

1. Considered 3-7, 1962

2. Name of Applicant Charles W. Julian & Rickles

3. Post Office Address Quida

4. Amount of water claimed 13.07

5. Source of water supply Marion River

6. Water to be used for irrigation

Acres to be irrigated 915

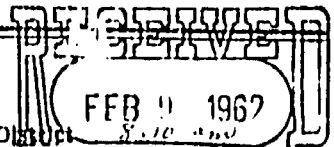
7. Water to be diverted and used in Butte Co County about
4 1/2 miles of Butte Co

8. Proof of Publication Received ☒
Not Received ☐

9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

No. 966-3
 Water Division No. 3 MISSOURI RIVER DISTRICT
 (Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through) Ralph Harmon

Star Route, Ft. Thompson, SD

1. Name of applicant CHESTER DE

Postoffice address ANKA

County Sully

State S.D.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

EMPLOYMENT OF OTHERS, DIRECT

(b) Cash on hand, \$ 20,000

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ 40,000

2. Name of diversion work STRICKLAND IRRIGATION PROJECT No. 2.

3. Amount of water claimed 13.07 cubic feet per second

4. Source of water supply MISSOURI RIVER

5. Location of point of diversion From N72°00'W at about 240 rods to S77°00'W at about 200 rods from NE corner Sec. 35, 103-72 bank Buffalo County.

6. Annual period or periods during which water is to be used MAY THRU SEPT.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION

(a) Number of acres to be irrigated 915 acres.

(b) Legal subdivisions to be irrigated SEE APPENDIX, Remarks, p. 4

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) NONE

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

(a) Nature of use

(Name any of the above uses claimed.)

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP N-617-3

8. Estimated cost of work:

(a) Head Gates, \$ 100

(b) Pumping plant, \$ 10,000

(c) Fluming, \$ 5,000

(d) Canal-earth, \$ 2,000

Rock, \$

(e) Other structures \$

Total, \$ 17,100

9. Description of diversion works:

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

PUMPS, FLUME, PITCH

II. Dimensions of works.

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____

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

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

(c)* Head gate: Width 4 FT feet; height 2 FT feet; Material STEEL

(d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER HOLE
At <u>ND</u> Mile	<u>REDUCTIONS</u> feet	feet	feet	feet
At _____ Mile	feet	feet	feet	feet
At _____ Mile	feet	feet	feet	feet
At _____ Mile	feet	feet	feet	feet
At _____ Mile	feet	feet	feet	feet
At _____ Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

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

12. Choice of newspaper for publication of notice of intention to appropriate PIERRE CAPITAL JOURNAL

STATE OF SOUTH DAKOTA

County of Hicks } ca.

I, DE JUAN STRICKLAND, being first duly sworn, on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true. HOLDER OF OPTION TO PURCH

Signed D. Juan Strickland

Subscribed and sworn to before me this 8TH day of FEBRUARY 1912

My commission expires 8-6-16 L. J. J. J. Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

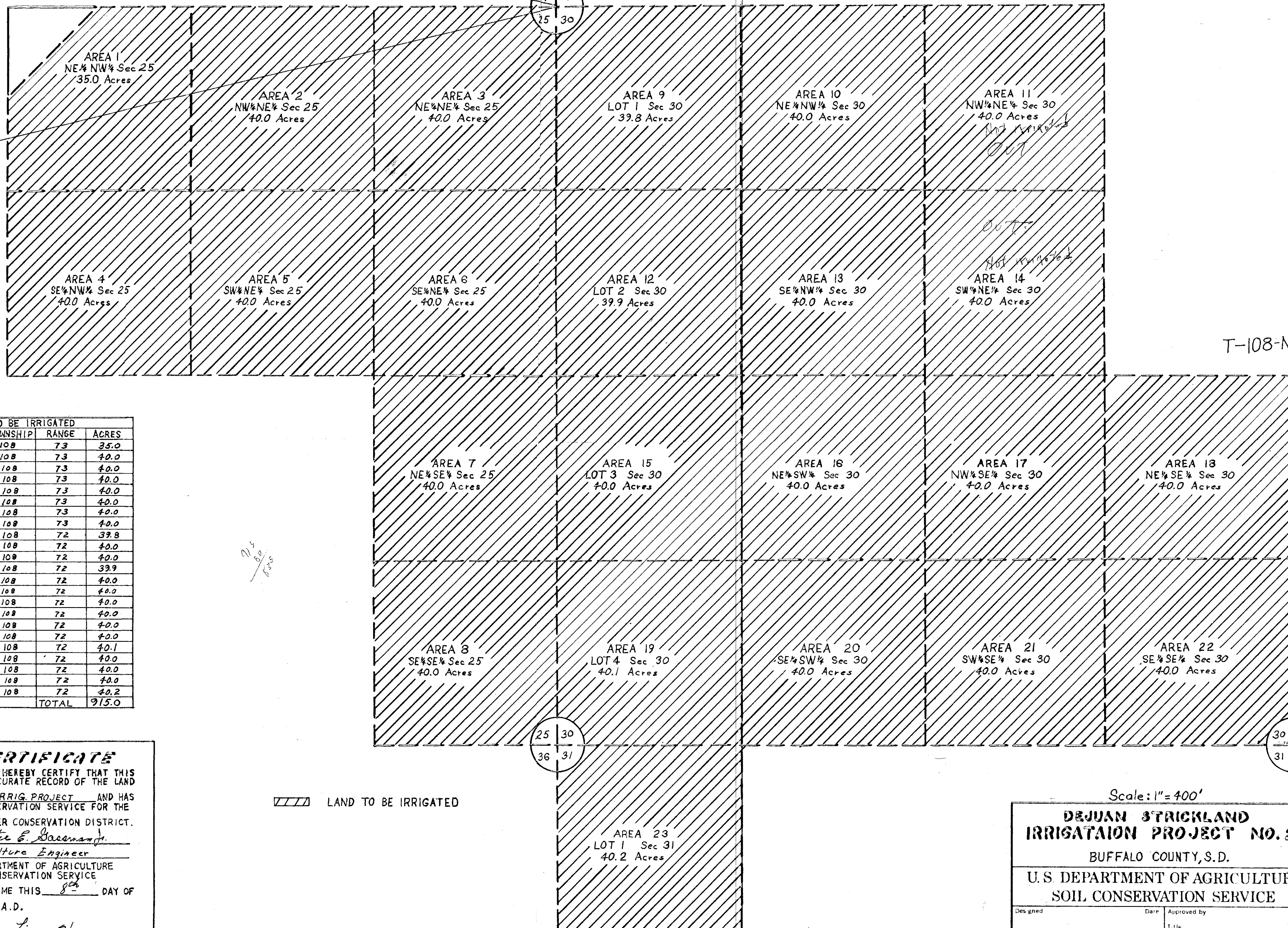
BIG
BEND
RESERVOIR

R-73-W

R-72-W

N78°00'W
242 Rods

S77°00'W
325 Rods



AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE 1/4 NW 1/4	25	108	73	35.0
2	NW 1/4 NE 1/4	25	108	73	40.0
3	NE 1/4 NE 1/4	25	108	73	40.0
4	SE 1/4 NW 1/4	25	108	73	40.0
5	SW 1/4 NE 1/4	25	108	73	40.0
6	SE 1/4 NE 1/4	25	108	73	40.0
7	NE 1/4 SE 1/4	25	108	73	40.0
8	SE 1/4 SE 1/4	25	108	73	40.0
9	LOT 1	30	108	72	39.8
10	NE 1/4 NW 1/4	30	108	72	40.0
11	NW 1/4 NE 1/4	30	108	72	40.0
12	LOT 2	30	108	72	39.9
13	SE 1/4 NW 1/4	30	108	72	40.0
14	SW 1/4 NE 1/4	30	108	72	40.0
15	LOT 3	30	108	72	40.0
16	NE 1/4 SW 1/4	30	108	72	40.0
17	NW 1/4 SE 1/4	30	108	72	40.0
18	NE 1/4 SE 1/4	30	108	72	40.0
19	LOT 4	30	108	72	40.1
20	SE 1/4 SW 1/4	30	108	72	40.0
21	SW 1/4 SE 1/4	30	108	72	40.0
22	SE 1/4 SE 1/4	30	108	72	40.0
23	LOT 1	31	108	72	40.2
TOTAL					915.0

SURVEYOR'S CERTIFICATE

I, WALTER E. GASSMAN, JR. DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE DEJUAN STRICKLAND IRRIG. PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BRULE-BUFFALO SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Walter E. Gassman, Jr.

TITLE: Agriculture Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th DAY OF February, 1962, A.D.

Lily Hague
NOTARY PUBLIC

MY COMMISSION EXPIRES 8-6, 1966.

////// LAND TO BE IRRIGATED

Scale: 1" = 400'

DEJUAN STRICKLAND
IRRIGATION PROJECT NO. 2

BUFFALO COUNTY, S.D.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced	WEG	
Checked	2/62	
Sheet	No.	Drawn N
of		

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 13, 1962

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
a.m. upon the 9TH day of FEBRUARY, 1962.

State Water Resources Commission

By:

Austin Jones
for Chief Engineer, Executive Officer

Number of permit: 966-3

Date of first receipt of application FEBRUARY 9, 1962

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right FEBRUARY 9, 1962

Approved MARCH 7, 1962, Recorded in Book 7 Page 76

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 7, 1964

2nd. The whole of said work is to be completed on or before MARCH 7, 1967

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

MARCH 7, 1971.

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 13.07 cubic feet per second; neither shall it exceed the capacity of the above described system of diversions, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MARCH 7, 1971; said water to be used during the following described annual period:

MAY THRU SEPTEMBER

Witness my hand this 13TH day of MARCH, 1962.

State Water Resources Commission

By:

Robert Jones
Chief Engineer, Executive Officer

Certificate of Construction issued SEPTEMBER 28, 1973.

Water License issued SEPTEMBER 28, 1973.

Remarks by the Applicant:

7. I. (b) Legal subdivisions to be irrigated:

Area	Location	Section	Township	Range	Acres
1	NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	108	72	39.0
2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25	108	72	40.0
3	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25	108	72	40.0
4	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	108	72	40.0
5	SW $\frac{1}{4}$ NE $\frac{1}{4}$	25	108	72	40.0
6	SE $\frac{1}{4}$ NE $\frac{1}{4}$	25	108	72	40.0
7	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	108	72	40.0
8	SE $\frac{1}{4}$ SE $\frac{1}{4}$	25	108	72	40.0
9	Lot 1	30	108	72	39.8
10	NE $\frac{1}{4}$ NW $\frac{1}{4}$	30	108	72	40.0
11	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30	10	72	40.0
12	Lot 2	30	108	72	39.9
13	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	108	72	40.0
14	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	108	72	40.0
15	Lot 3	30	108	72	40.0
16	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30	108	72	40.0
17	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	108	72	40.0
18	NE $\frac{1}{4}$ LE $\frac{1}{4}$	30	108	72	40.0
19	Lot 4	30	108	72	40.1
20	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30	108	72	40.0
21	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	108	72	40.0
22	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	108	72	40.0
23	Lot 1	31	108	72	40.2

WATER LICENSE NO. 966-3.

(1) WHEREAS, On the 9th day of February A. D. 1962
Chester De Junn Strickland

made Water Right Application No. 966-3 for a permit to use 13.07 cubic feet per second of the waters of the Missouri River

County of Buffalo State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 13th day of March A. D. 1962
Permit No. 966-3, with a date of priority of February 9, 1962

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 7th day of March A. D. 1967 and for the application to beneficial use of said water on or before the 7th day of March A. D. 1971

And, Whereas, on the 5th day of February, 1965, the Permit was transferred to Chester Atkins of Ft. Thompson, South Dakota,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 11.93 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following lands:

T108N, R72W, Section 30	NW¼	159.7 acres
	SW¼	160.0 acres
	SE¼	160.0 acres
Section 31	Lot 1	40.2 acres
T108N, R73W, Section 25	E½ NW¼	75.0 acres
	NE¼	160.0 acres
	E½ SE¼	80.0 acres
	Total	835.0 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Chester Aikins

_____ of Pt. Thompson, S.D.

the holder _____ and owner _____ of said permit No. 966-3 a water right, dating from February 9, 1962

_____ to use of 11.93 cubic feet per second of the waters

of the Missouri River

in the County of Buffalo and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at between points located North 78° West, 242 rods,
and South 77° West, 325 rods from the NE Corner, Section 25, T108N, R73W

and conduct to and upon portions of Section 25, T108N, R73W and Sections 30 and 31, T108N, R72W
more fully described on the face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 966-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of September A. D.

Nineteen Hundred and Seventy-three
WATER RIGHTS COMMISSION
~~WATER RESOURCES COMMISSION~~

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Form 15.

Permit No. 966-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Chester Aikens

_____ the holder _____ of
Permit No. 966-3, issued upon Application No. 966-3, bearing date of priority of _____
February 9, 1962 authorizing the diversion of 13.07 cu. ft. per second of the waters of _____
the Missouri River County of Buffalo, State of South Dakota _____
between points located North 78° West, 242 rods, and South 77° West, 325 rods
from the NE Corner, Section 25, T108N, R73W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use _____ 13.0 cu. ft. per second of water.

Date September 28, 1973

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

(First Publication ~~on or before~~ February 9, 1962.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 9, 1962.

Notice is hereby given that Chester DeJuan Strickland whose postoffice address is Onida S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 13.07 cubic feet of water per second of time from the Missouri River through the Strickland Irrig. Project at the point of diversion of which is to be located on the left bank of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25 and a point in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 24 Twp. 108N Range 73W. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 25, T108N, R23W; NW $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 30, Lot 1, Sec. 31, T108N, R22W

~~XXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

CC: R. B. Nipple, Publisher
Daily Capitol Journal
Pierre, S. Dak.

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

DAILY CAPITAL JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCITY of PIERRE County ofHUGHES and State of South Dakota; that the said notice was published in said newspaper on the following dates:Feb. 10-17-24 and March 3, 1962in each and every issue of the full number thereof, the first publication being made on the 10 day of Feb. 1962 and the last publication on the _____ day of March 1962, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Mgr. the printer and publisher of the said newspaper.John H. HippelSubscribed and sworn to before me this 3 day of Feb March A. D. 1962Notarial Commission
By: Sarah Gordon
Expires March 25, 1962Sarah Gordon
Notary Public Hughes County, S. D.No. 9551 filed Feb. 10-17-24 Mar 3
No. 906-3APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
February 3, 1962

Notice is hereby given that Chester DeJuan Strickland whose post-office address is Oulda, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 13.67 cubic feet of water per second of time from the Missouri river through the Strickland Irrig. Project No. 2, the point of diversion of which is to be located on the left bank of said stream between a point in the NW1/4 of Sec. 25, and a point in the SW1/4 of the SE1/4 of Section 24 T46N R68W Range 73N. Said water to be used for the purpose of providing irrigation on the following described land: E1/2 NW1/4, NE1/4 and E1/2 SE1/4, Sec. 25, T108N, R75W; NW1/4, W1/2 NE1/4, SW1/4 and SE1/4, Sec. 30, Lot 1, Sec. 31, T108N, R72W.

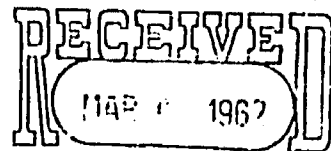
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: BURTEN F. JONES

Water Right Specialist

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

SALE OPTION AGREEMENT

For One Dollar and other good and valuable consideration, Chester Atkins extends to DeJuan Strickland, from today until 11:59 P.M., March 31, 1962, an option to consummate the below described contract for the purchase of Real Estate owned by Chester Atkins in Buffalo County, South Dakota. This option may be exercised by the depositing of 1% (one percent) of the purchase price to Chester Atkins' account in the Northwest Security Bank, Chamberlain, South Dakota, such deposit to be included in the purchase price, 99% remaining. *D.S. C.A.*

Chester Atkins hereby agrees to sell and convey and to grant to DeJuan Strickland and his assigns and heirs a warranty deed for the fee simple title to the following described land, with the buildings and improvements thereon, and all rights, hereditaments, easements, and appurtenances thereunto belonging, located in the County of Buffalo, State of South Dakota:

South $\frac{1}{2}$ except for an undivided $\frac{2}{9}$ in the west $\frac{1}{4}$ of the southeast $\frac{1}{4}$ held by the LITTLE DAY WOMAN ESTATE totaling 17.77 acres, more or less, Section 30, Township 103, Range 72.
Northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 31, Township 108, Range 72.
Northwest $\frac{1}{4}$ and the west $\frac{1}{2}$ of the northeast $\frac{1}{4}$ of Section 30, Township 108, Range 72.
Northeast $\frac{1}{4}$ and the east $\frac{1}{2}$ of the southeast $\frac{1}{4}$ and *D.S.* the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ except for five acres *C.A.* held by the U. S. Government, all in Section 25, Township 108, Range 72.

Consideration shall be \$100 (one hundred dollars) per acre for all land lying south and west of a diagonal running approximately from the NW corner of the NW $\frac{1}{4}$, Section 30, southeast by south to a point 150 yards west of the SE corner of the NW $\frac{1}{4}$, Section 30, thence in the SW $\frac{1}{4}$ southeast to a point 150 yards south of the NE corner of the SW $\frac{1}{4}$, Section 30, thence in the SE $\frac{1}{4}$, Section 30, east-southeast to a point 400 yards north of the SE corner of the SE $\frac{1}{4}$, Section 30.

Consideration for all land, approximately 200 (two hundred) acres, lying north and east of the above described diagonal shall be \$50 (fifty dollars) per acre.

Exact location of the diagonal shall be made by survey on a contour located at the NW corner of the NW $\frac{1}{4}$, Section 30, and proceeding SE with a southeast slope of 1:1800. Survey will be made prior to delivery. Consideration shall be paid in the following manner. One percent (1%) of the purchase price to be paid at the time of exercising of the purchase option and delivery of abstracts for legal examination. Nineteen percent (19%) of the purchase price shall be paid on delivery of evidence of a good title, free from liens and encumbrances.

Eight percent (8%) of the purchase price shall be paid on or before January first, 1963, together with interest at 5% (five percent) per annum on the remaining unpaid balance computed to the date of payment, ~~and the balance of the purchase price shall be paid on or before January first, 1964.~~

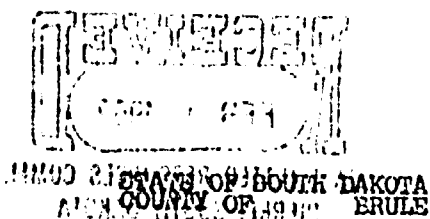
A like 8% (eight percent) of the purchase price together with interest at 5% (five percent) on the unpaid balance computed to date of payment shall be paid on or before each of the nine following January firsts until the entire purchase price shall have been paid.

Taxes shall be prorated as of the date of delivery of evidence of good title and payment of 19% (nineteen percent) of the purchase price. Possession shall be given to buyer on the same date. Strickland will pay all expenses of surveying.

Dated at Ft. Thompson, South Dakota, this 30th day of January, 1962.

Chester Akins
Chester Akins

DeJuan Strickland
DeJuan Strickland



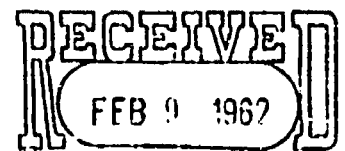
On this 30th day of January, 1962, before me, M. A. Brown, the undersigned officer, personally appeared CHESTER AKINS and DeJUAN STRICKLAND known to me to be or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I herunto set my hand and official seal.

M. A. Brown
Notary Public, Brule County
South Dakota

(NOTARIAL SEAL)

My commission expires December 21, 1967



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA } ss
County of Buffalo }
OFFICE OF REGISTER OF DEEDS
Filed for record Feb 2 A. D. 1962
at 2 o'clock P. M. and recorded in
Book 9 of Misc. Records on page 33
Lama Harp Reg. of Deeds
Fee \$2.18 By Deputy

Completed
Recorded ✓
Indexed ✓
Grantor ✓
Grantee ✓
Fees

**NOTICE OF
TRANSFER OF WATER PERMIT**

FEBRUARY 3, 1965

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that CHESTER DE JONN STRICKLAND

who previously owned the land described below has sold his interests to CHESTER AIKINS

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 966-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of HUGHES } ss.

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

Signed Chester Aikins

Subscribed and sworn to before me this 3RD day of FEBRUARY, 1965

Edmund McQuill
Notary Public

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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

No. DACW45-2-68-5200

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to
Chester Aikins

Fort Thompson, South Dakota

hereinafter designated as the grantee, for a period ~~of ten years~~ ^{coextensive with State} Water Permit No. 966-3, ~~xxxxxx~~ ^{from the date hereof} an easement for a right of way for the installation, operation and maintenance of portable irrigation water pipelines and portable pump units

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" entitled Big Bend Dam and Lake Sharpe, Segment 3 attached hereto and made a part hereof, and described as follows:

Two parcels of land 66 feet in width in Section 24, Township 108 North, Range 73 West of the Fifth Principal Meridian, Buffalo County, South Dakota, said parcels lying 33 feet on each side of the following described centerlines:

Strip No. 1 - Beginning at the South quarter corner of said Section 24, thence North along the N-S quarter line to the shoreline of Lake Sharpe. Contains 0.60 acres, more or less.

Strip No. 2 - Commencing at the South quarter corner of said Section 24, thence East along the Section line for a distance of 615 feet to the point of beginning; thence North 45° 00' West to the shoreline of Lake Sharpe. Contains 0.75 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of
One Hundred and no/100 Dollars (\$ 100.00)
for the term, payable in advance. Compensation shall be made payable to the
Treasurer of the United States and forwarded by the grantee to the District Engineer,
Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse,
Omaha, Nebraska 68102.

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

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

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

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

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

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

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

This easement is not subject to Title 10, United States Code, Section 2652.

IN WITNESS WHEREOF I have hereunto set my hand this 27th
day of June 1968.

/s/ Dale Kent

DALE KENT

Chief, Real Estate Division
Omaha District, Corps of Engineers

1000

PRELIMINARY PROJECT MAP DTD OF THE ARMY USED SYMBOLS: SCOPED BY (S) (M) (C) (F)	
LOCATION OF PROJECT STATE SOUTH DAKOTA COUNTY BUTTE COUNTY TOWNSHIP 14 NORTH RANGE 34 EAST SECTION 16	
ACQUISITION TOTAL ACRES ACQUIRED 16	
DISPOSAL TOTAL ACRES DISPOSED OF 16	
LEGEND 1. 16 ACRES 2. 16 ACRES 3. 16 ACRES 4. 16 ACRES 5. 16 ACRES 6. 16 ACRES 7. 16 ACRES 8. 16 ACRES 9. 16 ACRES 10. 16 ACRES 11. 16 ACRES 12. 16 ACRES 13. 16 ACRES 14. 16 ACRES 15. 16 ACRES 16. 16 ACRES 17. 16 ACRES 18. 16 ACRES 19. 16 ACRES 20. 16 ACRES 21. 16 ACRES 22. 16 ACRES 23. 16 ACRES 24. 16 ACRES 25. 16 ACRES 26. 16 ACRES 27. 16 ACRES 28. 16 ACRES 29. 16 ACRES 30. 16 ACRES 31. 16 ACRES 32. 16 ACRES 33. 16 ACRES 34. 16 ACRES 35. 16 ACRES 36. 16 ACRES 37. 16 ACRES 38. 16 ACRES 39. 16 ACRES 40. 16 ACRES 41. 16 ACRES 42. 16 ACRES 43. 16 ACRES 44. 16 ACRES 45. 16 ACRES 46. 16 ACRES 47. 16 ACRES 48. 16 ACRES 49. 16 ACRES 50. 16 ACRES 51. 16 ACRES 52. 16 ACRES 53. 16 ACRES 54. 16 ACRES 55. 16 ACRES 56. 16 ACRES 57. 16 ACRES 58. 16 ACRES 59. 16 ACRES 60. 16 ACRES 61. 16 ACRES 62. 16 ACRES 63. 16 ACRES 64. 16 ACRES 65. 16 ACRES 66. 16 ACRES 67. 16 ACRES 68. 16 ACRES 69. 16 ACRES 70. 16 ACRES 71. 16 ACRES 72. 16 ACRES 73. 16 ACRES 74. 16 ACRES 75. 16 ACRES 76. 16 ACRES 77. 16 ACRES 78. 16 ACRES 79. 16 ACRES 80. 16 ACRES 81. 16 ACRES 82. 16 ACRES 83. 16 ACRES 84. 16 ACRES 85. 16 ACRES 86. 16 ACRES 87. 16 ACRES 88. 16 ACRES 89. 16 ACRES 90. 16 ACRES 91. 16 ACRES 92. 16 ACRES 93. 16 ACRES 94. 16 ACRES 95. 16 ACRES 96. 16 ACRES 97. 16 ACRES 98. 16 ACRES 99. 16 ACRES 100. 16 ACRES 101. 16 ACRES 102. 16 ACRES 103. 16 ACRES 104. 16 ACRES 105. 16 ACRES 106. 16 ACRES 107. 16 ACRES 108. 16 ACRES 109. 16 ACRES 110. 16 ACRES 111. 16 ACRES 112. 16 ACRES 113. 16 ACRES 114. 16 ACRES 115. 16 ACRES 116. 16 ACRES 117. 16 ACRES 118. 16 ACRES 119. 16 ACRES 120. 16 ACRES 121. 16 ACRES 122. 16 ACRES 123. 16 ACRES 124. 16 ACRES 125. 16 ACRES 126. 16 ACRES 127. 16 ACRES 128. 16 ACRES 129. 16 ACRES 130. 16 ACRES 131. 16 ACRES 132. 16 ACRES 133. 16 ACRES 134. 16 ACRES 135. 16 ACRES 136. 16 ACRES 137. 16 ACRES 138. 16 ACRES 139. 16 ACRES 140. 16 ACRES 141. 16 ACRES 142. 16 ACRES 143. 16 ACRES 144. 16 ACRES 145. 16 ACRES 146. 16 ACRES 147. 16 ACRES 148. 16 ACRES 149. 16 ACRES 150. 16 ACRES 151. 16 ACRES 152. 16 ACRES 153. 16 ACRES 154. 16 ACRES 155. 16 ACRES 156. 16 ACRES 157. 16 ACRES 158. 16 ACRES 159. 16 ACRES 160. 16 ACRES 161. 16 ACRES 162. 16 ACRES 163. 16 ACRES 164. 16 ACRES 165. 16 ACRES 166. 16 ACRES 167. 16 ACRES 168. 16 ACRES 169. 16 ACRES 170. 16 ACRES 171. 16 ACRES 172. 16 ACRES 173. 16 ACRES 174. 16 ACRES 175. 16 ACRES 176. 16 ACRES 177. 16 ACRES 178. 16 ACRES 179. 16 ACRES 180. 16 ACRES 181. 16 ACRES 182. 16 ACRES 183. 16 ACRES 184. 16 ACRES 185. 16 ACRES 186. 16 ACRES 187. 16 ACRES 188. 16 ACRES 189. 16 ACRES 190. 16 ACRES 191. 16 ACRES 192. 16 ACRES 193. 16 ACRES 194. 16 ACRES 195. 16 ACRES 196. 16 ACRES 197. 16 ACRES 198. 16 ACRES 199. 16 ACRES 200. 16 ACRES 201. 16 ACRES 202. 16 ACRES 203. 16 ACRES 204. 16 ACRES 205. 16 ACRES 206. 16 ACRES 207. 16 ACRES 208. 16 ACRES 209. 16 ACRES 210. 16 ACRES 211. 16 ACRES 212. 16 ACRES 213. 16 ACRES 214. 16 ACRES 215. 16 ACRES 216. 16 ACRES 217. 16 ACRES 218. 16 ACRES 219. 16 ACRES 220. 16 ACRES 221. 16 ACRES 222. 16 ACRES 223. 16 ACRES 224. 16 ACRES 225. 16 ACRES 226. 16 ACRES 227. 16 ACRES 228. 16 ACRES 229. 16 ACRES 230. 16 ACRES 231. 16 ACRES 232. 16 ACRES 233. 16 ACRES 234. 16 ACRES 235. 16 ACRES 236. 16 ACRES 237. 16 ACRES 238. 16 ACRES 239. 16 ACRES 240. 16 ACRES 241. 16 ACRES 242. 16 ACRES 243. 16 ACRES 244. 16 ACRES 245. 16 ACRES 246. 16 ACRES 247. 16 ACRES 248. 16 ACRES 249. 16 ACRES 250. 16 ACRES 251. 16 ACRES 252. 16 ACRES 253. 16 ACRES 254. 16 ACRES 255. 16 ACRES 256. 16 ACRES 257. 16 ACRES 258. 16 ACRES 259. 16 ACRES 260. 16 ACRES 261. 16 ACRES 262. 16 ACRES 263. 16 ACRES 264. 16 ACRES 265. 16 ACRES 266. 16 ACRES 267. 16 ACRES 268. 16 ACRES 269. 16 ACRES 270. 16 ACRES 271. 16 ACRES 272. 16 ACRES 273. 16 ACRES 274. 16 ACRES 275. 16 ACRES 276. 16 ACRES 277. 16 ACRES 278. 16 ACRES 279. 16 ACRES 280. 16 ACRES 28	

Permit No. 966-3
 Water Division 3 MISSOURI RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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

I have this day made a thorough examination of the water use system constructed by Chester Aikens
 of Ft. Thompson, S.D. holder
 of Permit No. 966-3, bearing date of priority of February 9, 1962
 authorizing the diversion of 13.07 cu. ft. per second of the waters of Missouri River
 for irrigation purposes, in Buffalo County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Berkeley 6" centrifugal pump. Mod. B6JCW powered by International Industrial engine. Mod. UV49, 140 H.P., propane.
 Cornell 4" centrifugal pump, Mod. 4H-62B43 powered by Chrysler industrial engine. Mod. 413, 109 H.P., propane

B. Works used to transport water to place of use,

1800 feet of 10" aluminum main line
 1/2 mile of 8" aluminum main line

C. Works used to apply water to beneficial use.

6500 feet of 10" gated aluminum pipe
 Five 1/4 mile long tow lines, 4" diameter

excellent

The system is in the following condition: _____

The point of diversion is located between points located N. 78° W. 242 rods and S. 77° West,
325 rods from the NE Corner of Sec. 25, T108N, R73W

The works are capable of diverting and conveying to the place of use 13

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: _____

<u>E½ NW¼, Sec. 25, T108N, R73W - 75 acres</u>	<u>SW¼, Sec. 30, T108N, R72W - 160.1 acres</u>
<u>NE¼, Sec. 25, T108N, R73W - 160 acres</u>	<u>SE¼, Sec. 30, T108N, R72W - 160 acres</u>
<u>E½ SE¼, Sec. 25, T108N, R73W - 80 acres</u>	<u>Lot 1, Sec. 31, T108N, R72W - 40.2 acres</u>
<u>NW¼, Sec. 30, T108N, R72W - 159.7 acres</u>	

comprising a total of 835 acres of land.

Send letter to Ralph Harmon, Ft. Thompson, S.D. that the inspection of Chester Aikens' irrigation system has been completed, etc.

Date, September 18, 1973

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Chief Engineer, W.R.C.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8773

PIERRE, March 16, 1982

RECEIVED OF Ralph Harmon, Star Route, Ft. Thompson, SD 57339

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and Issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing <u>Transfer NE# 966-3</u>	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/mg

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-11-82

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

835 acres - NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30, Lot 1, Sec. 31, T108N, R72W and E $\frac{1}{2}$ NW $\frac{1}{4}$,

NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, T108N, R73W

formerly owned by Chester Aikins

has been transferred to Ralph Harmon, Star Route, Ft. Thompson, SD 57339

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

Water Right Permit No. 966-3 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 BRULE) ss.

I, CHESTER AIKINS being first duly sworn on my oath despose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

X Chester Aikins
(Signed)

Subscribed and sworn to before me this 11th Day of MARCH, 1982.

Robert H. Schaub
(Notary Public)

MY COMMISSION EXPIRES 1-26-87

Department of Water & Natural Resources

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

April 12, 1985

Ralph Harmon
SR
Ft. Thompson SD 57339

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) 966-3. 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.

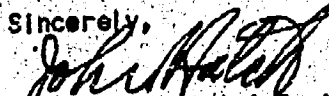
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 966-3 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, 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.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Ralph Harmon
St. Rt.
Ft. Thompson, SD 57339

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 966-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 966-3 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

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

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

Attachment to Water Permit No(s). 966-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 966-3 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."



Department of Water & Natural Resources

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

March 26, 1986

NOTICE

Ralph Harmon
St Rt
Fort Thompson, SD 57339

Re: Violation of Water Permit No(s). 966-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 966-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 966-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

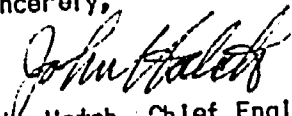
The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 966-3 until either the 1985 Questionnaire is submitted or for a period of up to one 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, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Ralph Harmon
St Rt
Ft. Thompson SD 57339

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

*John Hatch
by Del Buzg*

SUBJECT: One Year Suspension of Water Permit No(s). 966-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1985, the Water Management Board ordered:

That Water Permit No(s). 966-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
May 28, 1986

Permit No. 966-3

Ralph Harmon
St Rt, Box 4
Ft. Thompson SD 57339

Dear Mr. Harmon:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,

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

Equal Opportunity Employer

966-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 966-3

Date: _____

I/We request that Water Right No. 966-3

formerly owned by: Ralph Harmon

be transferred to: (name & address) Eagle Pass Ranch, L.P., HC 2 Box 168, Highmore, SD 57345
(% Steve Munger) (Telephone No) 605-229-2802

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

835 acres - NW¼, SW¼, SE¼ Section 30, T108N, R72W; Lot 1 Section 31, T108N, R72W and E½ NW¼, NE¼, E½ SE¼ Section 25, T108N, R73W

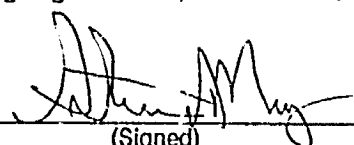
I/We understand that the validity of Water Right No. 966-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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.

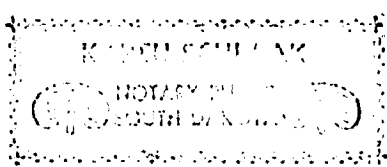
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

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.


(Signed)

Subscribed and sworn to before me this 5th day of August, 19 94.



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001


(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

414239

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 5, 1994

RECEIVED OF Steve Minger, Eagle Pass Ranch LP, HC 2 Box 168, Highmore, SD 57345
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 Right No. 966-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



966-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 17, 1994

No. 966-3

Eagle Pass Ranch, L.P.
%Steve Munger
HC 2, Box 168
Highmore, SD 57345

Dear Mr. Munger:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 966-3.

Our records now show you as the owner of Water Right No. 966-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



966-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 15, 1994

966-3
4833-3

Ordean Eddy
Farm Credit Services
PO Box 1248
Mitchell, SD 57301-1248

Dear Mr. Eddy:

Enclosed, as we discussed, is a copy of Water Right No. 966-3, listed in the name of Eagle Pass Ranch. Also enclosed, is a copy of the Water Right for Northwest Irrigation District.

You inquired about the existence of a water right for Henry Sieman. The land is covered under Water Right No. 4833-3, for the Northwest Irrigation District. The engineer who did the inspection of the water use system for the district, penciled in the name "H. Zeeman" on portions of the file documentation. I assume this pertained to "Henry Sieman".

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

December 5, 1996

966-3
4833C-3

Bob Riter
Riter, Mayer, Hofer Law Firm
PO Box 280
Pierre, SD 57501-0280

Dear Mr. Riter:

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with Water Right Nos. 966-3 and 4833C-3. Also enclosed is a copy of Water Right No. 966-3 and a summary of acreage that will be described in Water Right No. 4833C-3.

Water Permit No. 4833-3 is listed in the name of Northwest Irrigation District. When the district was formed, it applied for a water permit to cover the irrigation done by all of its members, even though they may have had an existing permit of their own. Currently, No. 4833-3 is being reviewed and in the process of being divided and reissued as 4833A-3, Bill Martin; No. 4833B-3, Gretel Chatterson; and No. 4833C-3, Eagle Pass Ranch.

A majority of land that will be described in No. 4833C-3 is also covered under Water Right No. 966-3. At some point in time, it may be possible to incorporate the two water rights into one. If you have any questions concerning the enclosed material, please contact me.

Sincerely,

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

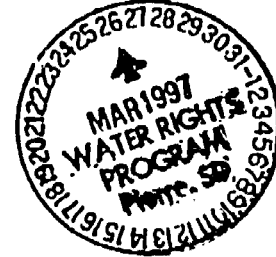
966-3

LAW OFFICES
RITER, MAYER, HOFER, WATTIER & BROWN, LLP
Professional & Executive Building
319 South Coteau Street
P. O. Box 280
Pierre, South Dakota 57501-0280

D. C. RITER (1912-1994)
E. D. MAYER
ROBERT D. HOFER
ROBERT C. RITER, JR.
JERRY L. WATTIER
JOHN L. BROWN

DAVID A. PFEIFLE

TELEPHONE
605-224-5825
TELECOPIER
605-224-7102



March 25, 1997

Chief Engineer
Water Rights Program
DENR
523 E. Capitol
Pierre, SE 57501-3181

Dear Sir:

Enclosed herewith please find two Notices of Transfer of Ownership, one for Water Permit No. 966-3 and one for No. 4833C-3. Those permits and water rights have been assigned by Eagle Pass Ranch, LP to Rocky Creek Limited Partnership, a South Dakota limited partnership. Also enclosed is a fee of \$5.00, which is intended to cover the two filing fees required by SDCL 46-2-13.

Thank you for your cooperation on this matter. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

RITER, MAYER, HOFER, WATTIER &
BROWN, LLP

By: *Robert C. Riter by Two*

RCR Jr wb

Enclosures

cc: Lawrence Coss
Garry Nietz
Brian Jones

Date: 3/24/97

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

415289

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 26, 19 97

RECEIVED OF Riter, Mayer, Hofer, Wattier & Brown, P.O. Box 280, Pierre, SD 57501-0880
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 ^{W.R.#} <u>966-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch 
Chief Engineer



June 17, 1997

966-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

966-3
4833C-3

Robert C Riter
RITER, MAYER, HOFER, WATTIER & BROWN
PO Box 280
Pierre, SD 57501-0280

Dear Mr. Riter:

I am contacting you in regard to the "Notice of Transfer of Ownership" forms you submitted in March for Water Right Nos. 966-3 and 4833C-3. The transfers were effective the day they were received, however I just realized you had not received notification from us that the transfers were completed.

Enclosed are the receipts for the filing fees you paid for the transfers. Water Right Nos. 966-3 and 4833C-3 were transferred from Eagle Pass Ranch to Rocky Creek Limited Partnership, a South Dakota Limited Partnership.

We are currently in the process of reissuing water licenses to the three owners of land described under the former Northwest Irrigation District. They will be issued as follows: No. 4833A-3, Bill Martin; No. 4833B-3, Gretel Chatterson and 4833C-3, Rocky Creek Limited Partnership. Each of the owners will receive a license as soon as they are written up and signed by our Chief Engineer.

Thank you for handling the transfer of ownership for Nos. 966-3 and 4833C-3. If you have any questions, please contact me.

Sincerely,

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

enclosures

c: Rocky Creek Limited Partnership, a South Dakota Limited Partnership



966-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 8 1997

4833C-3

Lawrence M Coss
Rocky Creek Limited Partnership
31734 County 24 Blvd
Cannon Falls, MN 55009

Dear Mr. Coss:

Enclosed is your Water License No. 4833C-3. Water Right No. 4833-3, issued to the Northwest Irrigation District, has been divided and reissued as follows:

- No. 4833A-3, William E. Martin Sr., and Michele Martin, authorizing diversion of 9.22 cfs from the Missouri River to irrigate 661 acres;
- No. 4833B-3, Gretel Chatterson, authorizing diversion of 17.6 cfs from the Missouri River to irrigate 1,232 acres;
- No. 4833C-3, Rocky Creek Limited Partnership, a South Dakota limited partnership, authorizing diversion of 10.3 cfs from the Missouri River to irrigate 722 acres.

The applicable portions of Water Right No. (966-3) were incorporated into Water License No. 4833C-3.

As long as you use the water beneficially as stated in the water license, South Dakota Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning your water license, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure