

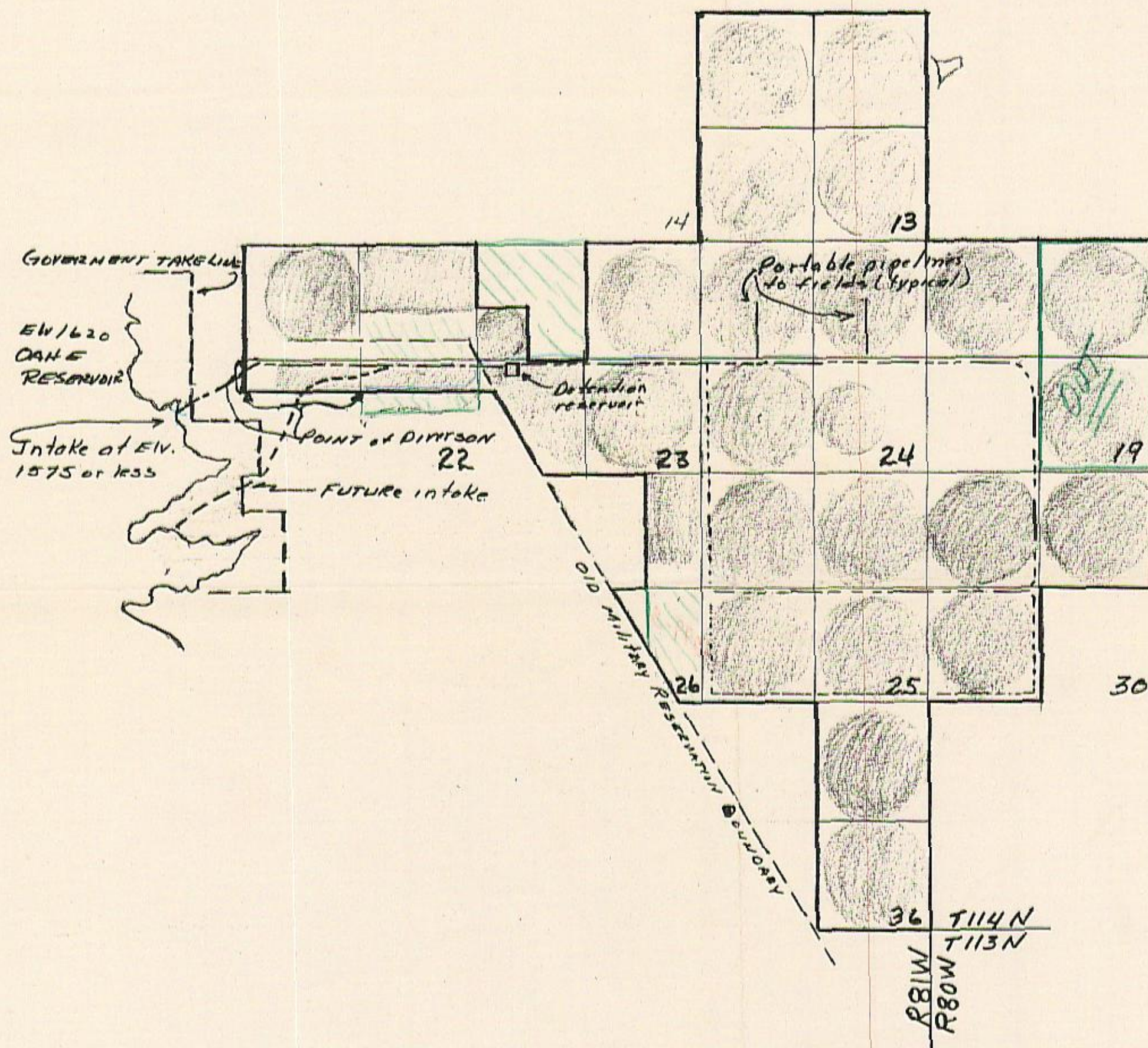
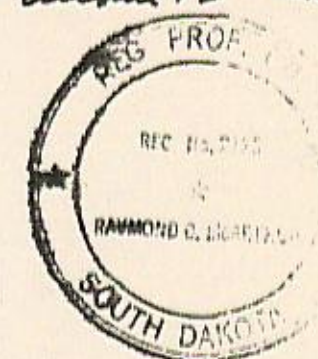
Water Right Number 4299-3

1. Considered JULY 26, 19 78
2. Name of Applicant VERNON GARRETT RANCH INC.
3. Post Office Address PIERRE, S.D
4. Amount of water claimed NO ADD'L
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 2100
7. Water to be diverted and used in SULLY County
about 22 W & 3 S miles of ONIDA
8. Proof of Publication
Received ~~HE~~ 7-26-78
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application
10. Remarks:

CORRECT ADU. NOTICE
4253-8 & 2831-3

I, **RAYMOND C. McARTHUR**, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF SOUTH DAKOTA, do hereby certify that the information shown hereon is true and correct to the best of my knowledge and suitable for the purpose intended. 12 March 1976

Raymond C. McArthur PE #2125



LEGEND

- - Lands to be irrigated
- Pipeline (future)
- initial pipeline
- open ditch
- alternate ditch route

NOTES

1. Vernon Garrett Ranch, Inc. is owner of all lands to be irrigated.
2. Maximum irrigation is 2100 Acres, more or less with areas selected or rotated as good management dictates.
3. Initial intake by portable pump and pipe line for 600 Acres, more or less.

VERNON GARRETT RANCH, INC.
DIVERSION PROJECT
SULLY COUNTY, So. DAK

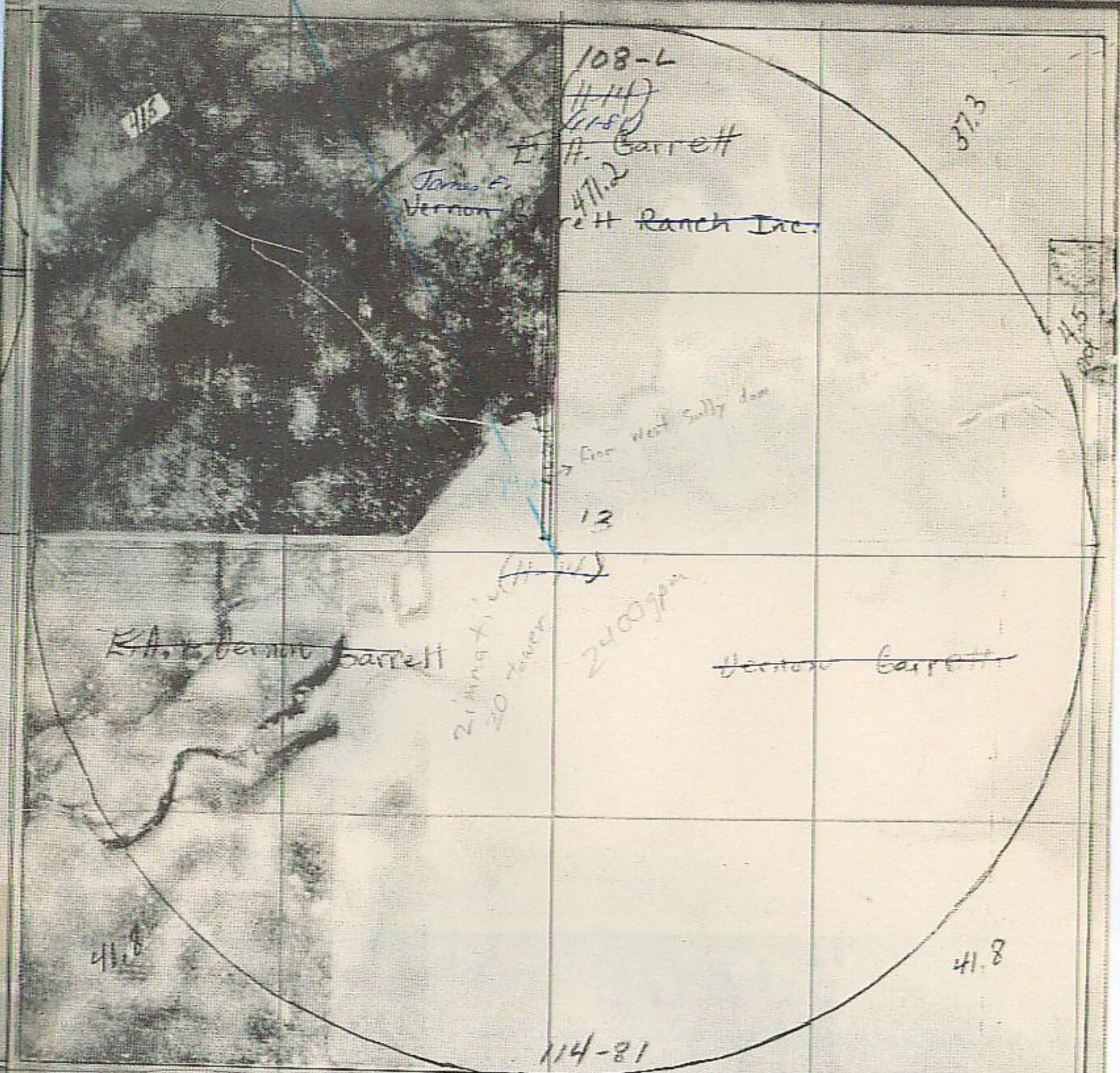
MAP NO. 2174-3 APPL. NO. 2858-3

Scale 2" = 1 mile

Drawn by *CRM* 12 MAR 76

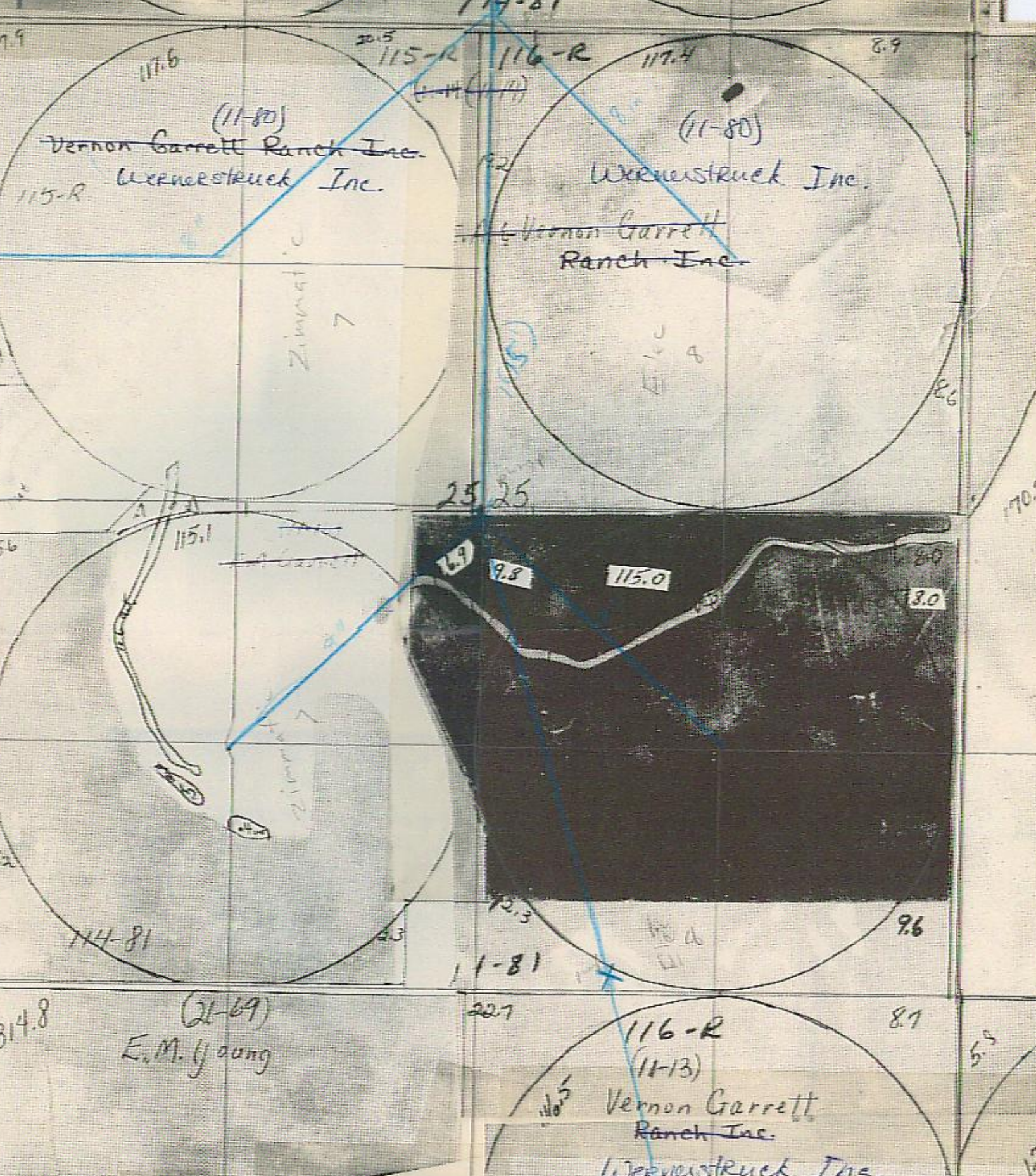
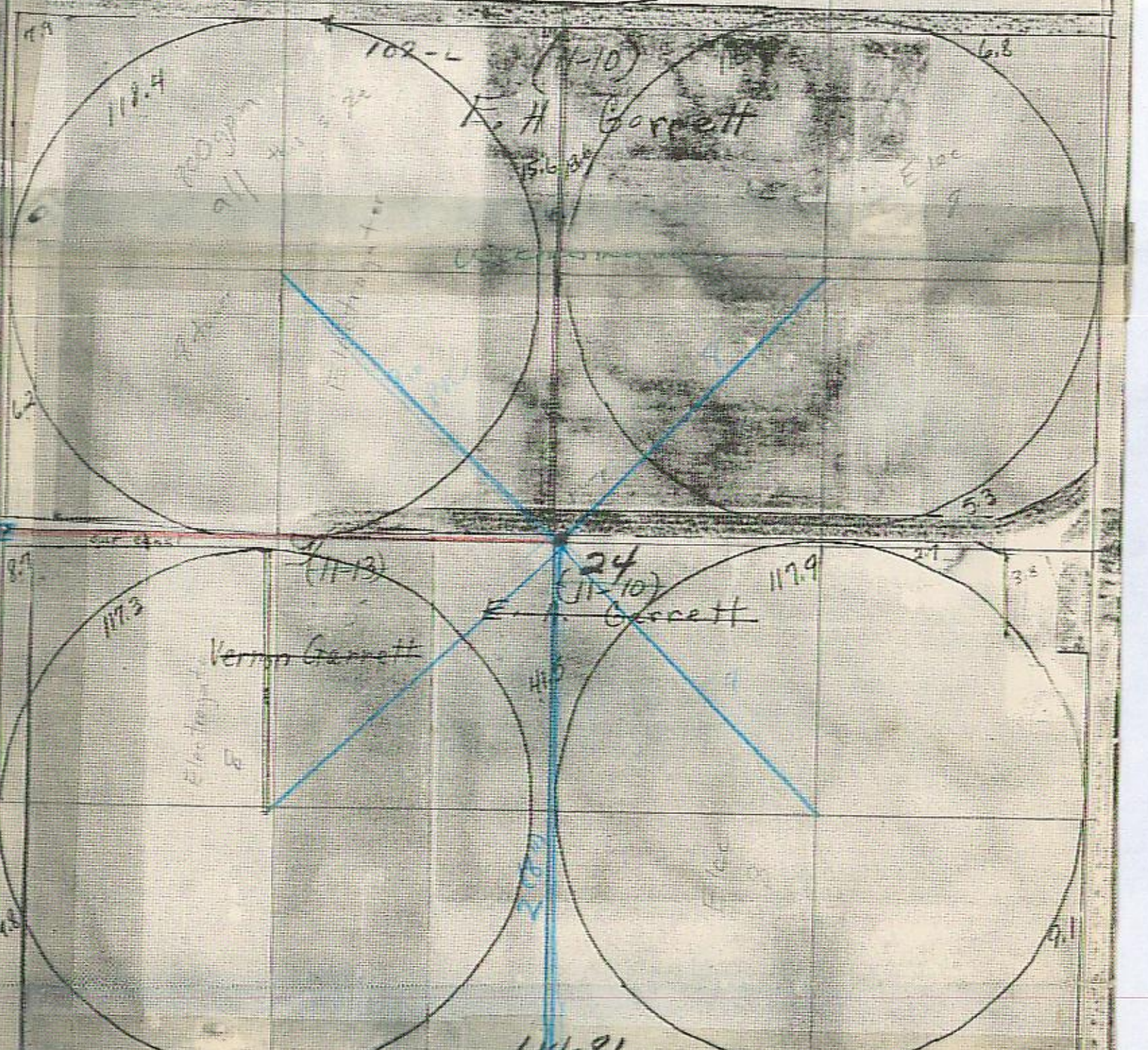
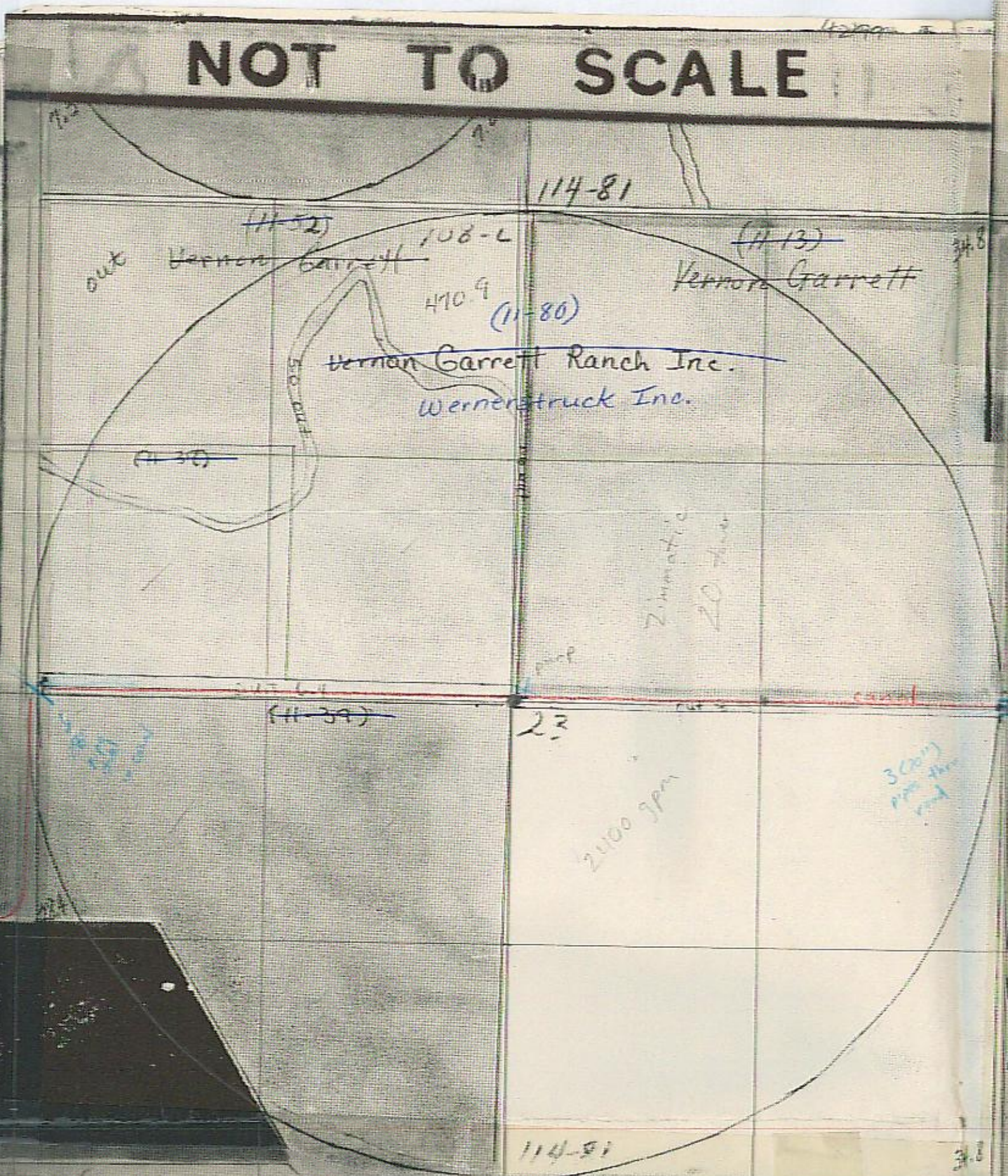
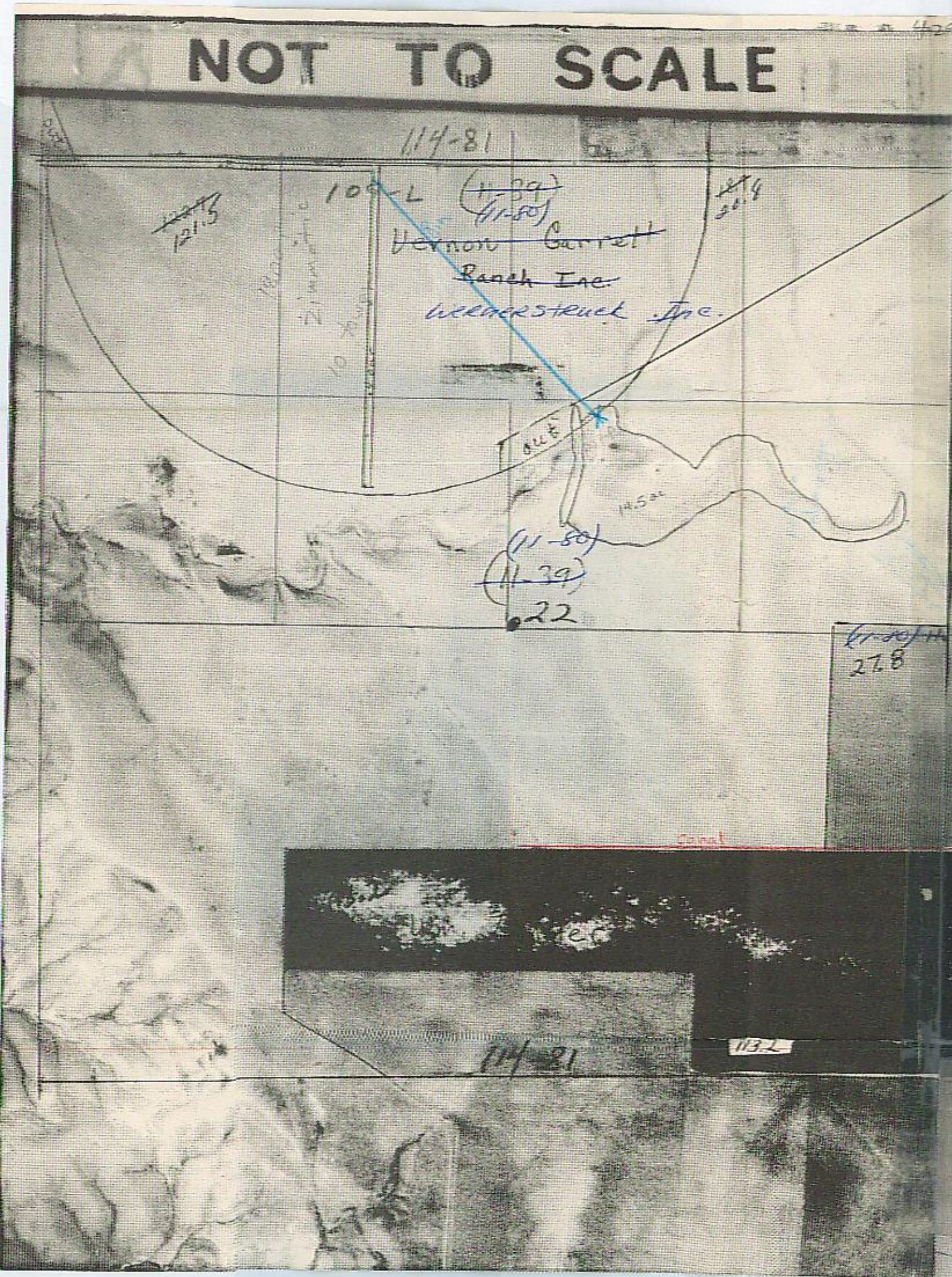
NOT TO SCALE

4299-3



NOT TO SCALE

NOT TO SCALE



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4299-3
VERNON GARRETT BANCH INC Part A., Pierre
FARMS, LTD. (Post Office Address)
 (Applicant)
South Dakota 57501 With the following modifications:
 (State)

The applicable portions of Permits Nos. 2838-3 and 4253-3 have been incorporated into this Permit No. 4299-3 and Permits No. 2838-3 and No. 4253-3 have been placed in a cancelled status.

Date of first receipt of application JULY 7, 1978
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JULY 26, 1978, Recorded in Book 20 Page 60

WATER RIGHT PERMIT NO. 4299-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4299-3 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 JULY 22, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 26, 1980
3. The whole of said work is to be completed on or before JULY 26, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 26, 1984
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 30.0 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 2 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 JULY 26, 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 1ST day of AUGUST, 1978

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

EXHIBIT "A"

Township One Hundred Fourteen (114) North, Range Eighty-One (81), West of the Fifth Principal Meridian, Sully County, South Dakota.

Section 22: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$).

Section 23: East Half ($E\frac{1}{2}$), Lots One (1), Two (2), Three (3), and Four (4), Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$).

Section 24: All

Section 25: All

Section 26: Lots Three (3) and Four (4), East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$)

Section 36: East Half ($E\frac{1}{2}$)

Additional irrigation acres.

Section 23: Lot Five (5)

~~Section 23: Lot Five (5)~~

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6476

PIERRE, _____, 19____

RECEIVED OF Action Realty, 103 N Euclid, Pierre, SD 57501 Fund 230
(for Vernon Garrett)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. <u>4299-3</u> (examination, processing, recording and filing) _____	150	00
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 _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH gy

Form 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. 4299-3

Publish first publication, on or before July 13, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 10, 1978

Notice is hereby given that the Vernon Garrett Ranch Inc. 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 no add'l cubic feet of water per second of time from the Missouri River through the Vernon Garrett Ranch Diversion ^{Project} the point of diversion of which is to be located between points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, and NW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 28, Twp. 114N, Range 81W. Said water to be used for the purpose of providing irrigation on portions of the following described land: Sec. 13: All; Section 22: Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, the N $\frac{1}{2}$ NW $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$; Section 23: E $\frac{1}{2}$, Lots 1, 2, 3, 4, and 5, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$; Section 24: All; Section 25: All; Section 26: Lots 3 and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$; Section 36: E $\frac{1}{2}$, all in Township 114 North, Range 81, West of the 5th Principal Meridian, Sully County, South Dakota.

This Application No. 4299-3 will be considered by the Water Rights Commission at the Ramada Inn, Sioux Falls, SD, upon the 26th day of July, 1978 at 10:00 A.M. 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.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Betty Westlund
BETTY WESTLUND

Water Rights Specialist I

cc: Vernon Garrett Ranch Inc., Part A., Pierre, SD 57501

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 11299-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Alice Olson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Onida Watchman

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 Onida of Onida
County of Sully and State of South Dakota;
that the said notice was publish. in said newspaper on the following
two dates:

Thursday, July 13, 1978
Thursday, July 20, 1978

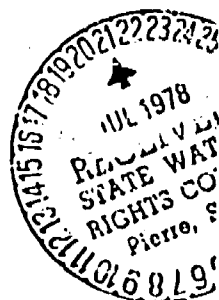
Alice Olson
(Signature)
Publisher
(Title)
July 20, 1978
(Date Signed)

No. 4299-3
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 575701
July 10, 1978

Notice is hereby given that the
Vernon Garrett Ranch, Inc.,
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; 46-2-2 thru 46-2-11.
46-2-18; 56-5-1 thru 46-5-8, 46-5-
10 thru 46-5-22, 46-5-41, and
Commission Rules ARSD 52:01
:01:01 thru 52:01:01:18, for a
permit to appropriate for bene-
ficial use no add'l. cubic feet of
water per secon of time from the
Missouri River through the Vern-
on Garrett Ranch Diversion Pro-
ject, the point of diversion of
which is to be located between
points in the NW 1/4 SE 1/4 Section
21, and NW 1/4 NE 1/4 of Section 28,
Twp. 114N, Range 81W. Said
water to be used for the purpose
of providing irrigation on portions
of the following described land:
Sec. 18: All; Section 22: Lots
1,2,3,4,5,6,7,8, and 9, the N 1/2
NW 1/4, the NW 1/4 NE 1/4; Section
23: E 1/2, Lots 1,2,3,4, and 5, NE 1/4
SW 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4;
Section 24: All; Section 25: All;
Section 26: Lots 3 and 4, E 1/2
NE 1/4; Section 36: E 1/2, all in
Township 114 North, Range 81,
West of the 5th Principal Meridi-
an, Sully County, South Dakota.

This Application No. 4299-3 will
be considered by the Water
Rights Commission at the Ramada
Inn, Sioux Falls, SD, upon the
26th day of July, 1978 at 10:00
A.M. The Commission is author-
ized 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 wit-
nesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or
orally at the hearing.



WATER RIGHTS COMMISSION
s/Betty Westlund
BETTY WESTLUND
Water Rights Specialist I
24-25

Form 9. - Forwarding Permit to
Appropriate Water

No. 4299-3



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

August 2, 1978

Vernon Garrett Ranch, Inc.
Part A
Pierre, SD 57501

Dear Mr. Garrett:

Enclosed herewith is your Water Right Permit No. 4299-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said

Water Right Permit No. 4299-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/gy

P.S. Permits No. 2838-3 and No. 4253-3 have been cancelled. The applicable portions of these permits have been incorporated into Permit No. 4299-3.

Encl: As stated

Date: December 18, 1978

(SEAL)

EXHIBIT "A"

Township One Hundred Fourteen (114) North, Range Eighty-One (81), West of the Fifth Principal Meridian, Sully County, South Dakota.

Section 22: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$).

Section 23: East Half ($E\frac{1}{2}$), Lots One (1), Two (2), Three (3), and Four (4), Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$).

Section 24: All

Section 25: All

Section 26: Lots Three (3) and Four (4), East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$)

Section 36: East Half ($E\frac{1}{2}$)

Additional irrigation acres.

Section 23: Lot Five (5)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 3651

PIERRE, December 26, 1978

RECEIVED OF Duncan, Olinger, Sratka, Maher & Lovald, Attorneys at Law
117 E. Capitol, Box 66, 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. 4299-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 97

142-99-3

LAW OFFICES
DUNCAN, OLINGER, SRSTKA, LOVALD & ROBBENNOLT, P. C.
117 EAST CAPITOL
P. O. BOX 66
PIERRE, SOUTH DAKOTA 57501

RICHARD A. DUNCAN
RONALD D. OLINGER
WILLIAM I. SRSTKA, JR.
JOHN S. LOVALD
JAMES ROBBENNOLT

TELEPHONE 224-8851
AREA CODE 605

August 13, 1979

South Dakota Department
of Natural Resources
Water Rights Division
Anderson Building
Pierre, South Dakota 57501

Attention: Burton Jones

Dear Mr. Jones:

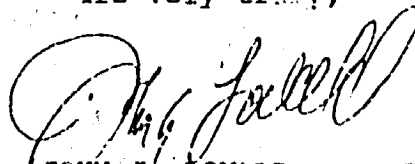
Re: Vernon Garrett Farms, Ltd.

I am writing with respect to the Water Right Permit previously issued to Vernon Garrett Farms, Ltd. For all intents and purposes, the works, as proposed in the application for the water right, are now complete and ready for inspection.

I would request that you send me the appropriate forms for us to complete to initiate that inspection.

If you have any questions, please feel free to contact me.

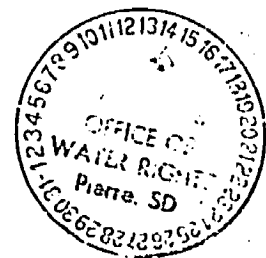
Yours very truly,


JOHN S. LOVALD
Attorney at Law

Aug. 14, 1979

JSL/dmf

Called Mr. Lovald. Told him this letter was a notification for future inspection.



NOTICE OF ASSIGNMENT OF WATER PERMIT
FOR PURPOSE OF
COLLATERALIZING REAL ESTATE LOAN

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

DATE: April 6, 1979

THIS IS TO NOTIFY YOU that title to the land described as follows:

See Exhibit "A" attached hereto and by this reference incorporated herein,

owned by VERNON GARRETT FARMS, LTD., will be mortgaged to the CONNECTICUT MUTUAL LIFE INSURANCE COMPANY of Hartford, Connecticut, together with any rights to the beneficial use of water thereon as evidenced by Water Permit No. 4299-3 as provided for in SDCL §46-5-32 and §46-5-33.

By the execution of this instrument, VERNON GARRETT FARMS, LTD. hereby assign and transfer to CONNECTICUT MUTUAL LIFE INSURANCE COMPANY all rights which Assignor has in Water Right Permit No. 4299-3 as collateral security for the loan to be made by CONNECTICUT MUTUAL LIFE INSURANCE COMPANY to Assignor.

Assignor further authorizes and empowers CONNECTICUT MUTUAL LIFE INSURANCE COMPANY to make all payments due under said Permit, and to carry out all of the terms thereof, in order to protect Assignee's rights and security therein and in the real estate to which the Water Right Permit is appurtenant, and Assignor further grants unto Assignee the right to enforce all rights accruing under the above-referenced Water Permit to Assignor in the same manner and to all intents and purposes as Assignor could do were these presents not executed.

DATED this 17th day of April, 1979.



VERNON GARRETT FARMS, LTD.
A South Dakota Limited Partnership

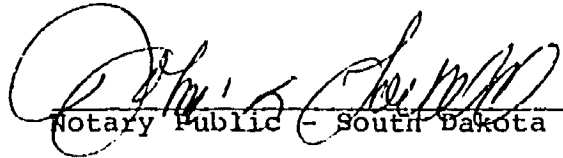
By: Vernon Garrett
VERNON GARRETT
A General Partner

State of South Dakota)

County of Hughes) ss

On this, the 17th day of April, 1979, before me, the undersigned officer, personally appeared VERNON GARRETT, who acknowledged himself to be a General Partner of VERNON GARRETT FARMS, LTD., a South Dakota Limited Partnership, and that he, as such General Partner, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Limited Partnership by himself as General Partner.

In Witness Whereof, I hereunto set my hand and official seal.


Notary Public - South Dakota

My Commission Expires: 3/3/83.

(SEAL)

EXHIBIT "A"

Township One Hundred Fourteen (114) North, Range Eighty-One (81), West of the Fifth Principal Meridian, Sully County, South Dakota.

Section 22: Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$).

Section 23: East Half ($E\frac{1}{2}$), Lots One (1), Two (2), Three (3), and Four (4), Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$).

Section 24: All

Section 25: All

Section 26: Lots Three (3) and Four (4), East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$)

Section 36: East Half ($E\frac{1}{2}$)

Additional irrigation acres.

Section 23: Lot Five (5)

1031
401610101
Department of Natural Resource Development

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

April 23, 1979

Duncan, Olinger, Srscka, Maher & Lovald
117 East Capitol
Pierre, SD 57501

ATTN: John Lovald

Gentlemen:

This will acknowledge receipt of the assignment of Water Permit No. 4299-3, in the name of Vernon Garrett Farms, Ltd., to the Connecticut Mutual Life Insurance Co. of Hartford, Connecticut.

The assignment has been placed in Water Right File No. 4299-3.

Statutes require that we charge \$2.50 for filing such assignment. Please remit this amount at your earliest convenience.

Sincerely,

Burton F. Jones
Water Rights Specialist IV

BFJ:plh

4277-3

DORSEY & WHITNEY

A Partnership Including Professional Corporations

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402
(612) 340-2600

TELEX: 29-0605
TELECOMPAR: (612) 340-2868

510 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
ST. PAUL, MINNESOTA 55101
(612) 227-8017

P. O. BOX 848
340 FIRST NATIONAL BANK BUILDING
ROCHESTER, MINNESOTA 55903
(507) 288-3156

312 FIRST NATIONAL BANK BUILDING
WAYZATA, MINNESOTA 55391
(612) 475-0373

DENNIS BURATTI
(612) 340-2920

201 DAVIDSON BUILDING
8 THIRD STREET NORTH
GREAT FALLS, MONTANA 59401
(406) 727-3332

SUITE 675 NORTH
300 M STREET N.W.
WASHINGTON, D.C. 20036
(202) 296-2780

30 RUE LA BOÉTIE
75008 PARIS, FRANCE
011 331 562 32 50

February 27, 1984

Water Rights Commission
State of South Dakota
Joe Foss Building
Pierre, South Dakota 57501

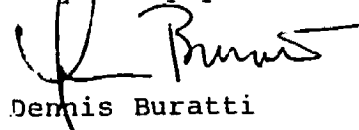
Re: Water Rights Permit No. 4299-3

Gentlemen:

Our client, First National Bank of Minneapolis, whose address is First Bank Place, Minneapolis, Minnesota 55480, has acquired the above referenced Water Rights Permit through foreclosure of a mortgage covering the irrigated property given by the original applicant for the Permit, Vernon Garrett Farms, Ltd. I enclose for your reference a copy of the recorded Sheriff's Deed evidencing this foreclosure.

I would appreciate your sending me whatever forms are necessary, any, for transferring the Permit to First National Bank of Minneapolis. Of course, don't hesitate to contact me should you have any questions regarding this matter, and thank you for your assistance.

Very truly yours,


Dennis Buratti

DB:jn
Enclosure



SHERIFF'S DEED

STATE OF SOUTH DAKOTA)

County of Sully)^{ss}

This Indenture and Sheriff's Deed, is made and executed this 9th day of January, 1984 by Maynard L. Bloom, the duly elected, qualified and acting Sheriff of Sully County, South Dakota, unto the First National Bank of Minneapolis, a national banking association, First Bank Place, Minneapolis, Minnesota 55480, Hennepin County, Minnesota, hereinafter referred to as Grantee.

WITNESSETH:

Whereas default having been made in the conditions of a certain real estate mortgage and security agreement made and executed by Vernon Garrett Farms, Ltd., a South Dakota limited partnership, to the Connecticut Mutual Life Insurance Company, with its principal place of business located at Hartford, Connecticut, said mortgage being dated the 27th day of February, 1979, which mortgage was delivered and recorded in the office of the Register of Deeds of Sully County, South Dakota, on April 24, 1979 and recorded in Book 66 of Mortgages at pages 289, 290, 291, 292 and 293, whereby the property hereafter described was mortgaged to secure repayment of the principal sum of One Million Three Hundred Fifty Thousand (\$1,350,000.00) Dollars together with interest thereon, according to the conditions of the promissory note executed on the same date;

Whereas the duly elected Sheriff of Sully County, South Dakota, by virtue of the power of sale contained in said mortgage, and by virtue of the Judgment and Decree of Foreclosure pursuant to Chapter 21-47 of the South Dakota Compiled Laws, of the Circuit Court in and for Sully County, South Dakota, dated November 2, 1982, and docketed in said Court and pursuant to that Special Writ of Special Execution issued by said Court on December 3, 1982, has on January 6, 1983, at 11:00 o'clock A.M. of that date, sold the premises hereafter described at public auction at the front door of the Sully County Courthouse in

Onida, Sully County, South Dakota, notice of the time and place of such sale having been first duly given as required by law, at which sale, the premises was struck off and sold unto the Connecticut Mutual Life Insurance Company, with its principal offices located in Hartford, Connecticut for the sum of One Million Five Hundred Thirty-six Thousand Two Hundred Seventy-eight and 93/100's (\$1,536,278.93) Dollars, said institution being the highest bidder and that being the highest sum bid and the whole price paid for the same; and

Whereas, the Sully County Sheriff after receiving from the purchaser, the money so bid as aforesaid, gave unto the Connecticut Mutual Life Insurance Company, such Sheriff's Certificate as is by law directed to be given, and the same having been duly recorded in the office of the Register of Deeds of Sully County, South Dakota on the 6th day of January, 1983 at 11:55 o'clock A.M. in Book 68 of Mortgages on pages 374, 375, 376, 377, 378, 379, 380, 381 and 382; and

Whereas, pursuant to Chapter 21-52 of the South Dakota Compiled Laws, and the terms and conditions of the mortgage instrument and the Judgment and Decree of Foreclosure, more than one year from the date of the recording of the Certificate of Sale having expired without any redemption of the premises having been made;

Whereas, the Sheriff's Certificate of Sale was duly assigned by the Connecticut Mutual Life Insurance Company to the First National Bank of Minneapolis, a national banking association, of First Bank Place, Minneapolis, Minnesota 55480 by assignment dated December 13, 1983 which was recorded on December 16, 1983 at 10:00 o'clock A.M. in Book 25 of Miscellaneous on page 399 of the Sully County Register of Deeds records.

NOW, this indenture witnesseth, that the Sheriff aforementioned and the party of the first part by virtue of said mortgage and pursuant to the statute in such case made and provided, for and in consideration of the sum of money

above-described, to him in hand paid as aforesaid by Connecticut Mutual Life Insurance Company, the receipt of which is hereby acknowledged, by virtue of bidding in the full amount of the Judgment rendered against the defendant, Vernon Garrett Farms, Ltd., together with such further funds expended to protect the position of Connecticut Mutual Life Insurance Company, has granted, bargained, sold, conveyed and confirms, and by these presents does grant, bargain, sell, convey and confirm unto the First National Bank of Minneapolis, their successors, heirs and assigns, all of the following described property, located in the County of Sully, State of South Dakota:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS
REFERENCE INCORPORATED HEREIN

together with all and singular, the Tenements, Hereditaments and appurtenances thereto pertaining or in any way appertaining; to have and to hold the same unto the First National Bank of Minneapolis, their successors, heirs and assigns forever.

IN WITNESS WHEREOF, the Sheriff has hereunto set his hand and seal, the day and year first above written.

Exempt From
Transfer Fee

Maynard L. Bloom
Maynard L. Bloom, Sheriff, Sully
County, South Dakota

State of South Dakota)

ss

County of Sully)

On this, the 9th day of January, 1984, before me, the undersigned officer, personally appeared MAYNARD L. BLOOM, who acknowledged himself to be the duly appointed and qualified Sheriff of Sully County, South Dakota and that he as such Sheriff, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Sully County, South Dakota, by himself as its duly appointed and qualified Sheriff.

In witness whereof, I hereunto set my hand and official seal.

Patty Hoyer
Notary Public - South Dakota

My commission expires:
(SEAL)

8-15-86

EXHIBIT "A"

The following property located in Township 114 North, Range 81 West of the Fifth Principal Meridian, Sully County, South Dakota:

Section 22: Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9;
N $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 23: E $\frac{1}{2}$; Lots 1, 2, 3, 4 and 5; NE $\frac{1}{4}$ SW $\frac{1}{4}$;
N $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$

Section 24: All (except Lot A in SE $\frac{1}{4}$)

Section 25: All

Section 26: Lots 3 and 4; E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 36: E $\frac{1}{2}$

All fixed machinery and other fixed equipment of whatever nature including but not limited to all irrigation equipment, including pumps, motors, gearheads, grain storage bins, truck scales, grain dryers, and sprinklers, now owned or hereafter acquired by Vernon Garrett Farms, Ltd., used in connection with their operations conducted upon the real estate described above with all additions and accessions and assessments thereto and replacement and substitutions thereof, including specifically, but not in limitation thereof, the following specifically described equipment:

413 Deutz "Diesel" Motors

Year 1978	Model BF10L-413	Serial #5611-276	H.P. 272
Year 1978	Model BF10L-413	Serial #5611-275	H.P. 272
Year 1978	Model BF10L-413	Serial #5611-274	H.P. 272
Year 1978	Model BF10L-413	Serial #5766-641	H.P. 272
Year 1978	Model F6L-413	Serial #5688-324	H.P. 126
Year 1978	Model BF10L-413	Serial #5766-640	H.P. 126
Year 1978	Model F3L-912	Serial #5933-170	H.P. 34
Year 1978	Model F6L-413	Serial #5688-321	H.P. 126
Year 1978	Model F6L-413	Serial #5388-521	H.P. 126
Year 1978	Model F8L-413	Serial #560-5603	H.P. 146
Year 1978	Model F6L-413	Serial #5388-5'9	H.P. 126
Year 1978	Model F6L-413	Serial #5600-042	H.P. 126

Cornell Pumps

Year 1978	Size 6"	Serial #26322
Year 1978	Size 6"	Serial #26323
Year 1978	Size 6"	Serial #26324
Year 1978	Size 6"	Serial #26325
Year 1978	Size 6"	Serial #26366
Year 1978	Size 4"	Serial #26185
Year 1978	Size 5"	Serial #26247
Year 1978	Size 5"	Serial #26371
Year 1978	Size 5"	Serial #26248
Year 1978	Size 5"	Serial #26243
Year 1978	Size 5"	Serial #26251

Generators

Year 1978 Make Winco	1/2 Pivot	Model #10 PS 46-18
Year 1978 Make Lima	(Big Pivot)	Model #A 71350 AA
Year 1978 Make Winco		Model #20 PS 46-18
Year 1978 Make Winco		Model #20 PS 46-18
Year 1978 Make Winco		Model #20 PS 46-18
Year 1978 Make Winco		Model #20 PS 46-18

Center Pivots

<u>Make</u>	<u>Model</u>	<u>Drive</u>	<u>Towers</u>	<u>Serial Number</u>
Zimmatic	307	Electric	10	WO 9151 (special equipment 80' overhang)
Zimmatic	Combo	Electric	15 of model 410 4 of model 307	WO 9027
Zimmatic	307	Electric	7	WO9126
Zimmatic	307	Electric	7	WO9208
Zimmatic	307 (mobil)	Electric	3	WO9028
Reinke	630	Electric	8	778-C5259-680
Reinke	680	Electric	8	878-C5265-680
Reinke	680	Electric	8	878-C5267-680
Reinke	680	Electric	8	878-C5278-680
Reinke	680	Electric	8	878-C5289-680
Reinke	680	Electric	8	978-C5301-680
Reinke	680	Electric	8	978-C5311-680
Reinke	680	Electric	8	978-C5333-680

Irrigation equipment installed by Defendant Morris
Irrigation, Inc., including:

- 1 Suction adapter
- 1 Motor stand
- 1 6HH 150 h.p. Cornell Pump
- 1 Discharge Cone
- 1 8" 1/4 Turn Tufskin Valve
- 1 Size 5 Control Panel w/heaters, fuses, lightning arrestors and capacitors
- 1 Screen
- 1 10" Suction Pipe x 60'
- 1 Discharge Manifold
- 1 8" dogleg
- 1 2,000' - 8" 125 PSI PVC
- 1 8" dogleg
- 1 Manifold to Pivot
- 1 8" Pumpout
- 1 8" Air & Vac
- 2 Suction Adapters
- 2 Motor stands
- 2 5HH 125 h.p. Cornell Pumps, appearing to bear Serial #33925 and #33928
- 2 Discharge cones
- 2 8" 1/4 Turn Tufskin Valves
- 2 Size 5 Control Panels w/heaters, fuses, lightning arrestor and capacitor
- 2 Subcarriers & Manifolds
- 4 100 h.p. Valley Subs 15" HHE
- 1 Stage pump
- 4 12' Check Valves
- 4 500' Lengths of Subcable

- 4 Size 4 Control Panels w/headers, fuses, lightning arrestors & capacitor
- 240 20" x 10 ga. Steel pipe
- 2 125 h.p. Electric pump at End of Canal, appearing to bear serial #FS231041 and #FS231042
- 1 150 h.p. Electric pump at Gravel Road

Further including all easements, easement rights and permits relating to the use of the premises described above, and in particular, all of such rights and permits which relate to the use of water for irrigation purposes, and further including all of such rights and permits whether used by federal or state or local governments or private proprietors, including but not limited to easement granted by the Secretary of the Army, dated July 10, 1978, being Easement No. DACW45-2-78-6116, recorded with the Sully County Register of Deeds on the 12th day of April, 1979, in Book 23, pages 507-511, as amended by Amendment No. 1 dated November 1, 1978, which Amendment was recorded with the Sully County Register of Deeds on the 12th day of April, 1979, in Book 23, pages 513-514, and assigned to Vernon Garrett Farms, Ltd., and Vernon Garrett by assignment recorded April 12, 1979, in Book 23, page 514.

Easements granted by Sully County, a political subdivision:

One dated May 2, 1978, and recorded with the Sully County Register of Deeds on May 17, 1978, in Book 23 of Miscellaneous, pages 296-297;

One dated May 2, 1978, and recorded with the Sully County Register of Deeds on May 17, 1978, in Book 23 of Miscellaneous, pages 297-299.

An easement granted by William G. Zimmerman of Part A, Pierre, South Dakota, dated December 1, 1978, and recorded with the Sully County Register of Deeds on December 21, 1978, in Book 9, page 301, including Lot P-1 in Lot 5 of Section 21, and Lot P-2 in Lot 10 of Section 22, Township 114 North, Range 81 West, Fifth Principal Meridian, Sully County, South Dakota.

All of Vernon Garrett Farms, Ltd.'s interest in that easement granted by said Vernon Garrett Farms, Ltd., unto Vernon Garrett Ranch, Inc., dated July 1, 1978, and recorded with the Sully County Register of Deeds on August 18, 1978, in Book 9, on pages 272-273.

South Dakota Water Right No. 4299-3 and Section 10 Permit issued by Department of the Army Corps of Engineers, dated December 22, 1978, No. SD 2SB OXT 3001673.

MARGIN _____
MARKED ☒
COMPARED ☒
RECORDED ☒
INDEXED ☒
FILED ☒
SEARCHED ☒

State of South Dakota } ss
County of Sully }
Filed for record this 9th day of
January 19 84 at 3:00 o'clock,
and 45 minutes P. M, and recorded
in book 47 of Deeds
on page s 401-402-403-404 and 405
by Margaret Rose
Deputy Register of Deeds

Water Rights Division
605 773-3352

March 6, 1984

4299-3

Dennis Buratti
% Dorsey & Whitney
2200 First Bank Place East
Minneapolis MN 55402

Dear Mr. Buratti:

Enclosed per your request of February 27, 1984 is a transfer form for transferring Water Permit No. 4299-3 from Vernon Garrett to First National Bank of Minneapolis.

The new owner should sign the transfer form before a notary public and return it to this office with a \$2.50 filing fee. The permit can then be transferred to the new owner.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

The Sheriff's Deed you submitted will be filed with the permit. If you have any questions, please contact us.

Sincerely,

GEMMY MCMATH
Natural Resources Analyst

GM:ks

enclosure

RECEIPT

Division of Water Rights

No 4 9583

South Dakota Department of Water and Natural Resources

Pierre, March 14, 1954

ATT: Dennis Buratti

RECEIVED OF First Bank of Minneapolis, First Bank Place, Minneapolis, MN 55480

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 #4299-3	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 Hatch
Chief Engineer JOHN HATCH (ms)

DORSEY & WHITNEY

A Partnership Including Professional Corporations

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402
(612) 340-2600

TELEX: 29-0605
TELECOPIER: (612) 340-2868

510 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
ST. PAUL, MINNESOTA 55101
(612) 227-8017

P. O. BOX 848
340 FIRST NATIONAL BANK BUILDING
ROCHESTER, MINNESOTA 55903
(507) 288-3158

312 FIRST NATIONAL BANK BUILDING
WAYZATA, MINNESOTA 55391
(612) 475-0373

DENNIS BURATTI
(612) 340-2923

201 DAVIDSON BUILDING
8 THIRD STREET NORTH
GREAT FALLS, MONTANA 59401
(406) 727-3632

SUITE 675 NORTH
1800 M STREET N.W.
WASHINGTON, D.C. 20036
(202) 296-2780

30 RUE LA BOÉTIE
75008 PARIS, FRANCE
011 331 562 32 50

March 12, 1984

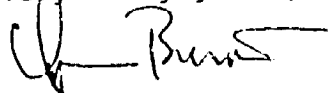
South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Attention: Genny McMath
Natural Resources Analyst

Dear Ms. McMath:

Per your letter of March 6, 1984, I enclose the completed Notice of Transfer of Water Permit No. 4299-3 from Vernon Garrett Farms, Ltd. to First National Bank of Minneapolis, to which is attached a check in payment of the \$2.50 filing fee. I assume that you will be sending me the new permit. Thank you.

Very truly yours,



Dennis Buratti

DB:jn
Enclosure



NO. 4299-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 8, 1984

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

2100 acres - Lots 1,2,3,4,5,6,7,8,9, and N 1/2 NW 1/4 and NW 1/4 NE 1/4, Sec 22;
E 1/2, Lots 1,2,3,4 & 5 NE 1/4 SW 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4 Sec 23; Sec 24;
Sec 25; Lots 3 & 4, E 1/2 NE 1/4 Sec 26; E 1/2 Sec 36, all in T114N, R81W

formerly owned by Vernon Garrett Farms, LTD
First National Bank of Minneapolis
has been transferred to X First Bank Place, Minneapolis, Minnesota 55480
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4299-3 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.

MINNESOTA
STATE OF ~~SCOTT~~ ~~DAKOTA~~)
County of HENNEPIN) ss.

I, L. R. Kennedy 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.
*officer of

L. R. Kennedy
(Signed) Vice-President

Subscribed and sworn to before me this 8th Day of March, 1984.

Morris V. Kumboussis
(Notary Public)
MORRIS V. KUMBOSSEK
NOTARY PUBLIC MINNESOTA
HENNEPIN COUNTY
My Commission Expires Jan. 12, 1989



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9719

Pierre, July 27, 1934

RECEIVED OF Dorsey & Whitney, 2200 First Bank Place East Minneapolis, MN 55402
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 _____ for WR# 4299-3	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 Hatch
Chief Engineer JOHN HATCH (ms)

DORSEY & WHITNEY

A Partnership Including Professional Corporations

2200 FIRST BANK PLACE EAST
MINNEAPOLIS, MINNESOTA 55402
(612) 340-2600

TELEX: 29-060J
TELECOPIER: (612) 340-2868

510 NORTH CENTRAL LIFE TOWER
445 MINNESOTA STREET
ST. PAUL, MINNESOTA 55101
(612) 227-8017

P. O. BOX 848
340 FIRST NATIONAL BANK BUILDING
ROCHESTER, MINNESOTA 55903
(507) 288-3156

312 FIRST NATIONAL BANK BUILDING
WAYZATA, MINNESOTA 55391
(612) 475-0373

DENNIS BURATTI
(612) 340-2920

201 DAVIDSON BUILDING
8 THIRD STREET NORTH
GREAT FALLS, MONTANA 594
(406) 727-3632

SUITE 675 NORTH
1800 M STREET N.W.
WASHINGTON, D. C. 20036
(202) 296-2760

30 RUE LA BOÉTIE
75008 PARIS, FRANCE
011 331 562 32 50

July 25, 1984

South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

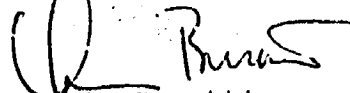
Attention: Genny McMath
Natural Resources Analyst

Re: Transfer of Water Permit No. 4299-3

Dear Ms. McMath:

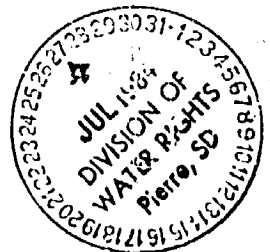
In connection with the sale of the irrigated property, our client, First National Bank of Minneapolis, has assigned the subject permit to the purchasers, Gene Hartman and C. E. Pahl. Enclosed for your records is that Assignment, together with a completed Notice of Transfer of Water Permit form to which is attached a check in payment of the \$2.50 filing fee. Also enclosed for your information is a copy of the recorded deed of the property to the purchasers.

Very truly yours,


Dennis Buratti

DB:jn
Enclosures

cc: Irving A. Hinderaker, Esq.
Laurence R. Kennedy



NO. 4299-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 19, 1984

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

2100 acres - Lots 1,2,3,4,5,6,7,8,9, and N 1/2 NW 1/4 and NW 1/4 NE 1/4, Sec 22;
E 1/2, Lots 1,2,3,4 & 5 NE 1/4 SW 1/4, N 1/2 NW 1/4, SE 1/4 NW 1/4 Sec 23; Sec 24;
Sec 25; Lots 3 & 4, E 1/2 NE 1/4 Sec 26; E 1/2 Sec 36, all in T114N, R81W

formerly owned by First National Bank of Minneapolis
Gene Hartman; Garden City, South Dakota 57236, and
has been transferred to X C. E. Pahl, P.O. Box 205, Watertown, South Dakota 57201
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4299-3 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.

X STATE OF SOUTH DAKOTA)
County of CODINGTON) ss.

We I, Gene Hartman and C. E. Pahl being first duly sworn on my oath depose and say:
That ^{our} relation to the above described undertaking is that of Owners, that ^{we} have read
the above foregoing statement, and ^{we} know ^{our} of ^{our} own personal knowledge that the information herein stated is true.

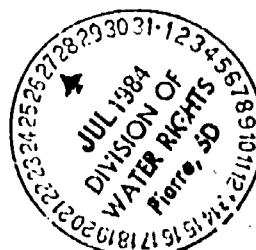
Gene Hartman
Gene Hartman

C. E. Pahl
C. E. Pahl (Signed)

Subscribed and sworn to before me this 19th Day of June, 1984.

Henry C. Schneider
(Notary Public)

WNR-820-9/83
Notice of Transfer of Water Permit



ASSIGNMENT OF WATER RIGHT PERMIT

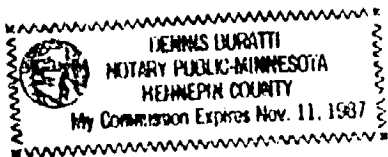
KNOW ALL MEN BY THESE PRESENTS, That, for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, FIRST NATIONAL BANK OF MINNEAPOLIS (hereinafter called "Assignor") hereby assigns and transfers unto GENE HARTMAN and C. E. PAHL (hereinafter called "Assignees") all rights and interests which Assignor has in that certain Water Right Permit No. 4299-3 dated August 1, 1978 issued by the Water Rights Commission of the State of South Dakota pursuant to the application made by Vernon Garrett Farms, Ltd.

Dated this 19th day of June, 1984.

FIRST NATIONAL BANK OF MINNEAPOLIS

By: L.R. Kennedy
Its Vice President

Subscribed and sworn to before me, a Notary Public of the State of Minnesota at Minneapolis, Minnesota, this 22nd day of June, 1984.



[Signature]
Notary Public
My Commission Expires: 11/11/87

This Assignment, including all of the provisions and conditions of said Water Right Permit No. 4299-3 is hereby accepted this 19th day of June, 1984.

[Signature]
Gene Hartman
[Signature]
C. E. Pahl

Subscribed and sworn to before me, a Notary Public of the State of South Dakota at Watertown, South Dakota this 19th day of June, 1984.



[Signature]
Notary Public
My Commission Expires: 8-30-89

LIMITED WARRANTY DEED

THIS INDENTURE. Made this 22 day of June, 1984, by FIRST NATIONAL BANK OF MINNEAPOLIS, a national banking association, with its principal place of business located at First Bank Place, Minneapolis, Minnesota 55480, party of the first part, and GENE HARTMAN, whose mailing address is Garden City, South Dakota 57236, and C. E. PAHL, whose mailing address is P.O. Box 205, Watertown, South Dakota 57201, parties of the second part;

WITNESSETH, that the said party of the first part, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the said parties of the second part, as tenants in common, their heirs and assigns, forever, all the tracts or parcels of land lying and being in the County of Sully and State of South Dakota described on Exhibit A attached hereto and made a part hereof; subject, however, to the Permitted Exceptions set forth on said Exhibit A.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereto belonging or in anywise appertaining, including that certain Permit No. SD-2SB-OXT-3-001673 issued by the Department of the Army dated December 22, 1978 and the terms and conditions specified therein, to the said parties of the second part, their heirs and assigns forever. And the said party of the first part, for itself and its successors and assigns, does hereby warrant to and covenant with the said parties of the second part, their heirs and assigns, that it has not made, done, executed or suffered any act or thing whatsoever whereby the above described premises or any part thereof now or at any time hereafter shall or may be imperiled, charged or encumbered in any manner whatsoever, and the title to the above granted premises against all persons lawfully claiming the same, from, through or under it, except for the Permitted Exceptions hereinbefore mentioned, the said party of the first part will Warrant and Defend.

IN TESTIMONY WHEREOF, the said party of the first part has caused this Limited Warranty Deed to be duly executed and its seal affixed the day and year first above written.

FIRST NATIONAL BANK OF MINNEAPOLIS

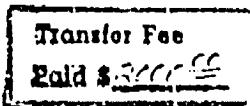
(Seal)

By:

J.R. Kennedy
Its Vice President

And:

C.E. Pahl
Its Joint Trustee



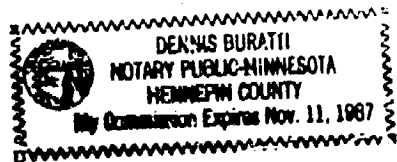
STATE OF MINNESOTA ;

43.

COUNTY OF HENNEPIN)

On this 22nd day of June, 1984, before me, a notary public in the State of Minnesota, personally appeared L. R. KENNEDY and O. J. NORTHAUGH, to me personally known, who being by me duly sworn did say that they are a VILL PRESIDENT and an Asst. VILL PRESIDENT, respectively, of First National Bank of Minneapolis, a national banking association, that the seal affixed to said instrument is the seal of said association, and that said instrument was signed and sealed on behalf of said association by authority of its board of directors, and the said L. R. KENNEDY and O. J. NORTHAUGH acknowledged the execution of said instrument to be the voluntary act and deed of said association by it voluntarily executed.

IN WITNESS WHEREOF, I hereto set my hand and official seal.



James R. Rinehart
Notary Public - Minnesota
My Commission Expires: Nov. 11, 1987

This Instrument Was Drafted By:
DORSEY & WHITNEY (DB)
2200 First Bank Place East
Minneapolis, Minnesota 55402

Exhibit A

The Land

PARCEL A: Township 114, Range 81 West, 5th Principal Meridian:

Section 23: North Half of the Northwest Quarter
(N 1/2 NW 1/4), Southeast Quarter of
the Northwest Quarter (SE 1/4 NW 1/4)

PARCEL B: Township 114 North, Range 81 West, 5th Principal
Meridian:

Section 22: Lots 2 through 9, North Half of the
Northwest Quarter (N 1/2 NW 1/4) North-
west Quarter of the Northeast Quarter
(NW 1/4 NE 1/4)

Section 23: East Half (E 1/2), Lots 1 through 5,
Northeast Quarter of the Southwest
Quarter (NE 1/4 SW 1/4)

Section 24: All, excepting therefrom Lot A of the
SE 1/4

Section 25: All

Section 26: Lots 3, 4, East Half of the Northeast
Quarter (E 1/2 NE 1/4)

Section 36: East Half (E 1/2)

TOGETHER with the easements to excavate for, construct and lay
water pipelines across roadway on the lines between Sections 21
and 22, Sections 22 and 23, Sections 23 and 24, Sections 24
and 25, Sections 25 and 26, and Sections 25 and 36, T114N, R81W,
5th P.M., as granted by Sully County to Vernon Garrett Farms,
Ltd. in Easements recorded May 17, 1978, in Book 23 of Misc.,
Pages 296 and 297,

TOGETHER with an easement for underground pipelines for the
purpose of transmitting and distributing water across a strip
of land 40 feet wide described as Lot P-1 in Lot 5 of Section 21
and Lot P-2 in Lot 10 of Section 22, T114N, R81W, 5th P.M.,
granted by William C. Zimmerman to Vernon Garrett Farms, Ltd.
in instrument recorded December 21, 1978, in Book 9 of Quit
Claim Deeds, Page 301, and as shown on the plat filed in Plat
Book 4, Page 52.

TOGETHER with an easement for a buried irrigation pipeline and
related equipment upon a parcel of land of varying width located
in the South Half of the Southeast Quarter of Section 21,
Township 114 North, Range 81 West, Sully County, South Dakota,
lying 15 feet on each side of the following described line:
Commencing at the Southeast corner of Government Lot 5 of said
Section 21; thence Westerly along the South line of said Lot 5
for a distance of 204.59 feet to the point of beginning; thence
at an angle to the left of 54°10' for a distance of 125.47 feet;
thence at an angle to the right of 17°57.7' for a distance of
193.74 feet; thence at an angle to the right of 13°54.5' for
a distance of 157.80 feet; thence at an angle to the right of
11°26' for a distance of 489.50 feet to the shoreline of Lake
Oahe, with a width of 50 feet on each side of the last described
course, containing 1.43 acres, more or less; as granted by the
Secretary of the Army to Vernon Garrett Ranch, Inc. in Easement
recorded April 12, 1979, in Book 23 of Miscellaneous, page 507,
as amended by Amendment No. 1 recorded April 12, 1979 in Book 23
of Miscellaneous, page 513, and further amended by Amendment
No. 2 recorded June 1, 1982 in Book 9 of Quit Claim Deeds,
page 537.



Subject to ("Permitted Exceptions"):

1. Easements or claims of easement which are not shown by the public records.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
3. Reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. 1984 taxes and assessments, a lien, not yet due or payable, and the second half of 1983 taxes.
5. Title to deposits of coal, ores, metals and other minerals, asphaltum, oil, gas and other like substances, and rights relating thereto, as reserved by the State of South Dakota in numerous Patents of record, as to Lots 7, 8 and 9 in Section 22; Lots 4 and 5 in Section 23; and the E 1/2 of Section 36, T114N, R81W, 5th P.M.
6. Title to an undivided 1/3 interest in all oil, gas and other minerals, in and under described property, as reserved by W. K. Holland and Helen Holland, in Deed recorded January 26, 1966, in Book 45 of Deeds, Page 318. Pertains to the NE 1/4, Section 23, Township 114 North, Range 81 West of the 5th Principal Meridian.
7. Statutory section line right-of-way 66 feet wide along all section lines, pursuant to SDCL, chapter 31-18.
8. Easement for a strip of land for road or highway parallel and adjacent to the existing public road right-of-way along the southwest corner side of the SW 1/4 of Section 25, T114N, R81W, 5th P.M., as set forth in instrument recorded December 9, 1956, in Book 3, Page "G".
9. Easement granted to Sully County for a 66 foot strip of land for road or highway, beginning at the southwest corner of Section 14, T114N, R81W, 5th P.M. and running southwest to a place known as the Cecil Wood place, approximately one-half mile, as set forth in instrument recorded June 6, 1959, in Book 18 of Misc., Page 222.
10. The right of ingress and egress across the NE 1/4 of Section 23, for the purpose of mining and producing all oil, gas and other minerals, as reserved by W. K. Holland and Helen Holland, in Deed recorded January 26, 1966, in Book 45 of Deeds, Page 318.
11. The terms, covenants, conditions and provisions of the Easements between Sully County and Vernon Garrett Farms, Ltd., dated May 2, 1978, recorded May 17, 1978, in Book 23 of Misc., Page 296 through 297 and 297 through 299, and the effect of any failure to comply with said terms, covenants, conditions and provisions.
12. Easement for an underground pipeline for the purpose of transmitting and distributing water across the property described herein, as set forth in instrument recorded August 18, 1978, in Book 9 of Quit Claim Deeds, Page 272.



13. The terms, covenants, conditions and provisions of an Easement from the Secretary of the Army to Vernon Garrett Ranch, Inc., recorded April 12, 1979 in Book 23 of Miscellaneous, Page 507, as amended by Amendment No. 1, recorded April 12, 1979, in Book 23 of Miscellaneous, Page 513, and as further amended by Amendment No. 2 recorded June 1, 1982, in Book 9 of Quit Claim Deeds, Page 537, and the effect of any failure to comply with said terms, covenants, conditions and provisions.
14. The terms, covenants and conditions and provisions of an Easement between William G. Zimmerman and Vernon Garrett Farms, Ltd., dated December 1, 1978, recorded December 21, 1978, in Book 9 of Quit Claim Deeds, Page 301, and as shown on the plat filed in Plat Book 4, Page 52, and the effect of any failure to comply with said terms, covenants, conditions and provisions.
15. Subject to the rights of the State of South Dakota, vendor of an unrecorded contract of the property described in the Easement between William G. Zimmerman, the contract vendee, and Vernon Garrett Farms, Ltd., dated December 1, 1978, recorded December 21, 1978, in Book 9 of Quit Claim Deeds, Page 301, and as shown on the plat filed in Plat Book 4, Page 52. The State of South Dakota did not ratify the said easement.
16. The terms, covenants, conditions and provisions of a Contract for Deed between Wallace Wood and Wiky Wood, husband and wife, vendors, and Vernon Garrett Ranch, Inc., vendee, dated August 20, 1976, recorded August 25, 1976, in Book 22 of Misc., Page 525, and the effect of any failure to comply with said terms, covenants, conditions and provisions. This pertains to Parcel A.
17. Right of Way Permit granted to Sully Buttes Telephone Cooperative, Inc., to construct, operate and maintain a telephone line or system across the SE 1/4 of Section 24, T114N, R81W, 5th P.M., as set forth in instrument recorded July 6, 1983, in Quit Claim Deed Book 10, Page 173.

08139

State of South Dakota } ss
 County of Sully
 Filed for record this 27th day of
June 19 84 at 10:00 o'clock
 and minutes A M, and recorded
 in Book 47 of Deeds
 on pages 448-449-450-451
 By: Deputy Register of Deeds

MARGIN _____
 MARKED ☒
 COMPARED ☒
 RECORDED ☒
 GRANTOR ☒
 GRANTEE ☒
 FEE \$6.00 pd.





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

August 22, 1984

4299-3

First Bank of Minneapolis
2200 First Bank Place
ATT: Dennis Buratti
Minneapolis MN 55480

Dear Mr. Buratti:

Enclosed are receipt Nos. 4 9584 and 4 9719 in the amount of \$2.50 each which you paid for transfer of Water Right No. 4299-3 from Vernon Garrett Farms to First Bank to Gene Hartman and C. E. Pahl. Our records now show Mr. Hartman and Mr. Pahl as owners of this water right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

encl.

cc: Gene Hartman
C.E. Pahl

Equal Opportunity Employer

TO [SD Dept of Water + Natural
Resources
Attention John Hult]

JH Laxon ELECTRICAL CO.
Box 205 Watertown SD 57201
□ HUDSON, WISC 54010 • P.O. Box 6 • RR 3 • (715) 385 2368
□ EAU CLAIRE, WISC 54701 • 1809 Western Ave. • Box 903 • (715) 834 3111
□ WATERTOWN, SD DAK 57201 • 1415 9th Ave SE • Box 1567 • (605) 886 6936
□ FAIRMOUNT, MINN 56031 • 927 E 12th St • Box 926 • (507) 235 5549
□ MINNEAPOLIS, MINN • (612) 339-7241
□ General Offices • 530 No 3rd St • 55401
□ Electrical Div • 530 No 3rd St • 55401
□ Builder's Div • 1207 2nd Ave No • 55405

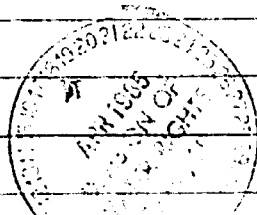


SUBJECT Attach letter - Permit # 4259-3 ATTENTION DATE 4/16/85

Questionnaire was given James Garrett upon receipt
last fall as he was farming land for us.
I called Mr. Garrett this date + thought for sure completed
last fall. Jim said he would verify + could you
Copy of your letter I have sent to Jim Garrett

PLEASE REPLY TO → SIGNED

RTA Box 123 Brainerd, SD 57501 This date - Please
notify me immediately if filing has not been completed.



C. E. Bahl

Box 205

Watertown, SD 57201

DATE SIGNED

RECIPIENT — REPLY AND RETAIN PINK COPY. DETACH AND RETURN THIS COPY TO SENDER.

South Dakota
Department of
Water & Natural Resources

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

April 15, 1985

PAUL
C E Paul
Box 205
Watertown SD 57201

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 4299-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4299-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

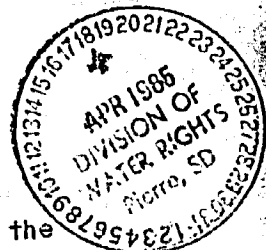
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

JIM GARRETT-OPERATOR
SR A BOX 123
PIERRRE, SD 57501

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

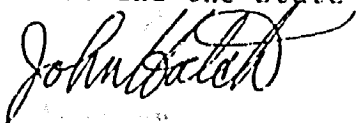
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4299-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 4299-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

cc: C.E.Pahl, PO Box 205, Watertown SD 57201



Department of Water & Natural Resources

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

April 24, 1987

4299-3

Roger Shoup
917 McKinley
Pierre, SD 57501

Dear Mr. Shoup:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4299-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

cc: C E Pahl, PO Box 205, Watertown, SD 57201

NOTE: As requested, your name has been placed in the Water Permit file as that of operator, and the name of Jim Garrett has been deleted.

 **Department of
Water & Natural Resources**

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

February 17, 1989

Roger Shoup
917 McKinley
Pierre, SD 57501

Dear Mr. Shoup:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



NOT TO SCALE

4299-3

114-80

~~(11-12)~~
Glenn E. Garrett

~~(11-86)~~
out

~~116-R~~
Glen E. Garrett

128.3

125.5

5.9

out out

out out

7.1

5.8

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31

3.9 out

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131.8

131.2

8.6

8.4

6.5

6.8

114-80

NOT TO SCALE

114-81

114-81

(6-19)

314.8

(21-²¹~~64~~) ~~21-66~~
E.M. (~~16-19~~)
~~G.F.~~ Young

115-R

115-R

36 ° 36

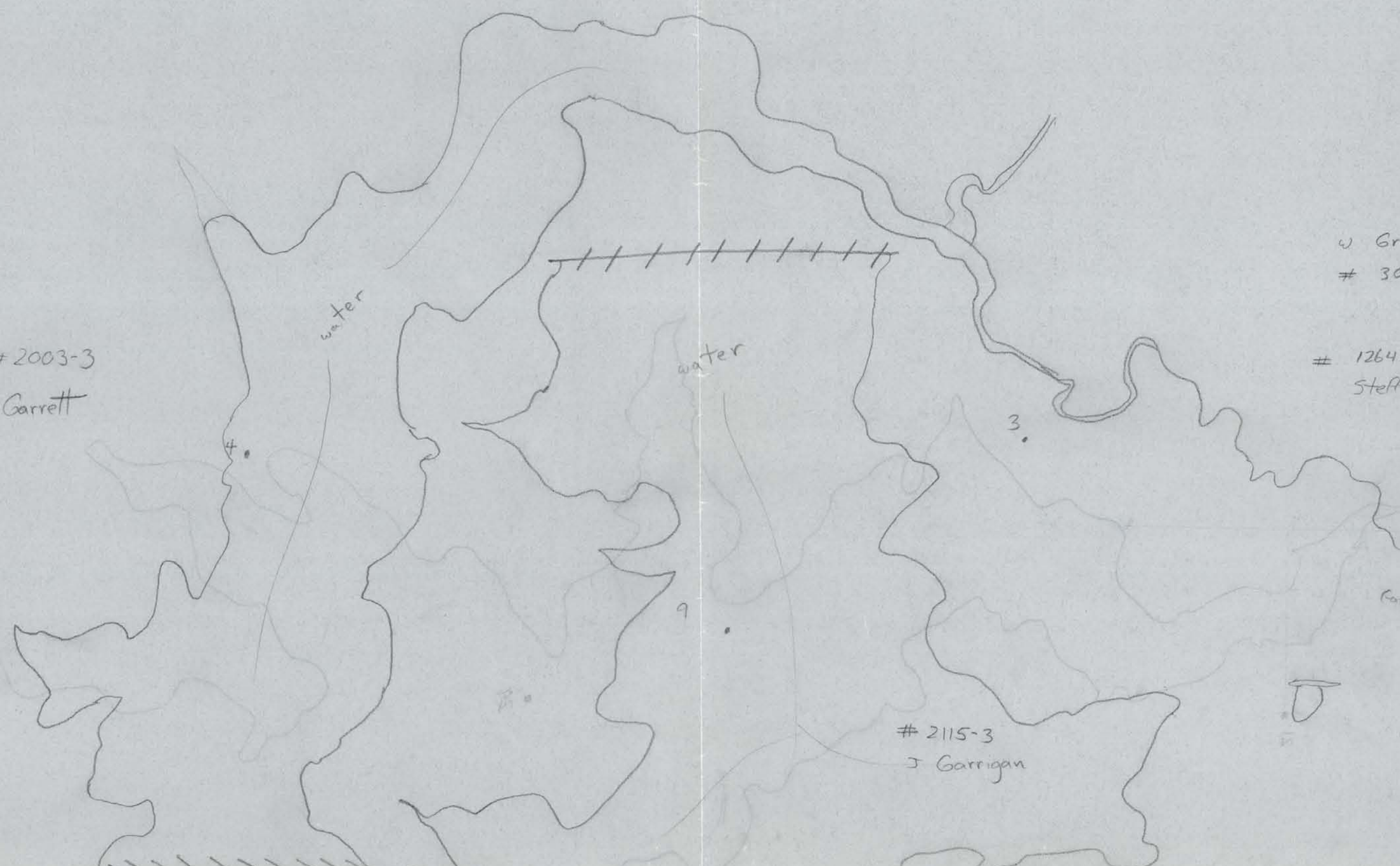
114-81

114-81

+

Handwritten notes at the top right corner, including the word "Harpur" and some illegible scribbles.

2003-3
G. Garrett



w Groseclose
3024-3

1264-3
Steffen

2115-3
J Garrigan

Form

