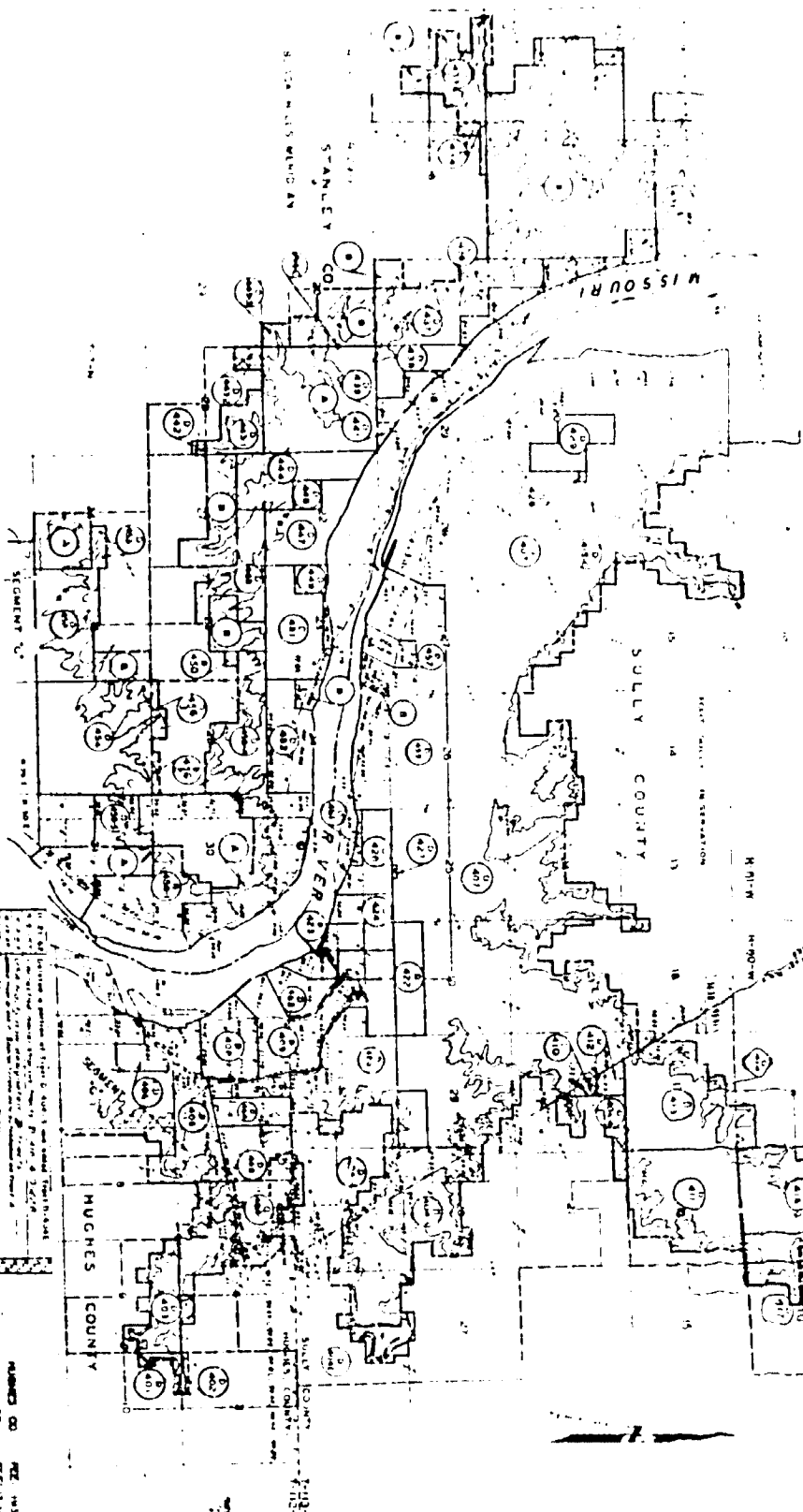
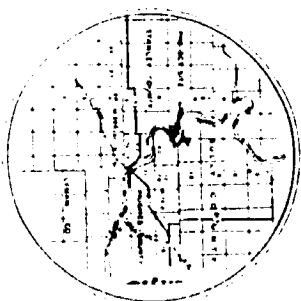
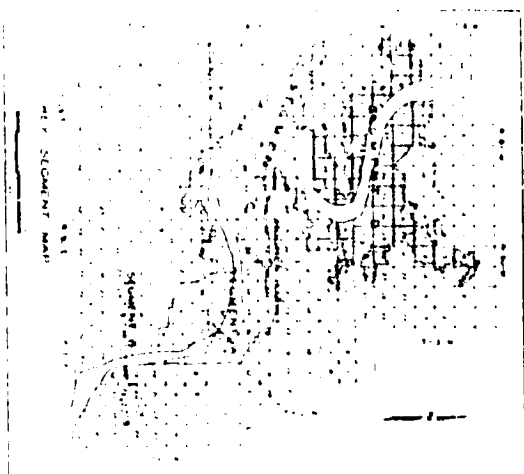
15. That the grantee shall comply promptly with any regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or a State Water Pollution Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State Agency are hereby made a condition of this grant.

16. That this easement and rights of way for water pipelines and pumping plants 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.

18. That any fuel storage tanks and/or liquid fertilizer tanks located above ground shall be so located or protected by dikes, curbs, ramps or other suitable means as to prevent the spread of liquids in case of leakage of tank or piping therefrom causing or contributing to the pollution of any watercourse. The holding area shall have a capacity at least equal in volume to that of the largest tank in use, plus ten per cent of all other tanks included.

19. The right is hereby reserved to the United States to flood the premises whenever necessary in connection with river and flood control work, and the grantee shall have no claim for damages of any character on account thereof against the United States.



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EXHIBIT A ATTACHED TO AND MADE A PART OF

U.S. ARMY PROJECT MAP

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STANLEY CO. MISSOURI

SULLY CO. MISSOURI

HUGHES CO. MISSOURI

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SULLY CO. MISSOURI

HUGHES CO. MISSOURI

STANLEY CO. MISSOURI

SULLY CO. MISSOURI

HUGHES CO. MISSOURI

Form 20.

No. 1713-3

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 SEC. 27, 28, 29 & 34, T113N, R80W
DESCRIBED IN WATER PERMIT N° 1713-3

formerly owned by GREEN ACRES, 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. 1713-3 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 Sioux) ss.

I, Charles A. Cannon III being first duly sworn on 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.

(Signed)

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

(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6893

PIERRE, April 11, 1979

RECEIVED OF Harvey Sheehan, Box 2132, 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. 1713-3

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for (any other work as provided by law)

2 50

TOTAL

2 50

WATER RIGHTS COMMISSION

By John Patch
Chief Engineer, Executive Officer
JOHN PATCH

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 27, 28, 29 & 34, T.113N, R.80W,
DESCRIBED IN PERMIT NO. 1713-3

formerly owned by CHARLES A. CANNON III

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. 1713-3 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.

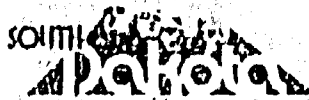
STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Harvey 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.

Billy Westlund
(Notary Public)
Water Rights Specialist I



1589-3
1713-3
1781-3
1991-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

April 11, 1979

Daniel T. Cutler
Stewart, Halffield, Klass & Whicher
830 Frances Blvd.
Sioux City, Iowa 51101

Dear Mr. Cutler:

Re: Cannon vs Sheehan

Enclosed please find copies of Form 20, Notice of Transfer of Water Permits for Permit Nos. 1589-3, 1713-3, 1781-3 and 1991-3. Mr. Harvey Sheehan was in our office yesterday and made the Transfer of the permits to his name.

As stated to you, I am also enclosing copies of the Water Right Permits.

If you desire any further information, please feel free to contact our office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

cc: Harvey Sheehan, Box 1132, Pierre, SD

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7220

PIERRE, January 17, 1980

RECEIVED OF Sheehan and Schafer Partnership, Pierre, SD
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. 1713-3	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 (py)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 17 1980

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 27, Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34, T113N, R80W

1,000 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. 1713-3 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)
) ss.
County of Hughes)

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)

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

January 18, 1980

Sheehan & Schafer Ptr.
c/o Harvey Sheehan
Box 1132
Pierre, SD 57501

Dear Sirs:

This will confirm the transfer of Water Permit Nos. 1589-3, 1713-3, 1781-3, 1991-3, 3434-3, 4174-3 and 4175-3 formerly in the name of Harvey Sheehan to Sheehan and Schafer Partnership of Pierre.

The fees for these transfers were paid, and the receipts given to you per your visit to this office January 17, 1980.

Enclosed, as you requested, are the copies of the permits which were transferred.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant III

gy

encl

Equal Opportunity Employer

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

December 8, 1982

Cave 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 N. 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 9104

January 12, 1983

PIERRE, _____, 19____

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#1713-3	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 *[Signature]*
Chief Engineer, Executive Officer

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:

1000 acres - NE¼NE¼ Section 29, N¼SE¼ Section 28, Section 27, NW¼NW¼,

Section 34, T113N, R80W

formerly owned by Sheehan & Schafer Partnership

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

(please include complete mailing address)

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

Water Right Permit No. 1713-3 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.

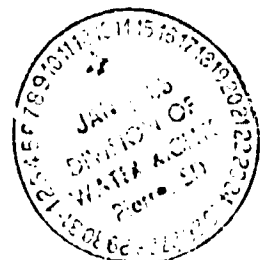
STATE OF SOUTH DAKOTA)
) ss.
County of Hughes)

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

James H. [Signature]
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ March 10 _____, 1987

RECEIVED OF Davenport, Evans, Hurwitz & Smith, ATT: Robert E. Hayes, Box 1030 Sioux Falls
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>1713-3</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 (RS)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 22, 1986

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

1000 acres - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Section 27,
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T113N, R80W.

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

has been transferred to *J.E.S. Trust & Mrs. 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. 1713-3 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 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.

(Signed)

Subscribed and sworn to before me this 22 Day of December, 1986.

(Notary Public)

THOMAS M. STEELE, Notary Public
My Commission Expires
May 11, 1991

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



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.

1713-3

J.E.S. FARMS

HARVEY D. SHEEHAN
OWNER

February 27, 1992

HCN 37 • BOX 82
PIERRE, SOUTH DAKOTA 57501

Chief Engineer
Water Rights Division, DWRN
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, DWR
523 E. Capitol
Pierre, SD 57501-3181

No. 1713-3

Date: February 27, 1992

I/We request that Water Permit No. 1713-3

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:
1000 acres - NE 1/4 NE 1/4 Sec 29, N 1/2 SE 1/4 Sec 28, Section 27, NW 1/4 NW 1/4 Sec 34, T113N, R80W

I/We understand that the validity of Water Permit No. 1713-3 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 Hughes)

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.

Harvey D Sheehan
Andrea L Sheehan
(Signed)

Subscribed and sworn to before me this 2nd day of March, 19 92.

Karen Schlaack
(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 Sheehay, RCR 37 #62, 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. _____		2 50
Fee for Filing Transfer Form. <u>Water Permit No. 1713-5</u>		
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 [Signature]
Chief Engineer



March 5, 1992

1713 5

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413496

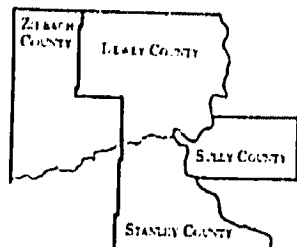
Pierre, _____ November 5, 19 92

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. 1713-3</u>		2 50
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

1713-3

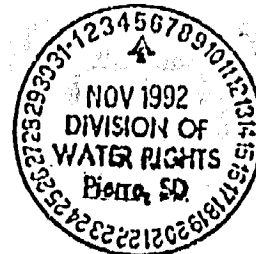


Titles of Dakota Inc.

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

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 cover the cost of Filing on 8 permits rather than the 9 permits originally paid for

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

Thank you.

Sincerely yours,

Raymond H. Kintz

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



1713-3

**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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

1711-11
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, 1951-3, 3434-3, 4174-3 and 4175-3 are incorporated into this Water License.

1775-5

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.

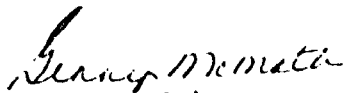
I told her that the Sheehans currently had Water Right No. 5505-3 and Water Permit No. 5621-3. The remaining water permits (Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3) had been incorporated into No. 5505-3. An assignment was already on file with each of them (assigning them to the Equitable) 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

1713-3

WOODS, FULLER, SHULTZ & SMITH P.C.

LAWYERS

300 SOUTH PHILLIPS AVENUE, SUITE 300
SIOUX FALLS, SOUTH DAKOTA 57104-6322

TELEPHONE (605) 336-3890
TELECOPIER (605) 339-3357

March 4, 1997

FRANCIS M. SMITH
HERLE A. JOHNSON
ALFRED D. SOMMERVOLO
RICHARD D. GREGERSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. REDE
GARY P. THIMSEN
BRADLEY C. GROSSENEUR
JAMES H. WEIDENFICH
CLAIRE H. HARALDSON
J. G. SHULTZ
ROBERT W. DAMGAARD
NAINARA ANDERSON LEWIS
FREDERICK M. ENTWISTLE
DAVID C. FROXY
HARVEY J. WELTER
JAMES L. MOORE

PETER W. SOMMERVOLO
KRISTINE L. KREITER
SCOTT C. FORKERS
ELIZABETH A. LEWIS
TIM R. SHATTUCK
JAYNA M. VOSS
MELANIE L. CARPENTER
JEAN A. KOENIGER

MELVIN T. WOODS (1899-1983)
HOWELL L. FULLER (1909-1981)
JOHN B. SHULTZ (1912-1975)

Via facsimile and U.S. Mail
(605) 773-4068

Ms. Genny McMath
DENR
Water Rights Division
523 East Capital Avenue
Pierre, South Dakota 57501-3182



Re: Water Permits and Licenses

Dear Ms. McMath

I appreciate your assistance last week in helping us update our information concerning the water rights, permits and licenses held by Harvey D. Sheehan and Andrea D. Sheehan. I am writing to confirm that although there was a consolidation, the eight water permits and one water license listed in my correspondence of February 26, 1997 are still issued to the Sheehans. Also there have been no amendments, revisions, modifications or assignments to the water permits or license. I am also assuming based upon my conversation with you, that other than the Notice of Conditional Assignment of Ownership filed previously by The Equitable Life Assurance Society of the United States, there are no other documents on file in your office evidencing any limitations or other security interests in the Sheehans' water rights, permits and licenses.

If any of this information is incorrect, I would appreciate it if you would notify me in writing as soon as possible.

Sincerely,

WOODS, FULLER, SHULTZ & SMITH P.C.

Elizabeth A. Lewis
Elizabeth A. Lewis

cc: Mr. Richard E. Henderson, Jr.

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF STANLEY)

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. Sheehan
Andrea L. Sheehan

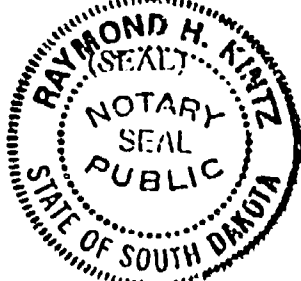
Subscribed and sworn to before me

this 7TH day of March, 1997

Notary Public - South Dakota

My Commission Expires: October 26, 1997
Notary Public

Raymond H. Kintz - Notary Public



SCHEDULE "A"

LEGAL DESCRIPTION

Harvey D. & Andrea L. Sheehar

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 Cavits
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 28: 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 "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 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

415296

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 31, 19 98

RECEIVED OF Titler 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 <u>Water Permit No. 1713-2</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



1713-3
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,

Genny McMath

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

encl