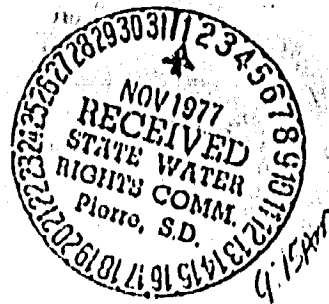


Water Right Number 4.174-3

1. Considered 11-30, 19 77
2. Name of Applicant EDGAR TAYLOR
3. Post Office Address PIERRE
4. Amount of water claimed 40.40
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 2828
7. Water to be diverted and used in SULLY & HUGHES County
about 12N Miles of PIERRE
8. Proof of Publication
Received 11-28-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Map No. 3402-3 Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant Edgar Taylor & Son, Inc. & Schaefer Partnership
Postoffice address Part A 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 Edgar Taylor Irrigation Project
4. Amount of water claimed (cubic feet per second) 40.4 C.F.S.
5. Source of water supply Missouri River
6. Location of point of diversion Between the following described point: Intersection of left Bank of Missouri River and the North section line of Section 16, T113N, R80W; and the intersection of the North section line of Section 21, T113N, R80W approximately 1000 ft. E. of the N.W. Corner of said County Sully & Hughes section.
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, 2828 acres Total number of acres to be irrigated 2828 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.
Sec. 3, 2, T113N, R79W	640	Sec. 7, T112N-R79W	617
W $\frac{1}{2}$, Sec. 33, T113N-R79W	320		
Sec. 5, T112N-R79W	634		
Sec. 6, T112N-R79W	617		

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 Appropriately Water publication Capitol 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.

Pipe and Canal

C. Works proposed to apply water to beneficial use.

Sprinkler

Estimated Total Cost \$ 1,000,000

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

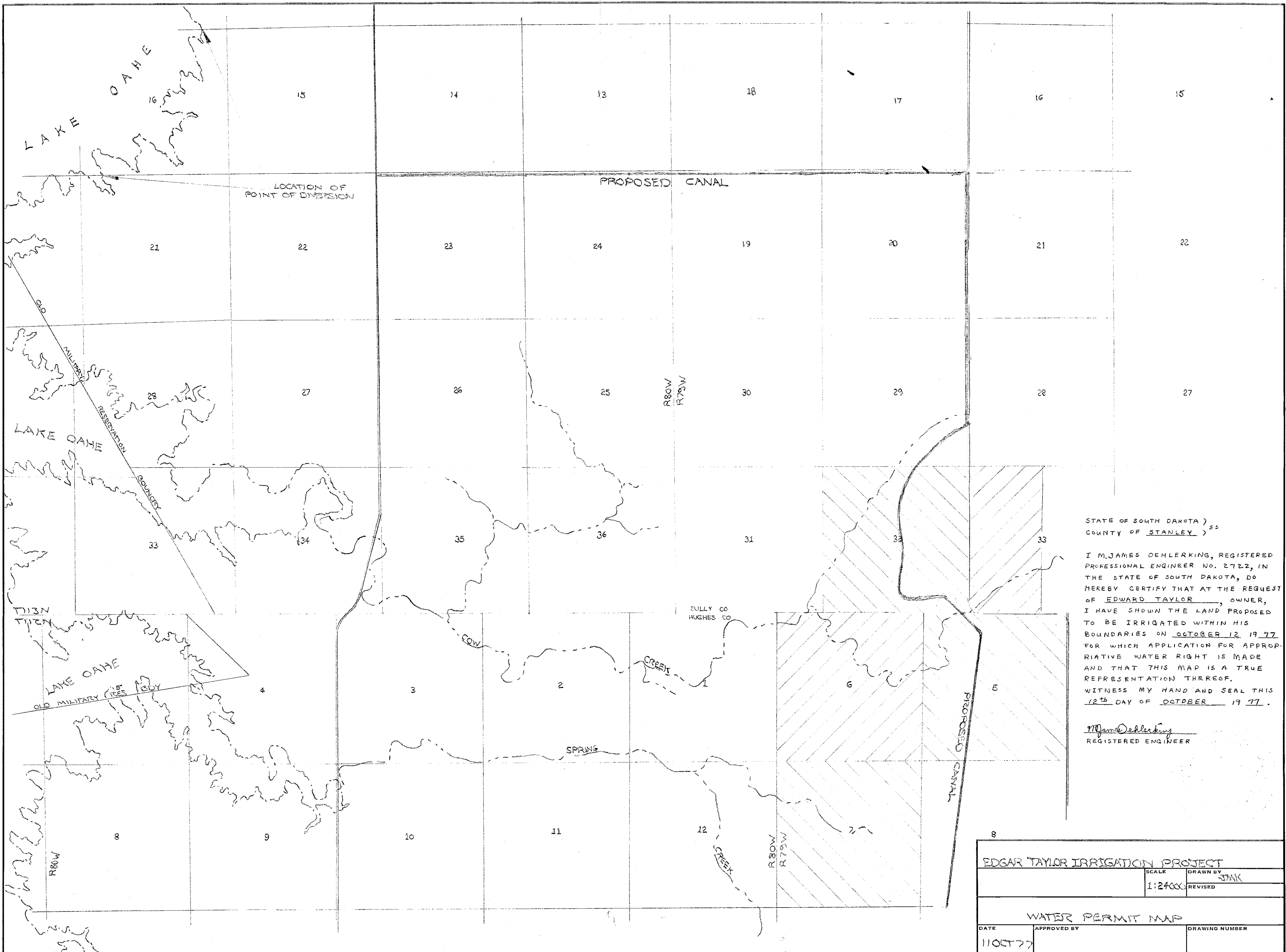
STATE OF SOUTH DAKOTA

County of _____

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 Edgar B. TaylorSubscribed and sworn to before me this 31st day of October 1977

Notary Public (or other qualified officer)



STATE OF SOUTH DAKOTA)
COUNTY OF STANLEY)⁵⁵

I M. JAMES OEHLERKING, REGISTERED
PROFESSIONAL ENGINEER NO. 2722, IN
THE STATE OF SOUTH DAKOTA, DO
HEREBY CERTIFY THAT AT THE REQUEST
OF EDWARD TAYLOR, OWNER,
I HAVE SHOWN THE LAND PROPOSED
TO BE IRRIGATED WITHIN HIS
BOUNDARIES ON OCTOBER 12, 1977,
FOR WHICH APPLICATION FOR APPROPRIATIVE
WATER RIGHT IS MADE AND THAT THIS
MAP IS A TRUE REPRESENTATION THEREOF.
WITNESS MY HAND AND SEAL THIS
12th DAY OF OCTOBER, 1977.

M. James Oehlerking
REGISTERED ENGINEER

EDGAR TAYLOR IRRIGATION PROJECT		
SCALE	DRAWN BY	
1:24000	JMK	
REVISED		
WATER PERMIT MAP		
DATE	APPROVED BY	DRAWING NUMBER
11 OCT 77		

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4174-3

EDGAR TAYLOR (Applicant) PART A, PIERCE (Post Office Address)
SOUTH DAKOTA 57501 (State) With the following modifications:

Date of first receipt of application NOVEMBER 1, 19 77
 Date of return to applicant for correction, amendments or changes required —, 19 —
 Date of receipt of corrected application NOVEMBER 8, 19 77
 Approved NOVEMBER 30, 19 77, Recorded in Book 19 Page 199

WATER RIGHT PERMIT NO. 4174-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4174-3 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 NOVEMBER 1, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 30, 19 80
3. The whole of said work is to be completed on or before NOVEMBER 30, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 30, 19 86
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 40.4 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 NOVEMBER 30, 19 86; said water to be used during the following described annual period: IRRIGATION SEASON

Witness my hand this 8TH day of DECEMBER, 19 77

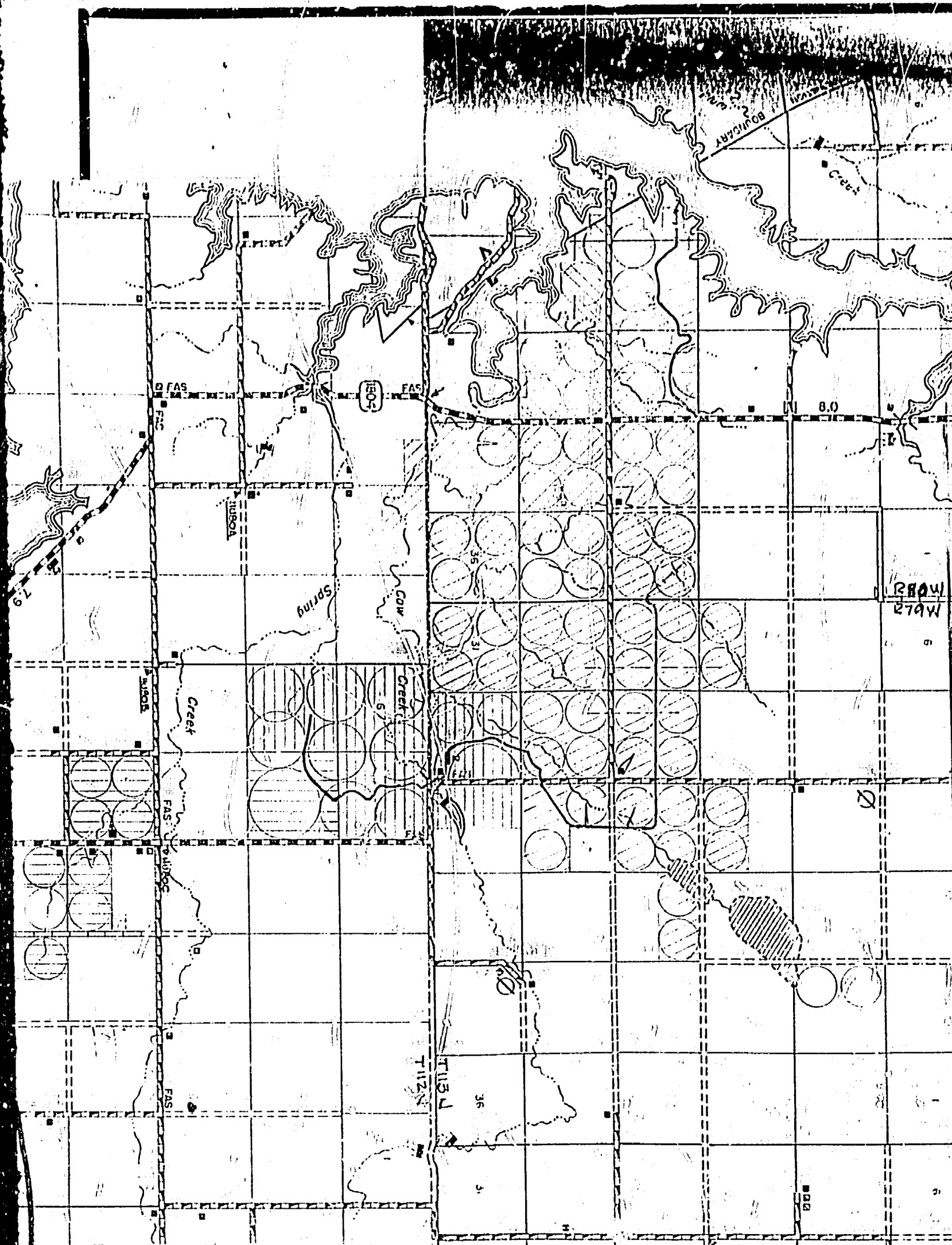
WATER RIGHTS COMMISSION

By:

John Helich
 Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —



CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



IMPORTANT: Read Instructions Before Proceeding!!!

NAME EDGAR TAYLOR

ADDRESS PART A, PIERRE SOUTH DAKOTA

COUNTY SULLY

In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Missouri River - S² 16 - 1131N - 80W
2. LOCATION OF AREA TO BE IRRIGATED W^{1/2} SEC 33 & SEC 32 T113N - R79W
SULLY COUNTY, SEC. 5 SEC. 6 SEC. 7 T112N - R79W BURNES

TYPE OF IRRIGATION:

3. GRAVITY TOWLINE CENTER PIVOT X GUN
OTHER (SPECIFY)
4. CROPS TO BE IRRIGATED CORN, BEANS, PUMPKIN

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER
6. SALINITY (EC X 10³)
7. SODIUM (SAR)
8. RESIDUAL SODIUM CARBONATE (meg/1.)

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
DAY OF , 1977.

(TITLE OR SEAL)

Edgar B. Taylor
APPLICANT'S SIGNATURE
Alfred J. [Signature]
X Approved
Disapproved
Conditionally Approved

(SOILS INFORMATION ON REVERSE SIDE)

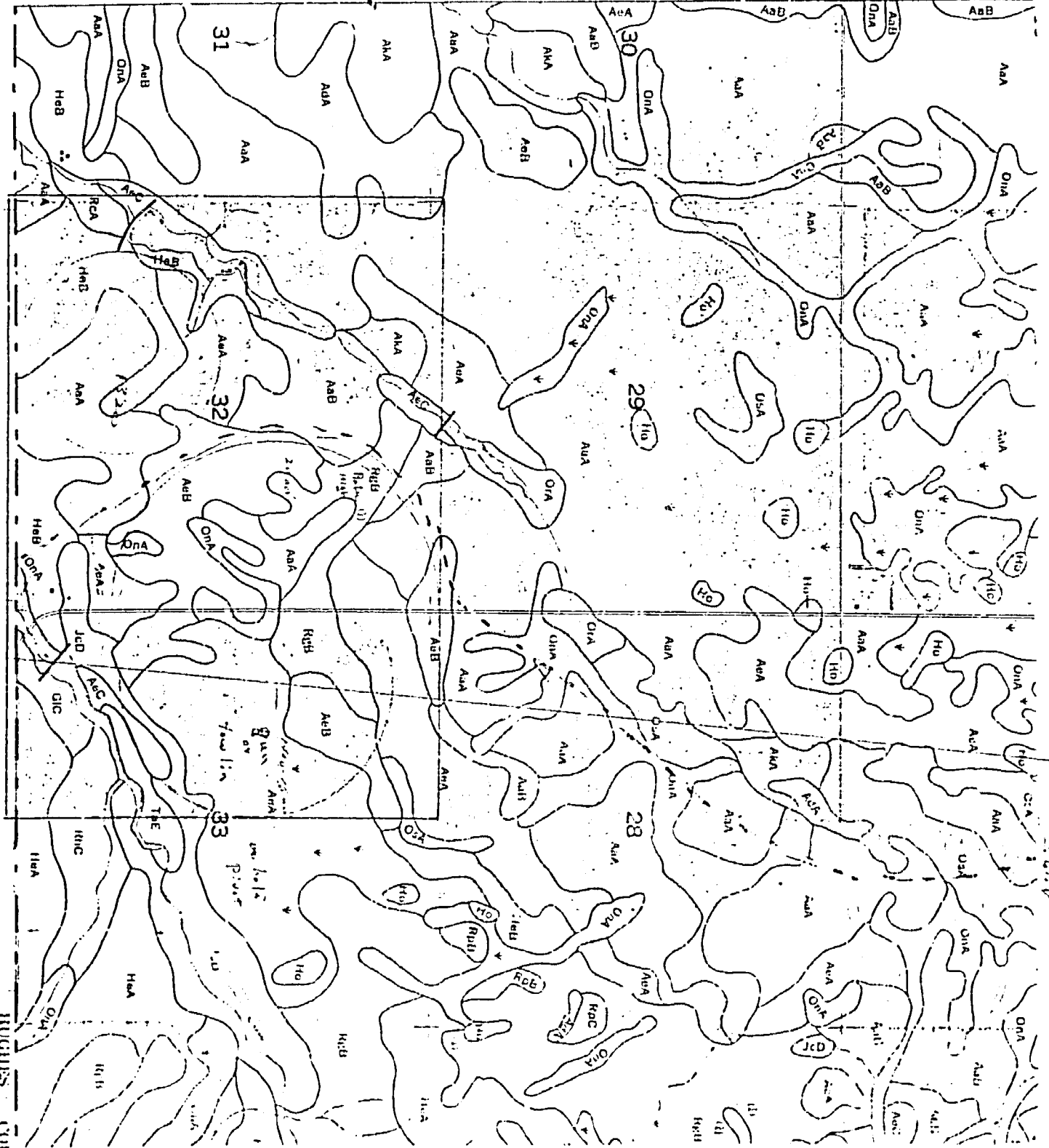
Sully Co. S.D.

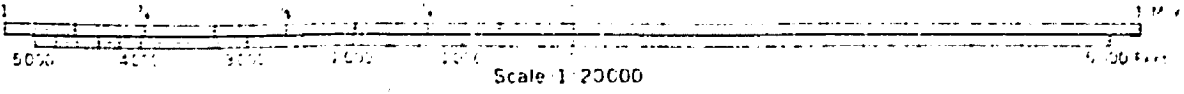
- AaA Agar silt loam, 0-2% slope, Agar soils have high available water capacity, moderate permeability, and are well suited to irrigation.
- AaB Agar silt loam, 2-5% slope, this soil has the same physical characteristics as AaA except that under marginal management there may be slight erosion problems.
- AdA Agar - DeGrey silt loams, 0-2% slope, this complex consists of about 50% Agar (same as AaA) and about 35% DeGrey. DeGrey soils have medium to high available water capacity and moderate to slow permeability due to a restrictive clay layer at 6-14 inches. Most of the Agar - DeGrey complex is suited to irrigation.
- AeA Agar - Eakin silt loams, 0-2% slope, these soils have high available water capacity, moderate permeability and are well suited to irrigation.
- AeB Agar - Eakin silt loams, 2-5% slope, these soils have the same physical characteristics as AeA except that under marginal management there may be slight erosion problems.
- AeC Agar - Eakin silt loams, 5-9% slope, these soils have the same physical characteristics as AeA except that due to their slope they can be successfully irrigated only with proper equipment.
- AkA Agar - Walke silt loams, 0-2% slope, this complex consists of about 50% Agar (same as AaA) and about 30% Walke. Walke has medium to high available water capacity, moderate to slow permeability. Most of this complex is suited to irrigation.
- GlC Glenham loam, 6-9% slope, This soil has high available water capacity, moderate permeability and due to its slope can be successfully irrigated only with the proper equipment.
- HeA Highmore - Eakin silt loams, 0-2% slope, these soils have high available water capacity, moderate permeability and are well suited to irrigation.
- HeB Highmore - Eakin silt loams, 2-5% slope, these soils have the same physical characteristics as HeA except that under marginal management may have slight erosion problems.
- JcB Java - Betts stony complex, 3-12% slope, these soils have high available water capacity and moderate permeability. The shallower slopes are suited to irrigation; the steeper slopes (3-12%) require preventive measures to prevent erosion under irrigation.

- OnA³ Onita silt loams, 0-2% slopes, Onita soils have high available water capacity, moderate permeability and are well suited to irrigation.
- OsA Onita - Hoven silt loams, 0-1% slope, this complex consists of the characteristics of both Onita (same as OnA) and Hoven. Due to a restrictive clay layer in the Hoven soil that complex is marginally suited to irrigation.
- RcA Raber - Cayo loams, 0-2% slope, these soils have medium to high available water capacity, moderate to slow permeability and with proper management are suited to irrigation.
- RcE³ Raber-Highmore silt loams, 5-9% slope, these soils have medium to high available water capacity, moderate to slow permeability and under marginal management may have slight erosion problems
- RhC Raber - Highmore silt loams, 5-9% slope, these soils have medium to high available water capacity, moderate to slow permeability, and due to slope may be successfully irrigated only with the proper equipment.
- TaE Talmo Gravelly loam, 9-25% slope, due to slope this soil is generally unsuited for irrigation.

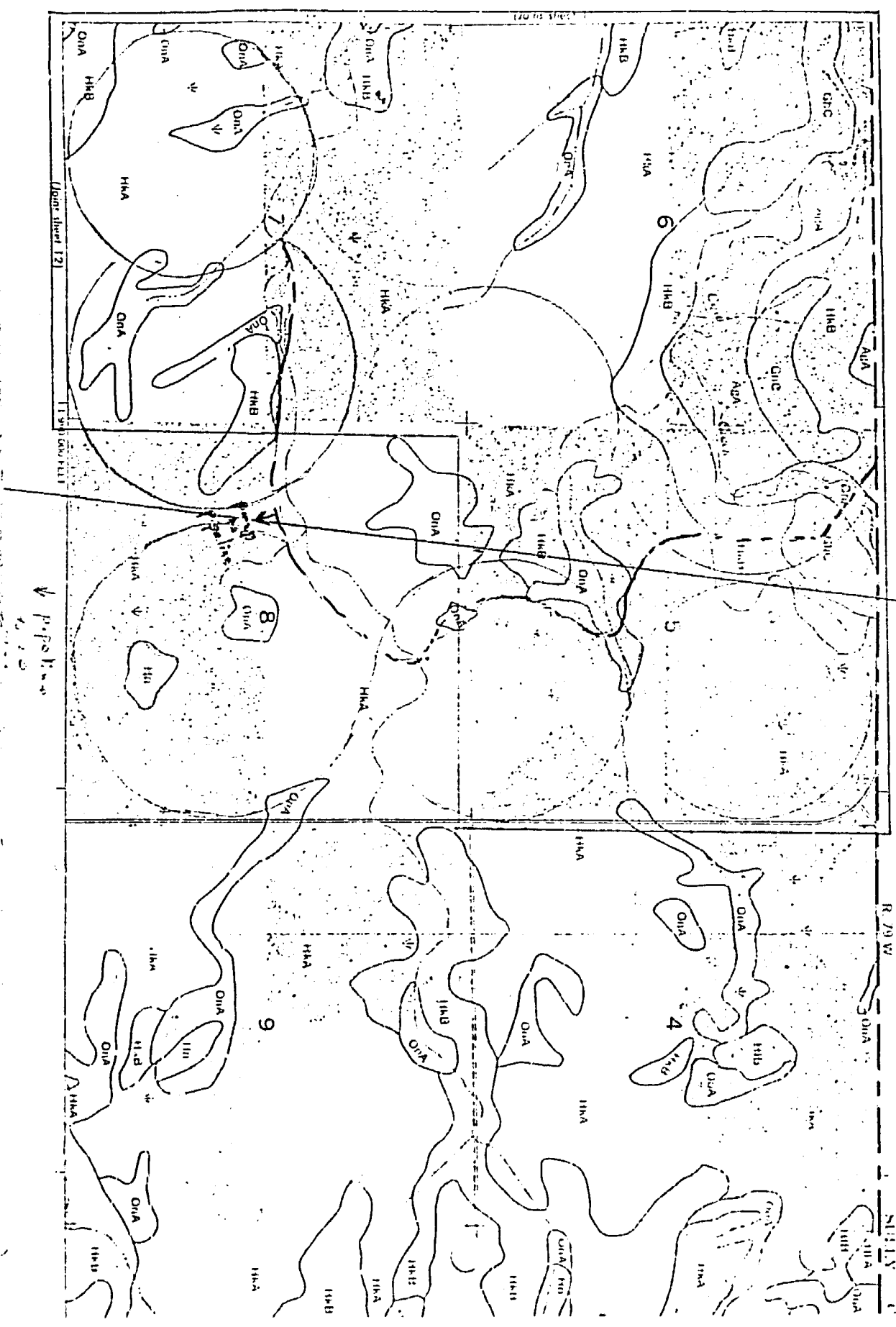
(Joins sheet 72)

T 113 N





Highline



Poplar

REC-MGMT/FORM
6/77

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Edgar Taylor, Part A, Pierre, SD

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, (4, 5) times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, (3, 4) inches of water.
3. (☒) Yes () No Surface drainage suggested - Swales should be shaped to prevent ponding.
4. () Yes () No Subsurface drainage suggested
5. (☒) Yes () No Specific land areas that should be avoided

If swales give problems in tracking or other related pivot operational conditions,

legumes and/or grass cover may be the answer. Concentrated irrigation plus rain-fall will tend to keep swales wet and could be cause for water-logging and drowning of crops in swales.

6. (☒) Deep tillage (For the purpose of aiding movement of water through dense subsoils)
7. (☒) Heavy fall application of irrigation water

You have apparent beautiful soils to irrigate. Chisel type tillage offer crop removal will open soils for natural moisture or irrigation water. This will tend to keep any natural soils salts or irrigation water salts moving downward.

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

Publish first publication, on or before November 17, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 9, 1977

Notice is hereby given that Edgar Taylor whose post office address is Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 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, for a permit to appropriate for beneficial use 40.4 cubic feet of water per second of time from the Missouri River through the Edgar Taylor Irrigation Project, the point of diversion of which is to be located in the

Between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 16, Twp. 114N Range 80W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 32, W $\frac{1}{2}$, Section 33, T113N, R79W; Sections 5, 6, and 7, T112N, R79W

This Application 4174-3 will be considered by the Water Rights Commission at Pierre, South Dakota upon the 30th day of November, 1977 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

Copy 2 sent to Edgar Taylor 11/14/77
BURTON F. JONES
Water Rights Specialist III

cc. Edgar Taylor, Part A., Pierre, SD. 57501

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

No. 4174-3
4175-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 505/773-3151

May 24, 1979

Ericson & Thorpe Insurance Agency
125 E Dakota
Box 218
Pierre, SD 57501

Gentlemen:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6925

PIERRE, May 29, 1979

RECEIVED OF Ericson and Thorpe Insurance Agency, Pierre
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. 1174-	2	00
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	00

WATER RIGHTS COMMISSION

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

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: MAY 29, 1979

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

640 acres Section 3, 113N, R79W; 320 acres W $\frac{1}{2}$ Section 33, 113N, R79W; 634 acres
Section 5, T112N, R79W; 617 acres Section 6, T112N, R79W; 617 acres Section 7, T112N,
R79W. total of 2828 acres
formerly owned by Edgar Taylor, Part A, Pierre, SD

has been transferred to HARVEY D. STEPHAN FOX 1132, PIERRE, SOUTH DAKOTA

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

Water Right Permit No. 4174-3 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 46-5-13.

STATE OF SOUTH DAKOTA)
County of STANLEY) ss.

I, EDGAR TAYLOR 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.

Edgar B Taylor
(Signed)

Subscribed and sworn to before me this 29 Day of MAY 1979.

Karl T Fischer
(Notary Public)

KARL T. FISCHER
MY COMMISSION EXPIRES
OCT. 9, 1983

May 31, 1979

Harvey D. Sheehan
Box 1132
Pierre, SD 57501

Dear Mr. Sheehan:

This will acknowledge the transfer of Water Right Permit Nos. 4174-3 and 4175-3 from Edgar and Albert Taylor to Harvey D. Sheehan.

The filing fees were paid by, and the receipts forwarded to Ericson and Thorpe Insurance Agency, Pierre, South Dakota.

Sincerely,

CENNY YOUNG
Staff Assistant

GY

cc: Ericson and Thorpe Insurance Agency

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7224

PIERRE, January 17, 1980

RECEIVED OF Sheehan and Schafer Partnership, Pierre, SD 57501

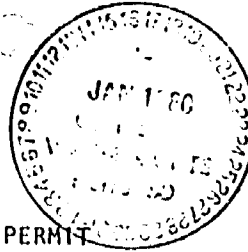
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of water right No. 4174-3		250
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		250

WATER RIGHTS COMMISSION

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

FORM 20



NO. 4174-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/17/80

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

Sec. 2 & 3, W $\frac{1}{2}$ Sec. 33, T113N, R79W; Sec. 5, 6, & 7 T112N, R79W

2828 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. 4174-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Sheehan & Schafer being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

F. D. M. Harvey Sheehan
(Signed)

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

Sam W. Wimmerman
(Notary Public)

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

January 18, 1980

Sheehan & Schafer Prr.
% Harvey Shéehan
Box 1132
Pierre, SD 57501

Dear Sirs:

This will confirm the transfer of Water Purmit 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 recelpts 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

February 1, 1980

Harvey Sheehan
Box 1132
Pierre, SD 57501

Dear Mr. Sheehan:

Reference is made to your request as to whether or not your water rights need to be filed with the county register of deeds.

All water rights are filed with this office, and are also recorded here. Inasmuch as the recordings are with the state, and are a matter of public record, we do not feel it necessary that they be recorded in the county.

This procedure has been in affect since 1907, and common practice is not to record them with the counties.

If you require further information, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/gy

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 9108

PIERRE, January 1, 1933

RECEIVED OF J.E.S. Farns, c/o Agri Management, 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 filling TRANSFER OF WATER 4174-3	2	500
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
JOHN HATCH/ms

NO. 4174-3

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:

2828 acres - Section 2 & 3, W $\frac{1}{2}$ Section 33, T113N, R79W, Section 5, 6 & 7,

T112N, R79W

formerly owned by Sheehan & Schafer, Partnership

has been transferred to J.E.S. Farms, Route A, Box 82, Pierre, South Dakota 57501
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4174-3 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)
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.

Wm. H. Brown
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 10, 1937

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4174-3</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 (MS)

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:

2828 acres- Section 2 & 3, W $\frac{1}{2}$ Section 33, T113N, R79W,

Section 5, 6, & 7, T112N, R79W.

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

has been transferred to *J.E.S. Trust %/ Mr. Lancel Olson

(please include complete mailing address)

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

Water Right Permit No. 4174-3 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 AUCARUS) 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.



[Signature]
(Signed)

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

[Signature]
(Notary Public)

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

LYNNE M. SIFFLE, Notary Public
M. Commission Expires
May 11, 1991

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

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

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

March 19, 1987

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

ATTENTION: Robert E. Hayes

Dear Mr. Hayes:

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

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

4174-3

J.E.S. FARMS

HARVEY D. SHEEHAN
OWNER

February 27, 1992

HCR 37 * BOX 82
PIERRE, SOUTH DAKOTA 57501

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

Dear Sir:

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

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

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

Very truly yours,

Harvey D. Sheehan
Harvey D. Sheehan

HDS:as
Enclosures
cc: Mark Marshall



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

RECEIVED OF Harvey and Andrea Sheehan, 30017 S. Pierce, 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 _____		
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	

By _____
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4174-3

Date: February 27, 1992

I/We request that Water Permit No. 4174-3

formerly owned by: J E S Farms (J E S Trust as of March 10, 1987)

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:
2828 acres - Sections 2 and 3, W 1/2 Section 33, T113N, R79W, Sections 5, 6 & 7, T112N, R79W

I/We understand that the validity of Water Permit No. 4174-3 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
(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.



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



SEP 22 1992

11174-3
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 Plat of Lots 1 & 2
SECTION 27: NW4
SECTION 28: NW4 except lot 1 of Gavits
Subdivision; SE4

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

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

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

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

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

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

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

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

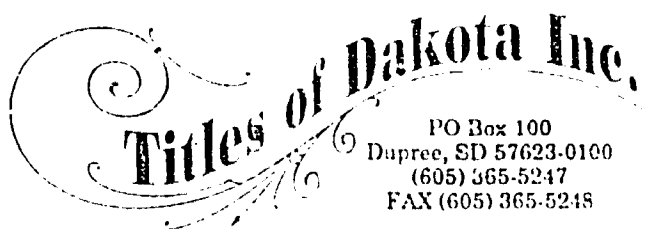
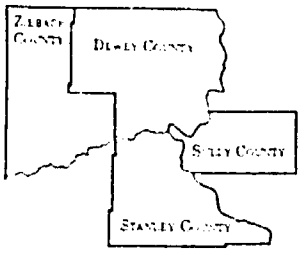
Jan 10 1934

RECEIVED OF Raymond Kintz (Harvey Sheehan) Wiles 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. 4174-5</u>	2	50
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

4174 3



TIDAK

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

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



November 4, 1992

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

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

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

Re: Sheehan Conditional Transfer

Dear Genny:

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

Enclosed please find our revised 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.

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

Sincerely yours,

Raymond H. Kintz

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



4174-3

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

4174-3

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Elizabeth Lewis

ADDRESS: w/Woodz, Fuller, Shultz & Sman, 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.

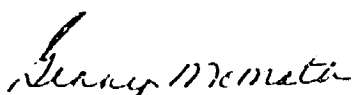
I told her that the Sheehans currently had Water Right No. 5505-3 and Water Permit No. 5621-3. The remaining water permits (Nos. 1589-3, 1713-3, 1991-3, 3434-3, 4174-3 and 4175-3) had been incorporated into No. 5505-3. An assignment was already on file with each of them (assigning them to the Equitable)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

4174-3

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
HEILE A. JOHNSON
ARLO D. SOMMERVOLD
RICHARD O. GREGERSON
JOHN E. SIMKO
WILLIAM G. TAYLOR
WILLIAM P. FULLER
STUART L. TIEDE
GARY P. THOMSEN
BRADLEY C. GR. LEBURG
JAMES H. WIEDERICH
CEMIL H. HARALDSON
J. G. SHULTZ
ROGER W. DAMGAARD
BARBARA ANDERSON LEWIS
FREDERICK M. ENTWISTLE
DAVID C. KROON
MARK J. WILTER
JAMES E. MOORE

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

MELVIN T. WOODS (1899-1983)
HOWELL L. FULLER (1900-1981)
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
Harvey D. Sheehan


 Andrew L. Sheehan

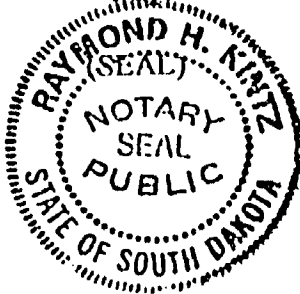
Subscribed and sworn to before me

this 7TH day of March, 1997

Notary Public - South Dakota

My Commission Expires: **October 26, 1997**

Raymond H. Kintz - Notary Public



SCHEDULE "A"

LEGAL DESCRIPTION

Harvey D. & Andrea L. Shoochan

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 "BR-1 1.46 acres, more or less, conveyed to East River Power Cooperative, Inc. Madison, SD. as shown by Plat recorded Book 4 of Plats, Page 53, and Deed recorded Book 47 of Deeds, Page 94, being part of the NW1/4NW1/4

SECTION 27: ALL, except S1/2SW1/4SW1/4SW1/4

SECTION 28: N1/2N1/2, North 10 acres of Lot 1, SE1/4NW1/4, S1/2E1/4, 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415299

Pierre, _____ March 31, 19 97

RECEIVED OF Titles of Dakota, Inc., P.O. Box 100, Lurpee, 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. 4174-3</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer



4174-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3131

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

4174



4174





Intake at Lake Oahe
 6 - 500 HP
 1 - 250 HP
 1 - 125 HP
 Total 3375 HP
 67,500 GPM capacity

Lift Station
 6 - 100 HP
 1 - 50 HP
 1 - 30 HP
 Total 680 HP
 67,500 GPM capacity

1804

Grey Goose Road

78" steel pipe

68" steel pipe

Grey Goose Substation

1804

KEY

- ROAD CLASSIFICATION
 LIGHT DUTY ——— UNIMPROVED DIRT ———
 ——— INDICATES EXISTING THREE PHASE LINE
 ——— INDICATES EXISTING SINGLE PHASE LINE
- (HP) PUMP AND/OR PUMP HORSEPOWER
 O PUMP
 P PUMP
 ——— IRRIGATION PIPE
 36 PD DYN PRIMARY
 36 4 DYN PRIMARY
 36 PD URD PRIMARY
 36 4D URD SECONDARY
 36 4D URD SECONDARY
 36 4 URD SECONDARY
 36 DYN TRANSFORMER BANK AND METERING POINT
 36 PD MOUNT TRANSFORMER BANK AND METERING POINT
 36 URD JUNCTION BOX

Sheehan-Schafer Irrigation Project
 Total Connected Horsepower 9,800