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APR 13 2015

WATER RIGHTS
PROGRAM

OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501

Phone (605) 773-3215

Fax (605) 773-4106

TTY (605) 773-6585

www.state.sd.us/atg

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY ATTORNEY GENERAL

April 9, 2015

Mr. Seth Jeffs
United Order of South Dakota
Box 5050
Custer, SD 57730

RE: *Water Permit Application No. 2730-2*

Dear Mr. Jeffs,

I received notice on March 23, 2015, that Mr. Ganje has withdrawn as counsel for your organization. While we are in receipt of your statement of authority to act on behalf of Mr. Isaac Jeffs, trustee for the United Order of South Dakota, a common law trust, we do still need the documentation required to show the transfer of ownership of Water Permit No. 2610-2. Our records show that the permit was transferred to Stephen P. Harker, trustee for the United Order of South Dakota, a common law trust. Thus, Mr. Harker held the permit on behalf of the United Order of South Dakota for their benefit. We do not have any documentation demonstrating that the permit has been subsequently transferred. South Dakota Codified Law, section 46-5-30.3 requires that notice of such transfers be filed with the Chief Engineer. In my letter dated February 27, 2015, I suggested that providing the trust documents would enable us to determine how authority and trust assets are transferred to a successor trustee and thus, what specific document will demonstrate the transfer of the permit from Mr. Stephen P. Harker to Mr. Isaac Jeffs. As I previously stated, if you believe there is another way to establish that Mr. Isaac Jeffs has succeeded Mr. Harker as to the transfer of Water Permit No. 2610-2, I would be open to suggestion.

I also wished to inform you that we are in receipt of your letter requesting an amendment to Water Permit Application No. 2730-2. The Chief Engineer will be amending her recommendation to account for your change in request and add any additional qualifications or conditions as necessary.

Additionally, I feel the need to remind you that your organization will need legal representation at the Water Management Board hearing. The hearing on this permit was originally scheduled to be conducted on March 5, 2015. We have not rescheduled your application for hearing as we have not received the documentation as to ownership of Water Permit No. 2610-2 and because we wished to give you time to secure counsel. The Water Management Board is scheduled to meet next on May 6-7, 2015. They will not meet again until July 2015. While we wish to give you sufficient time to secure counsel and gather the necessary documents, we have an obligation to timely deal with the applications and petitions which have been filed. If you can remit the paperwork to us on or before the close of business on April 15, 2015, we would be able to notice the Amended Recommendation of the Chief Engineer and schedule the matter for hearing at the May meeting. If that is not possible, we request that you provide the documentation on or before the close of business June 16, 2015, which would allow us to properly notice and schedule the matter for the July meeting. If we do not receive the paperwork by that date, it will be the recommendation of the Chief Engineer that the application be denied.

Please feel free to contact me with any questions or concerns.

Respectfully,



Ann F. Mines-Bailey
Assistant Attorney General

AFM/rar

cc: Jeanne Goodman
Douglas L. Leshner
William R. Hansen
Karl & Suzsnne Von Rump
Craig Bobzien
Mr. & Mrs. David Albrecht
Rick Fox
Toni Martin
Linda Van Dyke Kilcoin
Dean & Delia Johnson
Peter H. Fahmy
Michael M. Hickey

April 16, 2015

United Order of South Dakota

PO Box 5050
Custer, SD 57730

► **Ann F. Mines-Bailey**

1302 East Highway 14, Suite 1
Pierre, SD 57501-8501
Phone: (605) 773-3215

RE: Water Permit Application No. 2730-2

Dear Ann,

I just received your letter dated April 9, 2015 and thank you for letting us know what is needed and expected. I am sending you a document provided by the trustees of the United Order of South Dakota signed by Stephen P. Harker. Let me know what other documents need to be signed by Isaac S. Jeffs to show that he is now holding the water rights in behalf of the United Order of South Dakota. If the documents need to be signed by Stephen P. Harker and notarized, I can follow it through. We want to make sure everything is done properly.

In the future, please also email any documents or correspondence you have to me at sethsj@gmail.com. We should have an attorney retained within the next week.

We also have a report written by Mr. Arden Davis of the School of Mines in Rapid City. We have retained Mr. Davis as an expert. I will be sending this to the Chief Engineer through the attorney that will be retained. We ask that water permit application 2730-2 be scheduled in the July hearing.

Respectfully,



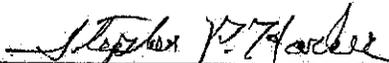
United Order of South Dakota
Water Operator
Seth S. Jeffs
4/16/2015

**AFFIDAVIT
OF FORMER TRUSTEE OF THE
UNITED ORDER OF SOUTH DAKOTA**

I, the undersigned Stephen P. Harker, constituting a former Trustee of the United Order of South Dakota, hereby certify, confirm, affirm and reaffirm the following information:

1. I was an original Trustee of the United Order of South Dakota, a common law trust, organized by Declaration of Trust executed on December 23, 2009.
2. Article I of the Declaration of Trust provides that "The Board of Trustees may designate representatives to perform one or more of these functions on its behalf."
3. I have resigned as Trustee of the United Order of South Dakota.
4. Isaac S. Jeffs is a current Trustee of the United Order of South Dakota and, as a successor in trust, holds the same rights, powers, privileges and authority in relationship to the Trust that I previously held.

IN WITNESS WHEREOF, I have executed this Affidavit of Former Trustee of the United Order of South Dakota on the 6th day of March, 2015.

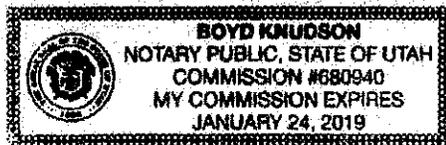


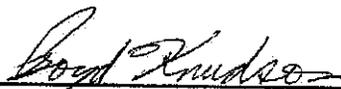
Stephen P. Harker, Former Trustee

STATE OF UTAH)
 : ss.
COUNTY OF IRON)

The undersigned, a Notary Public in and for said County and State, does hereby certify that Stephen P. Harker, personally known to me, or proved upon satisfactory evidence, to be the person whose name is subscribed to the foregoing Affidavit of Former Trustee of the United Order of South Dakota, appeared before me in person and, being by me first duly sworn, acknowledged the statements therein contained and that he executed the same in the capacity therein stated.

WITNESS my hand and official seal this 6th day of March, 2015.





Notary Public
Commission Expires: 1/24/19