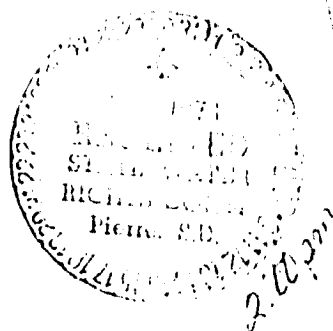


Water Right Number 3034-3

1. Considered 1-26, 19 77
2. Name of Applicant HARVEY SNEEHAN
3. Post Office Address PIERRE
4. Amount of Water claimed 164.2
5. Source of Water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 11,494
7. Water to be diverted and used in HUGHES & SULLY County
about 12N miles of PIERRE
8. Proof of Publication Received 1-19-77
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:


9 years


No. 3434-3Map No. 2714-3 Water Division No. 3 Missouri River District _____
(Blanks to be Filled by the Engineer for the W. E. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Harvey Sheehan & Edna Sheehan Partnership
Postoffice address 1420 Edgewater Dr. Pierre State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Haskins and Sheehan Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 164.2 c.f.s.
5. Source of water supply Missouri River
6. Location of point of diversion on the left bank of the Missouri River between the following described points: a point at the intersection of the left bank and the east to west 1/4 line of Section 16, T113N, R80W, and a point 3W of the center of section 20, T113N, R80W, approximately County Sully
1000 feet at a bearing of S. 55° W.
7. Annual period or periods during which water is to be used Irrigation Season
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 11,494 Acres

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.
<u>See attached form.</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Captial Journal
12. Principal Features of the Proposed Water Supply System.

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

Pumps

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

Pipeline, Canal

C. Works proposed to apply water to beneficial use.

Sprinkler Irrigation

Estimated Total Cost \$ 4,000,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

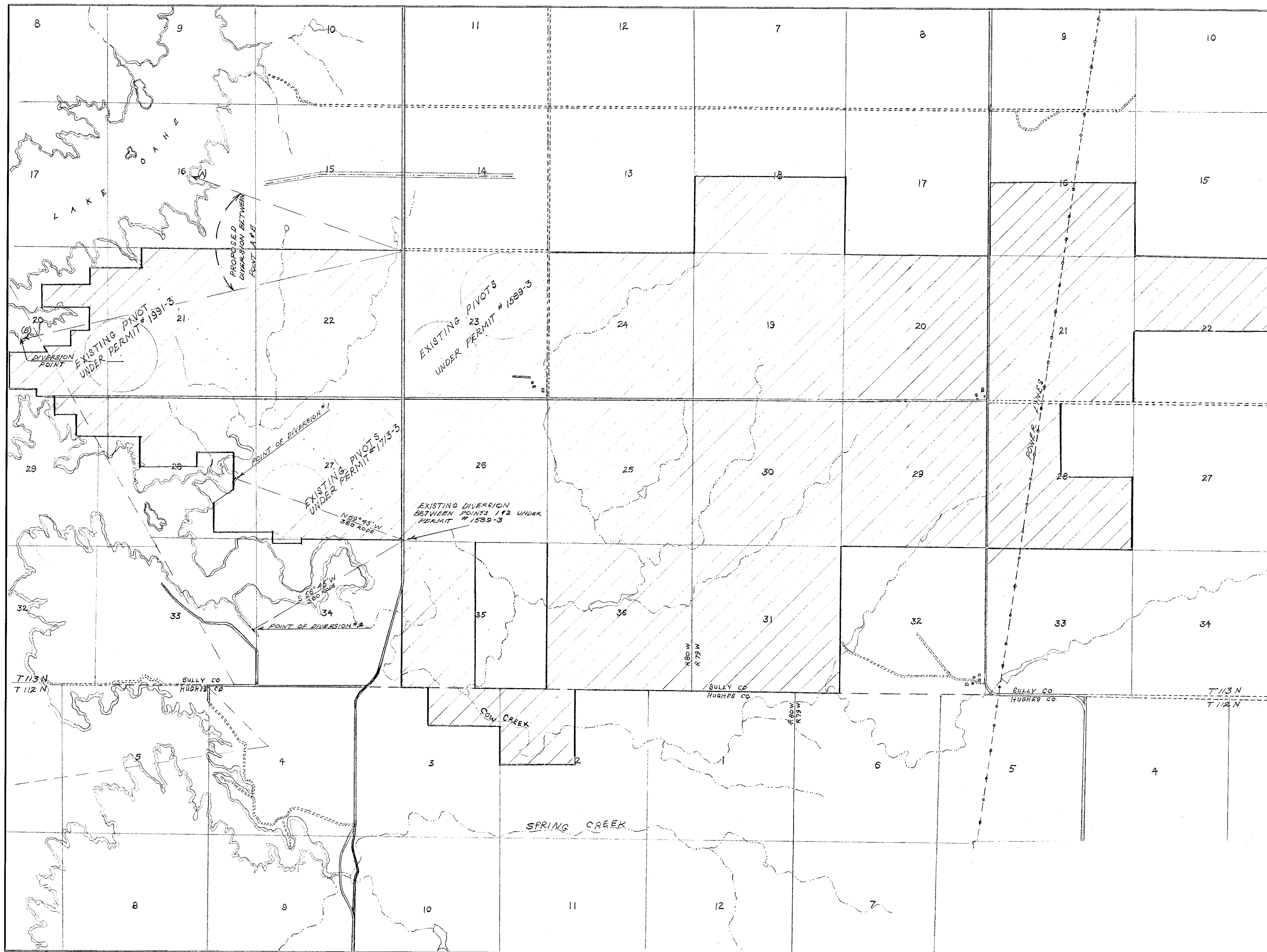
STATE OF SOUTH DAKOTA)

County of _____)

I, _____ 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 _____

Subscribed and sworn to before me this 30th day of November 1911_____
Notary Public (or other qualified officer)



T112N R80W		
NW 1/4	SEC 2	160 Ac.
NE 1/4	SEC 3	80 Ac.
T113N R79W		
SW 1/4	SEC 16	160 Ac.
SE 1/4	SEC 16	160 Ac.
SW 1/4	SEC 18	160 Ac.
SE 1/4	SEC 18	160 Ac.
ALL	SEC 19	640 Ac.
ALL	SEC 20	640 Ac.
ALL	SEC 21	640 Ac.
NE 1/4	SEC 22	160 Ac.
NW 1/4	SEC 22	160 Ac.
NW 1/4	SEC 28	160 Ac.
SW 1/4	SEC 28	160 Ac.
SE 1/4	SEC 28	160 Ac.
ALL	SEC 29	640 Ac.
ALL	SEC 30	640 Ac.
ALL	SEC 31	639 Ac.
T113N R80W		
NE 1/4	SEC 20	70 Ac.
SW 1/4	SEC 20	38 Ac.
SE 1/4	SEC 20	107 Ac.
NE 1/4	SEC 21	160 Ac.
NW 1/4	SEC 21	140 Ac.
SW 1/4	SEC 21	160 Ac.
SE 1/4	SEC 21	160 Ac.
ALL	SEC 22	640 Ac.
ALL	SEC 23	640 Ac.
ALL	SEC 24	640 Ac.
ALL	SEC 25	640 Ac.
ALL	SEC 26	640 Ac.
NE 1/4	SEC 27	160 Ac.
NW 1/4	SEC 27	160 Ac.
SW 1/4	SEC 27	155 Ac.
SE 1/4	SEC 27	160 Ac.
NE 1/4	SEC 28	140 Ac.
NW 1/4	SEC 28	120 Ac.
SE 1/4	SEC 28	45 Ac.
NE 1/4	SEC 29	41 Ac.
NW 1/4	SEC 35	160 Ac.
SW 1/4	SEC 35	160 Ac.
ALL	SEC 35	640 Ac.

TOTAL 11,492 Ac.

OWNER: CHARLES A. CANNON III.

STATE OF SOUTH DAKOTA)
COUNTY OF STANLEY) SS

I, M. JAMES OHLERKING, REGISTERED PROFESSIONAL ENGINEER NO. 2722, IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF HARVEY D. SHEEHAN, FUTURE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN THE BOUNDARIES IN DECEMBER 1976 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 29th DAY OF DECEMBER, 1976.

M. James Ohlerking
REGISTERED PROFESSIONAL ENGINEER

WATER APPROPRIATION MAP		
LOCATION: TWP 112, 113 N - R 79, 80 W	SCALE 1" = 24000'	DRAWN BY 1800E REVISED
DATE 12/7/76	APPROVED BY	DRAWING NUMBER

MAP NO 27143 APP NO 34134-3

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3434.3

HARVEY-SHEEHAN, Nicholas (Applicant) 1400 EDGEWATER DR., PIERRE (Post Office Address)
SOUTH DAKOTA 57501 (State) With the following modifications:

THIS PERMIT IS APPROVED WITH THE STIPULATION THAT THE TOTAL APPLICATION SHALL NOT EXCEED 32 INCHES OF WATER PER YEAR FOR EACH ACRE IRRIGATED.

Date of first receipt of application DECEMBER 30, 1976Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved OCTOBER 7, 1977, Recorded in Book 19 Page 124WATER RIGHT PERMIT NO. 3434.3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3434.3 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 30, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 7, 1980
3. The whole of said work is to be completed on or before OCTOBER 7, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 1986
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 164.2 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 OCTOBER 7, 1986; said water to be used during the following described annual period: DURING IRRIGATION SEASON

Witness my hand this 2ND day of NOVEMBER 19 77

WATER RIGHTS COMMISSION

By

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —Water License Issued — 19 —

T112 N R80W

NW ¹ / ₄	Section 2	160 Acres
NE ¹ / ₄	Section 3	80 Acres

T113N R79W

SW ¹ / ₄	Section 16	160 Acres
SE ¹ / ₄	Section 16	160 Acres
SW ¹ / ₄	Section 18	160 Acres
SE ¹ / ₄	Section 18	160 Acres
All	Section 19	640 Acres
All	Section 20	640 Acres
All	Section 21	640 Acres
NE ¹ / ₄	Section 22	160 Acres
NW ¹ / ₄	Section 22	160 Acres
NW ¹ / ₄	Section 28	160 Acres
SW ¹ / ₄	Section 28	160 Acres
SE ¹ / ₄	Section 28	160 Acres
All	Section 29	640 Acres
All	Section 30	640 Acres
All	Section 31	639 Acres

T113N R80W

NE ¹ / ₄	Section 20	70 Acres
SW ¹ / ₄	Section 20	36 Acres
SE ¹ / ₄	Section 20	107 Acres
NE ¹ / ₄	Section 21	160 Acres
NW ¹ / ₄	Section 21	140 Acres
SW ¹ / ₄	Section 21	160 Acres
SE ¹ / ₄	Section 21	160 Acres
All	Section 22	640 Acres
All	Section 23	640 Acres
All	Section 24	640 Acres
All	Section 25	640 Acres
All	Section 26	640 Acres
NE ¹ / ₄	Section 27	160 Acres
NW ¹ / ₄	Section 27	160 Acres
SW ¹ / ₄	Section 27	155 Acres
SE ¹ / ₄	Section 27	160 Acres
NE ¹ / ₄	Section 28	140 Acres
NW ¹ / ₄	Section 28	120 Acres
SE ¹ / ₄	Section 28	45 Acres
NE ¹ / ₄	Section 29	41 Acres
NW ¹ / ₄	Section 35	160 Acres
SW ¹ / ₄	Section 35	160 Acres
All	Section 36	640 Acres

Total	11,492 Acres
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DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

MROOP-N
SD 2SB OXT 1 001917
Harvey Sheehan
Irrigation Intake Structure
Missouri River Mile 1089.60L
(Okobojo Creek Bay)

8 May 1979

NOTICE OF PERMIT PENDING

The application of Harvey Sheehan, P.O. Box 1132, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to construct an irrigation intake structure on the Missouri River at mile 1089.60L (Okobojo Creek Bay) in Section 20, Township 113 North, Range 80 West, Sully County, South Dakota.

The proposed activity consists of the construction of a 74,000 gallon per minute pumping station which will supply the water necessary to irrigate approximately 12,750 acres of cropland lying adjacent to the east and south of the pumping site. The project will consist of a pumping station located on a pier in the Okobojo Creek area of Lake Oahe, a combination buried pipe and open ditch canal system of conveyance and distribution, and a water pivot method of application. The project is private in nature and there will be no federal, state, or public funding or involvement other than the granting of the necessary permits.

The entire project will be electrically powered. All electric wire and conveyance pipe on government land will be buried with a 5-foot minimum cover.

The pumping station will consist of eight 500-horsepower electric motors. These motors will power suspended vertical turbine pumps with withdrawal rates of approximately 9,250 gallons per minute and an intake velocity of .42 foot per second. The motors will be located on a 30-foot by 48-foot concrete pier which will be constructed on steel decking that will be supported by 18-inch diameter steel pilings placed 10 feet on center. The elevation of the pier will be 1625

mean sea level and the pier will be located approximately 400 feet into the waterway from the point where the 1625 elevation intersects the terrain above the shoreline. The pier will be connected to this point by an 18-foot wide concrete causeway which will also be constructed on pilings. The construction of the causeway will be accomplished from floating plant or will commence at the bank and work riverward so as not to require the placement of fill material into the waterway. This causeway will support a 60-inch diameter discharge pipe as well as allow authorized vehicular traffic onto the pier. This discharge pipe will be of 4-inch steel and will continue from the causeway approximately 3,500 feet, where the water will be discharged into an open canal. This discharge pipe will cross approximately 900 feet of government land and will be buried with a minimum of 5-foot of cover.

There will be no filling or excavation within the waterway and no construction in the lake other than the installation of the pilings. There will be excavation for the discharge pipe. Where this is done, the topsoil will be stripped and saved and will be replaced after the original grade has been re-established after the construction is completed. The area will then be reseeded to native grasses indigenous to the region.

The turbine pumps will be suspended by column from the pier and will be individually screened. The screens will be cylindrical in shape and will have a 7-foot diameter and a vertical height of 4 feet. The bottom of the cylinder will be solid steel plate and the vertical portion will consist of 4-inch diameter round holes (see sheet 3 of 3 sheets). The intake velocity will be 0.45-foot per second. The intakes on the pumps will be at 1565 mean sea level elevation which is 42.5 feet below the normal operating pool of the Oahe Reservoir and 27 feet below the lower operating level of 1592 mean sea level.

The entire pier and causeway will be fenced and lighted and will be constructed in a manner that will be compatible with the surrounding environment.

The purpose of the proposed project is to irrigate approximately 12,750 acres of farmland.

A preliminary assessment of the proposed action indicates that it is minor in nature and will not result in a significant impact on the quality of the human environment. Accordingly,

a preliminary determination has been made that this project does not warrant the preparation of an environmental impact statement at this time.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. This review constitutes the extent of cultural resource investigations by the District Engineer and he is otherwise unaware of the presence of such resources.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

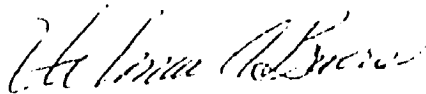
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 7 June 1979. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151, 33 USC 403).

Drawings showing the location and extent of the work are attached to this notice.

FOR THE DISTRICT ENGINEER:

Attachments
As stated



DELMAR A. BROERS
Ass't Chief, Regulatory Functions Branch
Operations Division

OLDDOJO SN QUADRANGLE
SOUTH DAKOTA
15 MINUTE SERIES (TOPOGRAPHIC)

U.S. DEPARTMENT OF INTERIOR
GEOLOGICAL SURVEY
SCALE 1:24,000



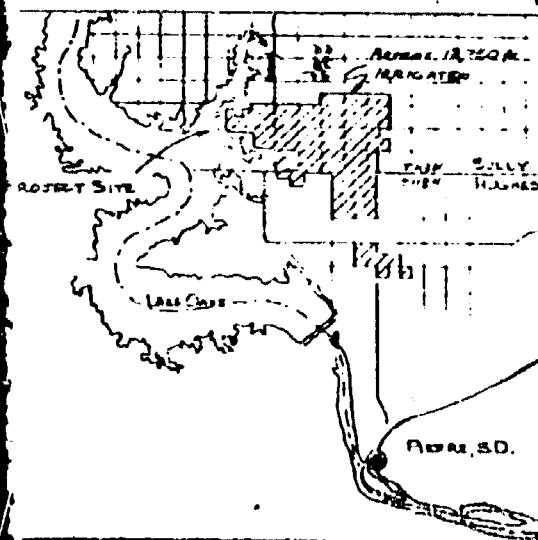
PROJECT SITE
SEL 20, TIGN, ROCK 2

250' RISE LINE

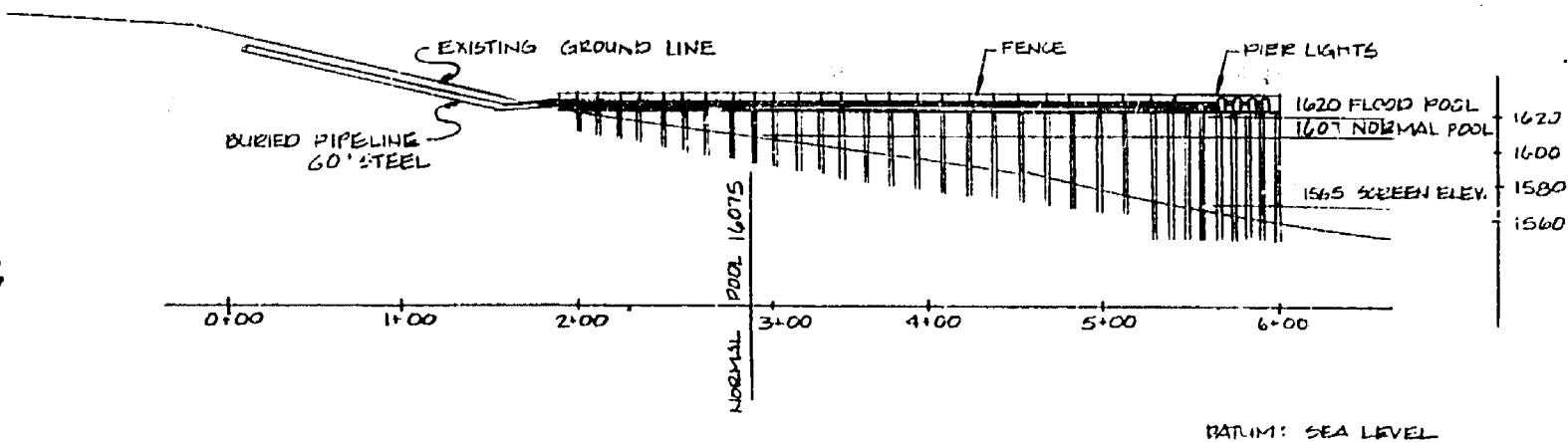
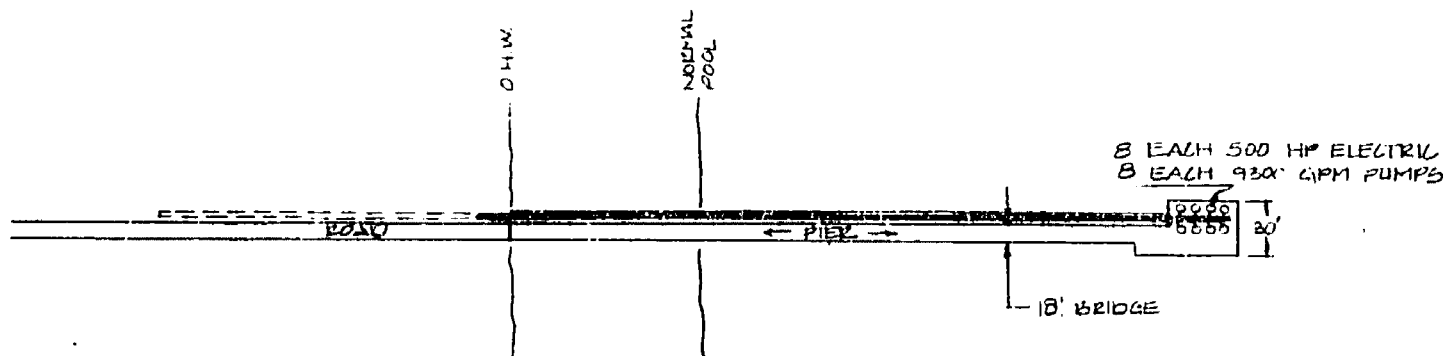
BRIDGE STATION

CANAL ON 1736 ELEV.

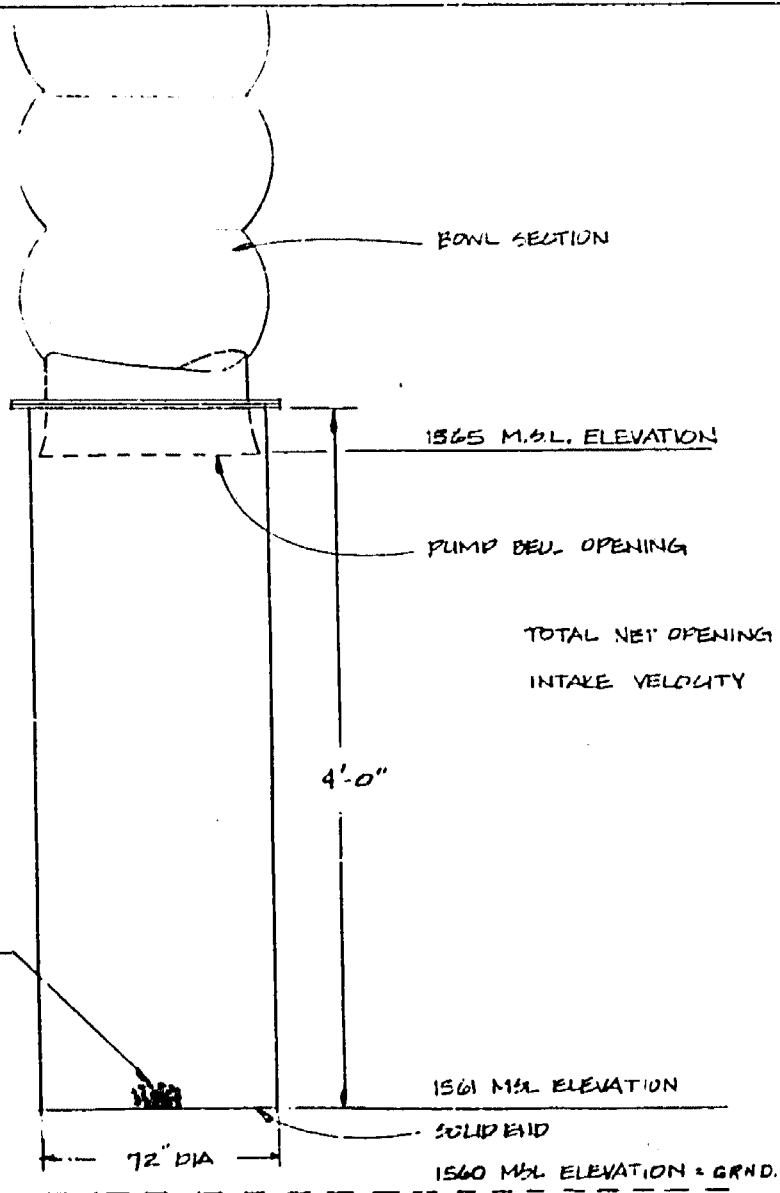
CANAL ON 1750 ELEV.



VICINITY MAP
SHEPHERD PROJECT
PIPER, SOUTH DAKOTA
SHEET 1 OF 3



PIER ELEVATION & PLAN
SHEEHAN PROJECT
PIERRE, SOUTH DAKOTA
NO SCALE



TOTAL NET OPENING IN SCREEN = 46.2 SQ. FT.

INTAKE VELOCITY = 0.45 FT. PER SEC.

INTAKE SCREEN-PIER DESIGN
SHEEHAN PROJECT
PIERRE, SOUTH DAKOTA
NO SCALE

Form 6 - Notice of Intent to Appropriate Water

No. 3434-3

Publish first publication, on or before January 13, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 13, 1977

Notice is hereby given that Harvey Shuchan

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

164.2 cubic feet of water per second of time from the Missouri through the

Haskins-Shuchan Project # 1, the point of diversion of which is to be located in the between points in NW 1/4 SE 1/4, Section 16 and in the NW 1/4 SE 1/4

of Section 16, Twp. 113N, Range 20. Said water to be used for the purpose of providing irrigation on the following described land:

S 1/4, Section 16; S 1/4, Section 18; all of Sections 19, 20, 21; N 1/4, Section 22; W 1/4 & SE 1/4, Section 23; all of Sections 29, 30 & 31, T113N, R79W; N 1/4 & SW 1/4, Section 20; all of Sections 21, 22, 23, 24, 25, 26, & 27; N 1/4 & SE 1/4, Section 28; NE 1/4, Section 29; N 1/4, Section 35, and all of Section 36, T113N, R80W; NW 1/4, Section 2; N 1/4 NE 1/4, Section 3, T112N, R80W

This application No. 3434-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of January, 1977, at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Harvey Shuchan, 1400 Edgewater Dr., Pierre, South Dakota 57501

No. 3434-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.

I, John H. Hippie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Capital Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city Pierre of Pierre

County of Hughes and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

January 11, 1977 and

January 18, 1977.

John H. Hippie
(Signature)

Business Manager
(Title)

January 18, 1977
(Date Signed)

No. 3753 - 21 July Jan. 11-18

No. 3434-3

NOTICE

INTENT TO

APPROPRIATE WATER

Notice is hereby given that
Harvey Sheehan, 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 164.2 cubic feet of
water per second of time from the
Missouri through the Hashins-
Sheehan Project (No. 1) the point
of diversion of which is to be
located in the between points in
NW 1/4 SE 1/4 Section 16 and in the
NE 1/4 SE 1/4 of Section 23, Twp.
113N, Range 80. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: NW 1/4
S 1/2 Section 16; S 1/2 Section 18;
all of Sections 19, 20, 21, NW 1/4
Section 22; W 1/2 & SE 1/4 Sec-
tion 28; all of Sections 29, 30 & 31
T113N, R79W; E 1/2 & SW 1/4
Section 20; all of Sections 21, 22,
23, 24, 25, 26 & 27; NW 1/4 & SE 1/4
Section 28; NE 1/4 Section 29;
W 1/2 Section 35; and all of Section
36, T113N, R80W; NW 1/4 Section
2; NW 1/4 NE 1/4 Section 3, T112N,
R80W.

This application No. 3434-3 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 26th day of
January, 1977, at 10:00 A.M. for
submission to the SD Legislature.
All interested persons may
appear and be heard.

WATER RIGHTS COMMISS-
SION

By: BURTON F. JONES
Water Rights Specialist





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

January 31, 1977

Lowell Hansen
Speaker of the House
State Capitol Building
Pierre, South Dakota 57501

Dear Sir:

In accordance with SDCL 46-5-20.1, I am submitting herewith copies of the following water right applications with proposed resolution drafts, and the recommendations of the Water Rights Commission.

Number	Name	Priority Date	Hearing Date	Recommendations Water Rights Commission
1442-2	Energy Transportation System, Inc.	9/ 3/76	9/30/76 & 11/18/76	Deny
1492-2	City of Rapid City (Future Use)	12/ 3/76	1/26/77	Approve
1507-2	West River Conservancy Sub- District (Future Use)	1/ 5/77	1/26/77	Approve
1508-2	West River Conservancy Sub- District (Future Use)	1/ 5/77	1/26/77	Approve
3370-3	Lewis & Clark Irrigation District	12/22/76	1/26/77	Approve
3371-3	City of Yankton (Future Use)	12/21/76	1/26/77	Approve
3428-3	City of Aberdeen (Future Use)	12/30/76	1/26/77	No Recommendation
3429-3	Oahe Conservancy Sub- District (Future Use)	12/30/76	1/26/77	Approve
3434-3	Harvey Sheehan	12/30/76	1/26/77	Approve

Mr. Lowell Hansen
Speaker of the House

Page 2.

The applications have been filed with the Water Rights Commission, advertised and public hearing held, and are in proper form.

Very truly yours,

JOHN HATCH, Chief Engineer
Division of Water Rights
Department of Natural Resource
Development

JH/bw

Encl: As stated

cc: Governor Kneip
Lt. Governor Harvey Wollman
Don Wagner, Chairman, Water Rights Commission

Proposed Resolution - Approval of a Water Right Application
Submitted by WATER RIGHTS COMMISSION, DEPARTMENT OF NATURAL
RESOURCE DEVELOPMENT

A JOINT RESOLUTION, approving an application for a water right pursuant to SDCL § 46-5-20.1.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH DAKOTA THE SENATE CONCURRING THEREIN:

WHEREAS, pursuant to S.D.C.L. § 46-5-20.1 the Legislature of the State of South Dakota has required that any application for appropriation of water in excess of ten thousand acre feet annually shall be presented by the Water Rights Commission to the Legislature for approval prior to acting on the application, and

WHEREAS, Water Right Application No. 3434-3 (Harvey Sheehan) has been received by the Water Rights Commission, and

WHEREAS, said application is for an amount in excess of ten thousand acre feet annually, and

WHEREAS, the Water Rights Commission by motion on January 26, 1977 at its regular meeting in Pierre recommended to the Legislature that it approve said application.

NOW BE IT HEREBY RESOLVED that said Application No. 3434-3 be and it hereby is APPROVED.

HOUSE JOINT RESOLUTION 512
AS APPROVED BY THE 1977 LEGISLATURE

A JOINT RESOLUTION, Approving application number 3434-3 for
a water right pursuant to SDCL 46-5-20.1.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE
OF SOUTH DAKOTA THE SENATE CONCURRING THEREIN:

WHEREAS, pursuant to § 46-5-20.1 the Legislature of
the state of South Dakota has required that any application
for appropriation of water in excess of ten thousand acre
feet annually shall be presented by the water rights
commission to the Legislature for approval prior to acting
on the application, and

WHEREAS, water right application number 3434-3 by
Harvey Sheehan has been received by the water rights
commission, and

WHEREAS, said application is for an amount in excess
of ten thousand acre feet annually, and

WHEREAS, the water rights commission by motion on
January 26, 1977 at its regular meeting in Pierre
recommended to the Legislature that it approve said
application,

NOW BE IT HEREBY RESOLVED that said application
number 3434-3 be and it hereby is approved.

Chapter No. _____

File No. 136

I hereby certify that the within ~~xxx~~ Resolution

originated in the _____ House as

House Joint Resolution No. 512

Chief Clerk
Chief Clerk

Received at this Executive Office this

_____ day of _____, 19____

at _____ M.

Governor.

STATE OF SOUTH DAKOTA, } ss.
Office of Secretary of State

Filed Nov. 14, 1917

at 4:53 o'clock P. M.

Ernest B. Hewitt
Secretary of State.

By _____
Asst. Sec'y of State.

~~Attest~~

A JOINT RESOLUTION, Approving
application number 3434-3 for

a water right pursuant to SDCL

46-5-20.1.

The within and foregoing Act is hereby
approved this _____ day of _____

_____, A. D. 19____

Governor.

James Stanley
Speaker of the House.

Chief Clerk
Chief Clerk.

President of the Senate
President of the Senate.

Secretary of the Senate
Secretary of the Senate.

Harvey Sh

June 2, 1977

Harvey Sheehan
1400 Edgewater Drive
Pierre, South Dakota 57501

Dear Mr. Sheehan:

The Water Rights Commission will reconsider your Application No. 3434-3 at the July 27 and 28, 1977 meeting. As you know, the Legislature did authorize approval of your application for the maximum amount of 36 inches per acre as authorized by State Statutes. Would you be willing to agree to less water, the amount you actually expect to use? If so, please advise concerning the maximum number of inches of water you would expect will be needed.

Please contact us if you have any questions on this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

3434-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

July 11, 1977

TO: Persons Concerned with Water Right Application No.
3434-3, Harvey Sheehan, Pierre, South Dakota.

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Notice of Reconsideration Hearing on Application No.
3434-3.

The Water Rights Commission will reconsider Water Right Application No. 3434-3 at 10:00 A.M., July 28, 1977 at the Stauroelite Inn, Brookings, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-3-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application No. 3434-3 was considered by the Water Rights Commission January 25, 1977 and sent to the Legislature in accordance with 46-5-20.1 with a recommendation for approval. The 1977 Legislature approved Application No. 3434-3 without change, Chapter 362, 1977 Session Laws.

After reconsideration of Application No. 3434-3, the Commission can approve, defer, or deny all or part of the Application.

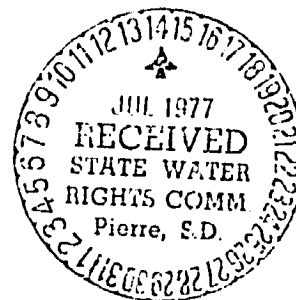
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

cc: Ann Kune, Alpena, S.D. 57312

July 13, 1977



Department of Natural
Resource Development
Water Rights Commission
Joe Foss Building
Pierre, SD 57501

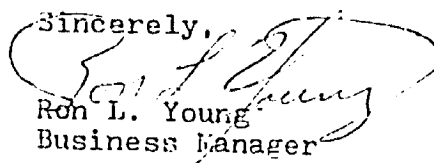
WATER PERMIT 3434-3

Dear Mr. Hatch

In reply to your June 2, letter concerning the amount of water it will actually take to irrigate the Sully County property. We feel at the present time it would be best to keep the total 36 inches per acre that the Legislature approved at the present time.

Please contact us if you have any questions on this matter.

Sincerely,


Ron L. Young
Business Manager

August 9, 1977

Harvey Sheehan
1400 Edgewater Drive
Pierre, South Dakota 57501

Dear Mr. Sheehan:

This letter will confirm the action of the Water Rights Commission at its July 28, 1977 meeting. Under this action the Commission approved the Permit for 164.2 cubic feet per second to irrigate 11,494 acres as described in the application. They did, however, limit the total amount of water applied to the land to 2 acre feet annually. Your request to increase this to 3 acre feet annually will be brought before the Commission at its October 6 - 7, 1977 meeting.

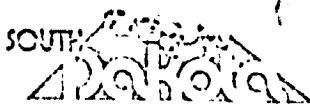
If you have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BJ/bw

File 3434-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

September 28, 1977

TO: Persons Concerned with Water Right No. 3434-3, Harvey Sheehan, 1400 Edgewater Drive, Pierre, SD.

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Notice of Reconsideration Hearing on Commission action to limit Application No. 3434-3

The Water Rights Commission will reconsider their action to limit No. 3434-3 at 9:00 A.M., October 7, 1977 at the Holiday Inn, Spearfish, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-3-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41; and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

Application No. 3434-3 was considered by the Water Rights Commission January 25, 1977 and sent to the Legislature in accordance with 46-5-20.1 with a recommendation for approval. The 1977 Legislature approved Application No. 3434-3 without change, Chapter 362, 1977 Session Laws. After reconsideration July 28, 1977, the Commission approved Application No. 3434-3 with the qualification that the total application shall not exceed 2 acre feet of water per year for each acre irrigated. Mr. Sheehan has requested that the Commission reconsider their action to limit the amount of water applied to 2 acre feet and allow an additional 8 inches for a total of 32 inches.

After reconsideration of their action to limit Application No. 3434-3, the Commission can approve, defer, or deny all or part of Mr. Sheehan's request to increase the amount of water applied by an additional 8 inches.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

cc: Ann Kunze, Alpena, SD 57312

April 27, 1978

Harvey Sheehan
Box 1132
Pierre, SD 57501

Dear Mr. Sheehan:

In answer to your inquiry regarding your permit no. 3434-3, as to the 160 acre limitation. This limitation does not apply to your application as it was approved from the natural flows of the Missouri River.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH:plh

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7223

PIERRE, January 17, 1930

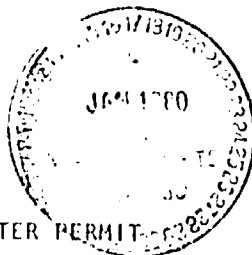
RECEIVED OF Sheehan and Schafer Partnership, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

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 <u>transfer of water right No. 3434-7</u>	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 J. H. Hatch
Chief Engineer, Executive Officer
JOHN HATCH (BY)

FORM 20



NO. 3454-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date:

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

Portions of Sec. 2 & 3, 112N, 80W; Sec. 16, 18, 19, 20, 21, 22, 28,
29, 30 & 31 of 113N, 79W; Sec. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
35 and 36 of T113N, R80W 11,492 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. 3434-3 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 Haguer)

1. Schuchan & 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.

Harry S. Hooper
(Signed)

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

Harold Zernmann
(Notary Public)

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

January 18, 1980

Sheehan & Schafer Ptr.
% 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

Water Rights, Water Management Division
Phone (605) 773-3352

February 6, 1980

Preudential Insurance Company of America
3701 Wayzata Blvd.
Minneapolis, MN

Gentlemen:

I am writing with reference to Water Rights Permits No. 3434-3, 4174-3, and 4175-3, currently held in the name of Sheehan and Schafer, a Partnership.

You have raised a question concerning the fact that the points of diversion, as noted in these permits, differ, and are concerned with the discrepancy.

As far as this department is concerned, the holder of these three permits may locate the point of diversion of the water at any point between the extremes of the land owned by the Partnership abutting upon the Oahe Reservoir, and U.S. Corp take area. The actual point of diversion under these permits, is and has been established by the U.S. Corp of Engineers in awarding the Section 10 Permit. I have reviewed the Section 10 Permit held by Sheehan and Schafer, and would state that the location of the point of diversion established by that permit is in conformity with the three water permits above referenced.

Very truly yours,

Burton F. Jones
Water Rights Specialist

BFJ:plh

Water Rights, Water Management Division
Phone (605) 773-3352

February 6, 1980

The Chemical Bank
277 Park Avenue
New York, NY

Gentlemen:

I am writing with reference to Water Rights Permits No. 3434-3, 4174-3, and 4175-3, currently held in the name of Sheehan and Schafer, a Partnership.

You have raised a question concerning the fact that the points of diversion, as noted in these permits, differ, and are concerned with the discrepancy.

As far as this department is concerned, the holder of these three permits may locate the point of diversion of the water at any point between the extremes of the land owned by the Partnership abutting upon the Oahe Reservoir, and U.S. Corp take area. The actual point of diversion under these permits, is and has been established by the U.S. Corp of Engineers in awarding the Section 10 Permit. I have reviewed the Section 10 Permit held by Sheehan and Schafer, and would state that the location of the point of diversion established by that permit is in conformity with the three water permits above referenced.

Very truly yours,

Burton F. Jones
Water Rights Specialist

BFJ:plh

SOUTH DAKOTA Department of
Water & Natural Resources
Jon Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773--352

January 13, 1981

Prudential Life Insurance Co.

To Whom It May Concern:

Mr. Sheehan has indicated that you need the Certificate of Completion and Water License on Water Permit No. 3434-3.

Our statutes state that where a Permit is issued, the applicant has up to five years to complete the project. The completion date for Permit No. 3434-3 is October 7, 1982. Mr. Sheehan has indicated to this office that the system is now complete.

One of the provisions in the statute is that a field inspection of the as constructed system be made by this office. Weather and work load have prohibited making the inspection up to this time.

Mr. Sheehan has complied with all of the requirements of South Dakota Law, and the intervening time between the notification to this office and the actual inspection has no bearing on the water right. The operations of the system under the permit is entirely lawful under State Statutes.

We will endeavor to complete the inspection as soon as possible so the final papers can be issued.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ:kw

Equal Opportunity Employer

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 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 9107

PIERRE, January 12, 1987

RECEIVED OF J.E.S. Farms, c/o Agri Management, 100 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# 3474-3	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 *J. Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/mes

NO. 3434-3

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:
11,494 acres - S $\frac{1}{2}$ Section 16; S $\frac{1}{2}$ Section 18; Section 19, 20, 21; N $\frac{1}{2}$ Section 22, W $\frac{1}{2}$ & SE $\frac{1}{4}$, Section 28, Section 29, 30 & 31, T113N, R79W; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20; Section 21, 22, 23, 24, 25, 26 & 27; N $\frac{1}{2}$ & SE $\frac{1}{4}$, Section 28, NE $\frac{1}{4}$ Section 29; W $\frac{1}{2}$ Section 35, Section 36 T113N, R80W; NW $\frac{1}{4}$ Section 2; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, T112N, 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. 3434-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the 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)
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 Sheehan
(Signed)

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

George M. Hargreaves
(Notary Public)



DAVENPORT, EVANS, HURWITZ & SMITH
LAWYERS

513 SOUTH MAIN AVENUE

P.O. Box 1030

SIOUX FALLS, SOUTH DAKOTA 57101-1030

LOUIS R. HURWITZ
DEWING SMITH
CARLETON R. HOY
LAWRENCE L. PIERSON
RICHARD A. CUTLER
MICHAEL F. PIERLOW
P. DANIEL DONGHUE
DAVID L. KNUDSON
EDWIN E. EVANS
ROBERT E. HAYES
MICHAEL L. LUCE
CHARLES D. GULLICKSON
SARAH RICHARDSON LARSON
MICHAEL J. SCHAEFER
MONTE R. WALZ
THOMAS E. FRANKMAN
RICK W. GRR
TIMOTHY H. GEBHART
JONATHAN P. BROWN

HOLTON DAVENPORT
1892-1966

OF COUNSEL
ELLSWORTH E. EVANS
LYLE J. WIRT

March 9, 1987

TELECOPIER
605-335-3639
TELEPHONE
605-336-2880



Division of Water Rights
Joe Foss Building
Pierre, SD 57501

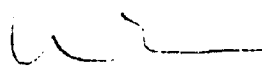
RE: Notice of Transfer of Water Permits

Dear Sir:

Enclosed please find seven (7) Notice of Transfer of Water Permits along with your filing fee of \$2.50 for each transfer.

Thank you for your assistance in this matter.

Sincerely,


ROBERT E. HAYES
For the Firm

REH/dw
Enc.

cc: Stephen C. Parker

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

6-1-17-100

Robert Hayes, Davenport, Pierre, March 10, 1937

RECEIVED OF J.E.S. Trust, c/o Mr. Laurel Olson, 1431 Cous Place, Suite 665, Downers Grove, IL 60515
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 3434-3	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 H. Hatch
Chief Engineer JOHN HATCH (MS)

NOTICE OF TRANSFER OF WATER RIGHTS 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:

11,494 acres-S $\frac{1}{2}$ Section 16; S $\frac{1}{2}$ Section 18; Section 19, 20, 21;
N $\frac{1}{2}$ Section 22, W $\frac{1}{2}$ & SE $\frac{1}{4}$, Section 28, Section 29, 30, & 31, T113N,
R79W; E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20; Section 21, 22, 23, 24, 25, 26, & 27;
N $\frac{1}{2}$ & SE $\frac{1}{4}$, Section 28, NE $\frac{1}{4}$ Section 29, W $\frac{1}{2}$ Section 35, Section 36,
T113N, R80W; NW $\frac{1}{4}$ Section 2; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, T112N, R80W.
formerly owned by Harvey and Andrea Sheehan dba J.E.S. Farms

has been transferred to *J.E.S. Trust & 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. 3434-3 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 despose 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 22 Day of DECEMBER, 1986

Lynne M. Steele
(Notary Public)

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

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

 **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.

3434-3

J.E.S. FARMS

HARVEY D. SHEEHAN
OWNER

February 27, 1992

1400 37 • BOX 02
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. 3434-3

Date: February 27, 1992

I/We request that Water Permit No. 3434-3

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:

11.494 acres: S 1/2 Sec 16, S 1/2 Sec 18, Sections 19, 20, 21, N 1/2 Sec 22, W 1/2 & SE 1/4
Sec 28, Sections 29, 30 & 31, T113N, R79W; E 1/2 SW 1/4 Sec 20; Sections 21, 22, 23, 24, 25,
26 & 27, N 1/2 & SE 1/4 Sec 28, NE 1/4 Sec 29, W 1/2 Sec 35, Section 36, T113N, R80W; NW 1/4
Sec 2, N 1/2 NE 1/4 Section 3, T112N, R80W

I/We understand that the validity of Water Permit No. 3434-3 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.

Andrea L Sheehan
Andrea L Sheehan
(Signed)

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

Loren 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

413093

Pierre, February 27, 1992

RECEIVED OF Harvey and Andrea Sheehan, HCR 37 #32, 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 _____ Water Permit No. 3434-3

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

3127-2



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,

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

Genny McMath
Natural Resources Analyst
(605) 733-3352

3434-3

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

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

Water Rights Division
605 773-3352

June 18, 1984

J.E.S. Farms
Rt A, Box 82
Pierre SD 57501

Dear Mr. Sheehan:

On May 3, 1984, I visited your farm for the final inspection of your water permit Nos. 1589-3, 1713-3, 1781-3, 1991-3 3434-3, 4174-3 and 4175-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with Pat Tracy that some of your developed acreage is not covered by the above permits. The lands listed on the enclosed application are the areas which are not covered. The time for developing or amending the above permits ended on November 30, 1982; therefore, a new permit is required for any developed acreage not covered by the prior permits.

Soil and water compatibility is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. The forms must then be notarized and returned with an application fee of \$425.00. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

encl.

cc: Div. of Conservation

Equal Opportunity Employer

(3434-3)

J.E.S. FARMS - IRRIGATED ACRES

11-113-79:

NW - 135.0.
SW - 135.9.

16-113-79,

SW - 147.9.
SE - 114.8.

18-113-79:

SW - 128.4.
SE - 128.7.

19-113-79:

NW - 127.0.
NE - 127.4.

SW - 126.7.
SE - 128.8.

20-113-79,

NW - 126.9.
NE - 127.5.

SW - 127.8.
SE - 117.8.

21-113-79:

NW - 116.7.
NE - 135.0.

SW - 114.9.
SE - 135.1.

22-113-79:

NW - 124.0.
NE - 125.7.

28-113-79.

NW - 120.6.
NE - 136.9.

SE - 125.1.
SW - 105.5.

29-113-79.

NW - 127.0.
NE - 127.0.

SW - 129.1.
SE - 112.1.

30-113-79:

NW - 127.4.
NE - 126.7.

SW - 128.5.
SE - 127.8.

31-113-79:

NW - 127.3.
NE - 124.2.

SW - 130.0.
SE - 118.0.

32-113-79

NW - 122.4.
SW - 129.4.

E 1/2 - 162.7.

33-113-79,

W - 219.1.

20-21-113-80

S 1/2 - 110.9.

21-113-80,

S 1/2 - 116.2.

21-22-113-80

S 1/2 - 206.5.

22-113-80,

N 1/2 - 104.4.

SE - 196.6.

23-113-80:

NW - 126.8.
NE - 121.2.

SW - 121.5.
SE - 90.8.

24-113-80:

NW - 128.2.
NE - 126.4.

SW - 122.0.
SE - 125.7.

25-113-80:

NW - 128.2.
NE - 130.2.

SW - 128.8.
SE - 128.4.

26-113-80

NW - 131.9
NE - 120.2
SW - 122.5
SE - 122.8

27-113-80

NW - 125.7
NE - 133.8
SW - 123.3
SE - 115.1

28-113-80

N - 120.5

29-113-80

NE - 66.8

35-113-80

NW - 106.7

36-113-80

NW - 127.7
NE - 126.6
SW - 131.0
SE - 125.0

5-112-79

NE - 166.1
SW - 209.9

6-112-79

NW - 230.2
NE - 224.7
SW - 210.4
SE - 207.3

7-112-79

SW - 208.6
SE - 205.1

8-112-79

SE - 302.7

20-112-79

NW - 123.6
NE - 124.0
SW - 130.9
SE - 123.7

21-112-79

SW - 123.3
SE - 131.0

27-112-79

NW -

28-112-79

NW - 134.8
SE - 135.3

12307.3 TOTAL IRRIGATED ACRES

21

Field #		Crop Recommendations 1984			
	acres	Crop	# of MAP (total)	# of N1/3 (actual)	class
1	110.9	Corn	210	142	yes
2	66.8	Corn	90	180	No
3	116.2	Corn	160	165	yes
4	120.5	Corn	170	205	No
5	104.4	Corn	170	185	yes
6	206.5	Corn	170	160	yes
7	196.6	Corn	185	190	No
8	125.7	Corn	90	170	yes
9	133.8	Corn	90	170	yes
10	123.3	Soybeans	-0-	-0-	No
11	115.1	Corn	140	195	No
12	126.8	Corn	110	130	yes
13	122.2	Corn	90	160	yes
14	121.5	Corn	90	165	yes
15	90.8	Corn	90	170	No
16	131.9	Corn	90	195	No
17	120.2	Corn	90	155	yes
18	122.5	Corn	140	185	No
19	122.8	Corn	135	160	yes
20	128.2	Corn	135	185	yes
21	126.4	Corn	140	170	yes
22	122.0	Corn	135	195	yes
23	125.7	Corn	170	200	yes
24	128.2	Corn	140	145	yes
25	130.2	Corn	90 (Dore)	145	yes
26	128.8	Corn	100	180	yes

Field #	Acres	Crop	# of Mags (total)	# of Mags (actual)	Result
27	128.4	Corn	120	180	yes
28	127.7	Corn	135	185	No
29	126.6	Corn	100	160	yes
30	131.0	Corn	85	150	No
31	125.0	Corn	90	145	yes
32	128.4	Corn	90	195	yes
33	128.9	Corn	90	160	No
34	129.0	Corn	90	195	No
35	127.4	Corn	90	160	No
36	126.9	Corn	100	190	yes
37	128.8	Corn	100	185	yes
38	127.4	Corn	130	195	yes
39	126.9	Corn	145	175	yes
40	128.5	Corn	120	195	yes
41	127.8	Corn	135	135	yes
42	127.3	Corn	100	130	yes
43	124.2	Corn	110	180	yes
44	130.0	Corn	90	150	yes
45	118.0	Corn	90	150	yes
46	126.9	soybeans	-0-	-0-	No
47	129.5	soybeans	-0-	-0-	No
48	127.8	Corn	90	170	yes
49	117.8	Corn	100	160	yes
50	127.0	Corn	90	175	yes
51	127	Corn	110	185	yes
52	129.1	Corn	165	180	yes

Field #	acres	Crop	# of Maps (total)	# of NH ₃ (actual)	done
53	112.2	Corn	200	180	yes
54	122.4	Corn	130	160	yes
55	129.6	Corn	200	180	yes
56	162.7	Corn	200	180	yes
57	147.9	Corn	90	160	No
58	114.8	Corn	90	180	No
116.7	116.7	Corn	160	180	No
60	135.0	yellow pop corn	100	238 (done)	No
61	114.5	Corn	150	190	No
62	135.1	Corn	140	235 (done)	No
63	130.6	Corn	150	190	No
64	125.1	white popcorn	135	250 (done)	No
65	124.0	Corn	100	165	yes
66	125.7	Corn	90	140	yes
67	135.0	Corn	140	170	No
68	135.9	Corn	140	145	No
69	230.2	Corn	90	150	No
70	224.7	Corn	185	180	No
71	166.1	Corn	90	235 (done)	No
72	210.4	Corn	195	200 (done)	No
73	209.3	Corn	200	170 (done)	No
74	209.9	Corn	140	185 (done)	No
75	208.6	Corn	120	190 (done)	No
76	205.1	Corn	140	200 (done)	No
77	302.7	Corn	100	150	No
78	123.5	Corn	185	170	yes

Field #	acres	crop	# of MHP (total)	# of N _{1/2} (actual)	desired
79	124.0	Corn	140	175	yes
80	130.9	Corn	185 (done)	170	yes
81	123.7	Corn	185	170	yes
82	123.3	Corn	140	165	yes
83	131.0	Corn	185	180	yes
84	128.0	Corn	135	220 (done)	No
85	129.0	Corn	185	200 (done)	No
86	130.0	Corn	90	185	yes
87	106.7	Corn	170	190	No
88	130.0	white popcorn	150	170	yes
Butt	117	Corn	90	160	No
Hompson	130	Corn	170	155	yes

Total acres
 Corn = 11201.3
 popcorn = 390.1
 Soybeans = 377.7
 wheat = 905
 oats = 761

Plant Populations for Corn = 30,200
 popcorn = 26,100
 Soybeans = 10 plants per ft

Please try to keep applications as close to these recommendations as possible.

Thank you
the Management!



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223 2585

3434-3

SHEEHAN-SCHAFER IRRIGATION PROJECT

Design & Construction Data

Purpose of Project:

To remove water from the Missouri River and distribute it to agricultural land in Hughes and Sully Counties for irrigation of crops.

Magnitude of Project:

Approximately 70,000 G.P.M. water to be used for full time irrigation of 12,800 acres. Electric power utilized totaling 8,480 h.p. Open ditch canal provides primary distribution, with underground pipe making up the secondary distribution to sprinkler systems. Approximately 12 miles of canal and 52 miles of pipeline required. Eighty-nine center pivots electrically driven and ranging in size from 40 acre coverage to 303 acre coverage to make final application.

3434-3



MORRIS IRRIGATION, INC.

Box 1162 • Pierre, South Dakota 57501 • Phone 223 2585

Specific Data:

1. Primary River Pump Station

- 12 - 26" ϕ Steel casing pipes
 - 6 - 18" ϕ Steel discharge lines with
6-500 h.p. submersible pumps and motors
 - 1 - 14" ϕ Steel discharge line with a
250 h.p. submersible pump and motor
 - 1 - 10 3/4" ϕ Steel discharge line with a
125 h.p. submersible pump and motor
- Manifold into 68" ϕ , 5/16" wall steel pipeline
Capacity at present - 70,000 G.P.M.
T.D.H. - Ave. 150 ft.

2. Canal Distribution

62,400' open ditch with 8 feet wide bottom,
depths ranging from 9 feet to 5.4 feet,
3:1 inside slopes, 4:1 outside slopes.

3. Lift Station

- 6 - 100 h.p. Vertical hollow shaft turbine
pumps and motors
 - 1 - 50 h.p. Vertical hollow shaft turbine
pump and motor
 - 1 - 30 h.p. Vertical hollow shaft turbine
pump and motors
- Manifold into 68" ϕ , 5/16" wall steel pipe
Capacity at present - 68,800 G.P.M.
T.D.H. - 30 feet

4. Siphon 6' Elevation Drop

3,700 feet 78" ϕ pipeline, 5/16" wall,
welded steel

5. Secondary Distribution

270,000 feet of pipeline ranging from 24" ϕ
steel to 8" ϕ P.V.C.

6. Sprinkler System

- 89 - Electric drive center pivots, majority
are 8 tower systems with 6" mainline
- 84 - Electric booster pumps to pressurize
for sprinklers
Ave. size = 40 h.p.



SEP 22 1992

3434-3

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 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 flat 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 600 feet
SECTION 34: N2N2NE4NW4NW4, N2N2NW4NE4NW4, NE4NE4NE4NW4
SECTION 35: SW4, NW4
SECTION 36: ALL

RECEIPT

413498

Division of Water Rights

South Dakota Department of Environment and Natural Resources

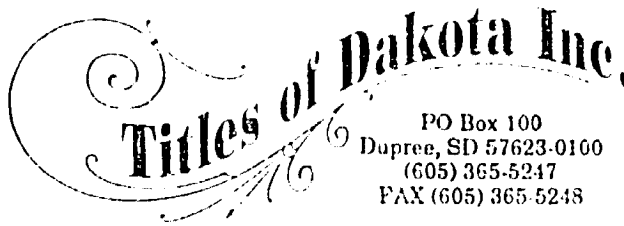
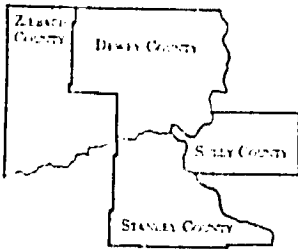
Pierre, _____ November 5, 19__89

RECEIVED OF Raymond Kintz (Harvey Sheehan) Titles of Dakota, Inc., PO Box 106, Dupree, SD
the following amount in fees for services rendered as provided for by law: 37625-0100

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. 3454-5</u>	2	50
_____ _____ _____ (Any Other Work Provided by Law)		
Total	2	50

By John W. Hatch
Chief Engineer

3434 3



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 issued 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

ABSTRACTS OF TITLE

LOAN CLOSINGS & ESCROWS

MICROFILM SERVICES

TITLE INSURANCE



3434-3

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,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures: Receipts

**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.

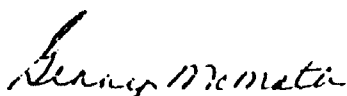
I told her that the Sheehans currently had Water Right No. 5505-3 and Water Permit No. 5621-3. The remaining water permits (Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3) had been incorporated into No. 5505-3. An assignment was already on file with each of them (assigning them to the Equitable)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

3434-3

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

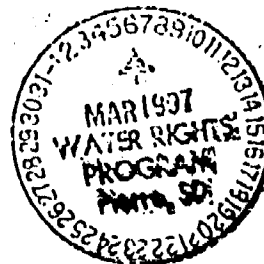
FRANCIS M. SMITH
METTE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD D. GREGGSON
JONNIE SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. BEDE
GARY P. DIMSON
BRADLEY C. GROSSENBURG
JAMES M. WEDERBACH
CRAIG H. HARALDSON
J. G. SHULTZ
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERIC M. ENTWISTLE
DAVID C. KROOK
MARK J. WELTER
JAMES E. MOORE

PETER W. SOMMERVOLD
KRISTINE L. KREITER
SCOTT C. FOLKENS
ELIZABETH A. LEWIS
TIM R. SHATTUCK
JAYNA M. VOSS
MELANIE L. CARPENTER
JEAN A. KOEHLER

MELVIN T. WOODS (1000 1003)
HOWELL L. FULLER (1000 1011)
JOHN B. SHULTZ (1012 1075)

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
Harvey D. Sheehan

Andrea L. Sheehan
Andrea L. Sheehan

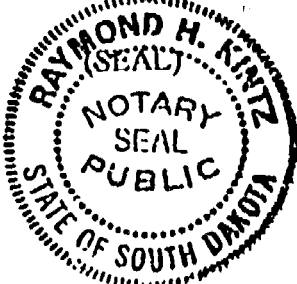
Subscribed and sworn to before me

this 7TH day of March, 1997

Raymond H. Kintz
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 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

415298

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

March 31, 19 98

Pierre, _____

RECEIVED OF TITLE 14 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 _____ after period of seven years.

Fee to retain Future Use Permit No. _____
License No. _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
Fee for Filing Transfer Form Water Permit No. 3434-3

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

2 50

(Any Other Work Provided by Law)

By

John Hatch 
Engineer



3434-3

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
Environmental Scientist
Water Rights Program
(605) 773-3352

encl