

Water Division No. 7

(Blank to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION

APPLICATION FOR PERMIT (Part to be a "Vested Right" and part a new

To Appropriate Water within the State of South Dakota

application see Form 24)

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

1. Name of applicant Cornelius Clarke TRANSFERRED TO NEW CLARKE 7-7-65
 Postoffice address Ft. Pierre County Stanley State South Dakota

I. If a corporation no

(a) Name of same no

(b) Date and place of Incorporation no

(c) Amount of capital stock no

(d) Amount paid in no

(e) Names and addresses of directors no

(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)

Completed & Contracted

(b) Cash on hand, \$ no

(c) Treasury stock, \$ no

(d) Bonds to be issued, \$ no

(e) Other resources, \$ no

2. Name of diversion work Clarke # 1

3. Amount of water claimed 5.71-5.55 cu. feet per second (about 2570 gpm)

4. Source of water supply Missouri River

5. Location of point of diversion between 2 points in Lot 4, Sec. 11, T 109 N, R 76 W

on westerly bank Stanley County.

6. Annual period or periods during which water is to be used April to November Incl.

7. To be used for:

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

(a) Number of acres to be irrigated 200-200 acres 50 Ac. in the NE 1/4 Sec. 14

100 Ac. in the SW 1/4 Sec. 12, and 50 Ac. in the NE 1/4 Sec. 13, all in

(b) Legal subdivisions to be irrigated Lot 4 in Section 11, T 109 N, R 76 W Stanley Co.

(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.) T 109 N. R. 76 W.

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

(a) Nature of use no

Name any of the above uses claimed

(b) Amount of power to be generated no horse power.

Amount claimed for engine cooling no

(c) Location of plant Lot 4 in Section 11 Township 109 Range 76 Stanley Co

(d) Method of developing power no

(e) Point where water will be returned to stream no

No. 467-2 Map

8. Estimated cost of work:

(a) Head Gates, \$500.00

(b) Pumping plant, \$3,100.00

(c) Fluming, \$..... (d) Canal earth, \$.....

Block, \$.....

(e) Other structures Aluminum Pipe 200 ft.

Total, \$3,600.00

9. Description of diversion works:

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

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.....feet; height.....feet;

Material.....

(d) Canal: Total length 6000 ft. miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet
At.....Mile.....feet	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work part Completed years, and 5 for total completion11. Time required for complete application of water to the proposed beneficial use part completed years, and 2 for12. Choice of newspaper for publication of notice of intention to appropriate total completionFort Pierre Times

STATE OF SOUTH DAKOTA

County of.....

} ss.

I,....., 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.

Signed.....

Subscribed and sworn to before me this..... day of..... 1957

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Comm. Expires July 25, 1960

C. CLARKE NO. 1
IRRIGATION PROJECT
STANLEY COUNTY

SCALE 1" = 400'

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 4	11	109 N	76 W	13.5
NW 1/4 SE 1/4	11	109 N	76 W	17.0
SW 1/4 SE 1/4	11	109 N	76 W	6.4
NE 1/4 SE 1/4	11	109 N	76 W	39.8
SE 1/4 SE 1/4	11	109 N	76 W	40.0
NW 1/4 SW 1/4	12	109 N	76 W	11.9
SW 1/4 SW 1/4	12	109 N	76 W	39.7
SE 1/4 SW 1/4	12	109 N	76 W	10.0
NE 1/4 NW 1/4	13	109 N	76 W	40.0
NW 1/4 NW 1/4	13	109 N	76 W	40.0
SW 1/4 NW 1/4	13	109 N	76 W	40.0
SE 1/4 NW 1/4	13	109 N	76 W	40.0
NE 1/4 NE 1/4	14	109 N	76 W	32.7
SE 1/4 NE 1/4	14	109 N	76 W	17.7
TOTAL				388.7

OWNER OF ALL THE ABOVE LANDS IS CORNELIUS CLARKE

I, Henry T. Dabbs DO HEREBY CERTIFY THAT
THIS MAP IDENTIFIES THE LAND OF THE C. CLARKE
NUMBER ONE IRRIGATION PROJECT

SIGNATURE Henry T. Dabbs
TITLE Area Engineer
SOIL CONSERVATION SERVICE
U.S. DEPT. OF AGRICULTURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 25th DAY OF
April, 1958, A.D.

Willard Board
NOTARY PUBLIC
MY COMMISSION EXPIRES May 21, 1961

Map No. 467-2
(Appl. No. 458-2)
RECEIVED
JUL 10 1958
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STANLEY COUNTY SCD, SOUTH DAKOTA
U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. 1 of 1	Drawing No.

Remarks by State Water Resources Commission:

"Vested Right" Claimed for 2.22 cubic feet of water per second.

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 28, 1957

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock

P m. upon the 22 day of May, 1957

State Water Resources Commission

By:

J. O. Brimer
Chief Engineer, Executive Officer

Number of permit 45-8-2

Date of first receipt of application May 22, 1957

Date of return to applicant for correction, amendments or changes required as follows: August 28, 1957

Date of receipt of corrected application July 22, 1957

Date from which applicant may claim right 3.33 cfs. from July 10, 1958
2.22 cfs. from 1958

Approved December 3, 1958, Recorded in Book 5 Page 66

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

June 3, 1961

2nd. The whole of said work is to be completed on or before December 3, 1963

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

December 3, 1965

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 5.55 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, 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 December 3, 1965; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 18 day of December, 1958

State Water Resources Commission

By:

J. O. Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 16, 1963

Water License Issued AUGUST 16, 1963

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 4	11	109 N	76 W	13.5
NW $\frac{1}{4}$ SE $\frac{1}{4}$	11	109 N	76 W	17.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	11	109 N	76 W	6.4
NE $\frac{1}{4}$ SE $\frac{1}{4}$	11	109 N	76 W	39.8
SE $\frac{1}{4}$ SE $\frac{1}{4}$	11	109 N	76 W	40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	12	109 N	76 W	11.9
SW $\frac{1}{4}$ SW $\frac{1}{4}$	12	109 N	76 W	39.7
SE $\frac{1}{4}$ SW $\frac{1}{4}$	12	109 N	76 W	10.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	13	109 N	76 W	40.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$	13	109 N	76 W	40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	13	109 N	76 W	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	13	109 N	76 W	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14	109 N	76 W	32.7
SE $\frac{1}{4}$ NE $\frac{1}{4}$	14	109 N	76 W	17.7
TOTAL				388.7

OWNER OF ALL THE ABOVE LANDS IS CORNELIUS CLARKE

STATE OF SOUTH DAKOTA

WATER LICENSE No. 458-2

WHEREAS, On the 22nd day of May A. D. 1957

Cornelius Clarke

of Fort Pierre County of Stanley and State of South Dakota duly made application (No. 458-2) to us for a permit to use 5.55 cubic feet per second of the waters of the Missouri River County of Stanley, State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 18th day of December A. D. 1958 Permit No. 458-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 3rd day of December A. D. 1963 and for the application to beneficial use of said water on or before the 3rd day of December A. D. 1965 and,

WHEREAS, On the 29th day of July A. D. 1963 the holder of said permit duly made proof of the completion of adequate works for the diversion of 5.55 cubic feet per second of said waters, as evidenced by our Certificate No. 458-2 dated August 16, 1963 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 5.55 cubic feet per second of water, with date of priority of 1950 July 10, 1955 and,

WHEREAS, On the 29th day of July A. D. 1963 proof was duly made of the application to beneficial use of 5.55 cubic feet per second of said water; for irrigating 385.7 acres on portions of Sections 11, 12, 13 and 14, T109N, R75W

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 Cornelius Clarke Estate of Fort Pierre the holder and owner of said permit No. 458-2 a water right, dating from 1950 and July 10, 1958 to the use of 5.55 cubic feet per second of the waters of the Missouri River in the County of Stanley and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N17°40'W, 240 rods from the SE corner, Section 11, T109N, R76W and conducted to and upon 388.7 acres in Sections 11, 12, 13 and 14, T109N, R76W, more specifically described in the Certificate of Completion of Works for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota, this 16th day of August A. D. Nineteen Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 458-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Cornelius Clarke

of Ft. Pierre, County of Stanley, and State of South Dakota, the holder of Permit No. 458-2, Issued upon Application No. 458-2, bearing date of priority of 1950 & July 10, 1958, authorizing the diversion of 5.55 cu. ft. per second of the waters of the Missouri River

County of Stanley, State of South Dakota, at a point N 17° 40' W, 240 rods from the SE corner, Section 11, T109N, R76W

for irrigation

purposes, has fully 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 5.55 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: all in T109N, R76W

Section 11	NW $\frac{1}{4}$ SE $\frac{1}{4}$	17.0 acres
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	SW $\frac{1}{4}$ SE $\frac{1}{4}$	6.4 "
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	NE $\frac{1}{4}$ SE $\frac{1}{4}$	39.8 "
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	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 "
--	-----------------------------------	--------

	Lot 4	13.5 "
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Section 12	NW $\frac{1}{4}$ SW $\frac{1}{4}$	11.9 "
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	SW $\frac{1}{4}$ SW $\frac{1}{4}$	39.7 "
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	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 "
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Section 13	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "
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	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "
--	-----------------------------------	--------

	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "
--	-----------------------------------	--------

	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 "
--	-----------------------------------	--------

Section 14	NE $\frac{1}{4}$ NE $\frac{1}{4}$	32.7 "
------------	-----------------------------------	--------

	SE $\frac{1}{4}$ NE $\frac{1}{4}$	17.7 "
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Total	-	333.7 "
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Witness my hand this 16th day of August A. D. 1963

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

(First Publication before August 15, 1958)

APPROPRIATION OF WATER

Office of State Water Resources Comm.
Pierre, S. Dak., July 21, 1958

Notice is hereby given that Cornelius Clarke whose postoffice address is Ft. Pierre, South Dakota has made an application in accordance with the provisions of the water laws of South Dakota for 2.85 cubic feet of water per second which is being claimed under an existing Vested Right in addition to a new permit to appropriate for beneficial use 2.70 cubic feet of water per second of time from the Missouri River through the Clarke #1, the point of diversion of which is to be located on the Southerly bank of said stream in Lot 4, of Section 11, Twp. 109 N, Range 76 W. Said water to be used for the purpose of providing irrigation on parts of the following described land:

SE $\frac{1}{4}$ and Lot 4, Sec. 11; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12; NW $\frac{1}{4}$, Sec. 12;
and E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14; all in T 109 N, R 76 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September 1958 at 2:00 PM. 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.

J. W. Grimes, Chief Engineer

cc Mr. M. R. Hallock, Publisher
The Ft. Pierre Times
Ft. Pierre, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Stanley } ss.

M. R. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Fort Pierre Times 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 of Fort Pierre County of Stanley and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

July 24, 1958

July 31, 1958

Aug. 7, 1958

Aug. 14, 1958

in each and every issue of the full number thereof, the first publication being made on the 24th day of July

19 58 and the last publication on the 14th day of Aug.

19 58, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Publisher the printer and publisher of the said newspaper.

M. R. Hallock

Subscribed and sworn to before me this 17th day of Aug.

a new permit to appropriate for beneficial use 2.70 cubic feet of water per second of time from the Missouri River through the Clarke No 1, the point of diversion of which is to be located on the Southernly bank of said stream in Lot 4, of Section 11, Township 109 N., Range 76 W. Said water to be used for the purpose of providing irrigation on parts of the following described land:

NE 1-4 and 1-2, Sec. 11;
SE 1-4 SW 1-4, Sec. 12;
NW 1-4, Sec. 12; and E 1-2
NE 1-4, Sec. 14; all in T.
109 N. R. 76 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1958 at 2:00 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: J. W. Grimes, Chief Engineer

Pas. July 21, 31; Aug. 7, 14, 1958

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.
July 21, 1958.

Notice is hereby given that Cornelius Clarke whose post office address is Fort Pierre, South Dakota has made application in accordance with the provisions of the water laws of South Dakota for 2.75 cubic feet of water per second which is being claimed under an existing Vested Right in addition to

RECEIVED
AUG 19 1958

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public J. W. Grimes County, S. D.

Permit No. 458-2Water Division No. 2 White River Water District**Notice of Application of Water to Beneficial Use**

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) St. Pierre, S.D.
Stanley Co.(Date) July 29, 1963

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 29th day of July
 1963, at Cornelius Clarke Ranch County of Stanley State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 5.55 cubic feet per second of the waters of Missouri River
 _____ in accordance with the terms and conditions of Permit No. 458-2
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____
Cornelius Clarke Ft. Pierre, S.D.
2. The use to which said water has been applied is Irrigation
3. The amount applied to beneficial use is 5.55 C.F.S.
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) see back of sheet
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Cornelius Clarke Irrigation Project #1
6. The right to take the water from such works is based upon permit No. 458-2
7. The source of supply from which such water is diverted is Missouri River
8. The date of priority which said user is prepared to establish is 1950 (22 CFS vested right) and 3-33 (7-10-58)

(Sign)

Cornelius Clarke Estate by
John Clarke, Executor

Permit No.-----

Water Div. No.-----Water Dist.

Notice of Application of Water

Received -----

Date of Proof -----

Place -----

Notice sent to -----

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 4	11	109 N	76 W	13.5
NW 1/4 SE 1/4	11	109 N	76 W	17.0
SW 1/4 SE 1/4	11	109 N	76 W	6.4
NE 1/4 SE 1/4	11	109 N	76 W	39.8
SE 1/4 SE 1/4	11	109 N	76 W	40.0
NW 1/4 SW 1/4	12	109 N	76 W	11.9
SW 1/4 SW 1/4	12	109 N	76 W	39.7
SE 1/4 SW 1/4	12	109 N	76 W	10.0
NE 1/4 NW 1/4	13	109 N	76 W	40.0
NW 1/4 NW 1/4	13	109 N	76 W	40.0
SW 1/4 NW 1/4	13	109 N	76 W	40.0
SE 1/4 NW 1/4	13	109 N	76 W	40.0
NE 1/4 NE 1/4	14	109 N	76 W	32.7
SE 1/4 NE 1/4	14	109 N	76 W	17.7
TOTAL				388.7

OWNER OF ALL THE ABOVE LANDS IS CORNELIUS CLARKE

Permit No. 458-2Water Division No. 2 White River Water District**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works.

(P. O.) Pt. Pierre, S. D. - 57532(Date) July 29, 1963TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 5.55 cu. ft. per second of the waters of the state from Cornelius Clarke #1 Irrigation Project through the irrigation for irrigation purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

- The name of the person or corporation holding said permit is Cornelius Clarke (now estate of)
- The postoffice address of such person or the place of business of such corporation is Pt. Pierre County of Stanley State of South Dakota
- The number of such permit is 458-2 and the date set for the completion of such work is Dec. 3, 1963
- Said water to be used for Irrigation purposes.
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 5.55 cubic feet per second.
- The amount of land for which said water is available is 388.7 acres,

particularly described as follows:

LOCATION OF LAND TO BE IRRIGATED

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 11	11	109 N	76 W	13.5
NW 1/4 SE 1/4	11	109 N	76 W	17.0
SW 1/4 SE 1/4	11	109 N	76 W	6.0
NE 1/4 SE 1/4	11	109 N	76 W	39.8
SE 1/4 SE 1/4	11	109 N	76 W	40.0
NW 1/4 SW 1/4	12	109 N	76 W	11.9
SW 1/4 SW 1/4	12	109 N	76 W	39.7
SE 1/4 SW 1/4	12	109 N	76 W	10.0
NE 1/4 NW 1/4	13	109 N	76 W	40.0
NW 1/4 NW 1/4	13	109 N	76 W	40.0
SW 1/4 NW 1/4	13	109 N	76 W	40.0
SE 1/4 NW 1/4	13	109 N	76 W	40.0
NE 1/4 NE 1/4	14	109 N	76 W	32.7
SE 1/4 NE 1/4	14	109 N	76 W	17.7

I hereby certify that the facts set f

TOTAL 388.7

OWNER OF ALL THE ABOVE LANDS IS CORNELIUS CLARKE

Permit No. 158-2

Water Division No. 2 White R. Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

~~Dear Sirs: I hereby certify that in accordance with your letter of authorization dated~~

~~-10-~~, I have this day made a thorough examination of the diversion works constructed by _____

Cornelius Clark of

Stanley County, South Dakota, holder of Permit No. 158-2 Issued

upon Application No. 458-2, bearing date of priority of 3.23.7-10 1958, authorizing the

diversion of 5.55 cu. ft. per second of the waters of Missouri River for Irrigation

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

pu"poses. I have to report on the condition of the same as follows:

The diversion works comprise: ^{1000 G.P.M., 1" net} Twin RainMaster pumps, U.S. Pump
Mod # SS6H ⁸⁵ 9" inlet & 3" outlet, run by a Chrysler Carl
Industrial 70 H.P. ^{5.45} 80' Lift, 880' of 8"; 600' of
main ditches & 12,000' of lateral ditches. D.S. pump
^{1000 G.P.M.} RainMaster Mod # SS6H ⁸⁵ 9" inlet & 3" outlet,
run by a Chrysler V8 Ind. motor, 1957 mod.
and the system is in the following condition: Good

The point of diversion is located 240 rods N 17° 40' W. From S.E. Cor. of
Lot 4, Sec. 11 T109N R26W. 110

The works are capable of diverting and conveying to the place of use 5.55 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: 271 Acres of Sheep

comprising a total of 388.7 acres of land.

The domestic use intended comprises

~~The utilization for power, mining, or other beneficial uses.~~ ** PUMPING PLANTS
DELIVER 2000 GPM (1.40 CFS) WITH 60' LIFT AT NATURAL RIVER
ELEVATION. RAISING THE POOL ELEVATION OF BIG BEND RESERVOIR
TO NORMAL OPERATING LEVEL WILL PRODUCE LIFT TO 33', AND EXISTING
PUMPING PLANT WILL DELIVER 2500 GPM (5.55 CFS) "

Witness my hand, this 29th day of July

A. D. 19-63

-SEAL-

William H. Miller
Examining Engineer.

Examining Engineer.

* U.S. - Upstate Conn
U.S. - Lower Conn

Permit No.

Water Div. No. Water Dist.

**Certificate of Examination
of Works**

Dated 19.....

Stream

County

Amount c. f. s.

Date of Priority

Recorded in Book Page

Filed in the office of the State Water Resources Commission

this day of A. D. 19.....

State Water Resources Commission

By:

Chief Engineer, Executive Officer

LOCATION OF LAND TO BE THROGATED

LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
LOT 4	11	109 N	76 W	13.5
NW 1/4 SE 1/4	11	109 N	76 W	37.0
SW 1/4 SE 1/4	11	109 N	76 W	6.4
NE 1/4 SE 1/4	11	109 N	76 W	39.3
SE 1/4 SE 1/4	11	109 N	76 W	10.0
NW 1/4 SW 1/4	12	109 N	76 W	11.7
SW 1/4 SW 1/4	12	109 N	76 W	39.7
SE 1/4 SW 1/4	12	109 N	76 W	10.0
NE 1/4 NW 1/4	13	109 N	76 W	10.0
NW 1/4 NW 1/4	13	109 N	76 W	10.0
SW 1/4 NW 1/4	13	109 N	76 W	10.0
SE 1/4 NW 1/4	13	109 N	76 W	10.0
NE 1/4 NE 1/4	14	109 N	76 W	32.7
SE 1/4 NE 1/4	14	109 N	76 W	17.7
TOTAL				388.7

OWNER OF ALL THE ABOVE LANDS IS CORNELIUS CLARKE

NOTICE OF TRANSFER OF WATER PERMIT

SEPTEMBER 7, 1965TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

NEIL CLARKE HAS ACQUIRED~~who previously owned~~ the land described below ~~has sold his interests to~~AS LISTED IN
PERMIT 458-2together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 458-2

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 NEIL CLARKE 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 [Signature]Subscribed and sworn to before me this 7

day of

SEPTEMBER1965[Signature]
Notary Public

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH DAKOTA
GENERAL DIVISION

FILED
February 5, 1964
William J. Grutka
Clerk
By Ruth H. Coffey
Deputy

United States of America,
Plaintiff,

CIVIL NO. 406 C. D.

FINAL JUDGMENT

835.97 Acres of land, more or less,
situate in Ham and Stanley
Counties, State of South Dakota,
and Lyman County, South Dakota, et
al., and Unknown Owners,
Defendants.

Tracts Nos. 526, 663,
664, 665, 666-1, 666-2

This action came on this day for hearing upon the records and
files herein and upon the motion of the plaintiff and of the defendants
herein for Final Judgment as to the above identified tracts. The plaintiff
appeared by R. H. Coffey, Esq., United States Attorney for the
District of South Dakota, and John L. Ellis, Assistant.

Satisfactory proof was made that a Stipulation between the United
States and the landowner fixing the amount of just compensation and the
revesting of certain tracts was duly executed and filed herein.

The Court, being fully advised in the premises, FINDS AND ADJUDGES:

1. That the Stipulation between the United States and the land-
owner should be and hereby is confirmed and adopted.
2. The plaintiff has the right to take for public use the lands
identified in the title hereto and accurately and more particularly described
in the Complaint, and in the Declaration of Taking, and in the Judgment on
Declaration of Taking, and the title to the exact interest therein stated is
vested in the plaintiff, United States of America, except as modified herein.
3. The United States of America acquires the estate as described
in paragraph 3 of the Declaration of Taking in the lands identified as Tracts
Nos. 526, 663, 664, 665, 666-1, 666-2 and that portion of Tract No. 521
as hereinafter set forth, and acquires a permanent storage easement in two
portions identified as Tract Nos. 521B-1 and 521B-2, of that portion of Tract
No. 521, the fee estate to which is reverted.

The defendant is provided with the estate hereinafore described, acquired by the plaintiff, in that portion of Tract No. 521 more particularly described as follows:

A tract of land situated in the NE¹/₄NE¹/₄NE¹/₄, SE¹/₄NE¹/₄NE¹/₄, NE¹/₄SE¹/₄NE¹/₄, NW¹/₄SE¹/₄NE¹/₄, SW¹/₄SE¹/₄NE¹/₄ and SW¹/₄NE¹/₄SW¹/₄NE¹/₄ of Section 10, Township 109 North, Range 76 West of the Fifth Principal Meridian, Stanley County, South Dakota, more particularly described as follows:

Commencing at the Northwest corner of said NE¹/₄NE¹/₄NE¹/₄; thence Southerly along the West line of said NE¹/₄NE¹/₄NE¹/₄ for a distance of 213.61 feet to a point of intersection with the Westerly right-of-way line of the existing B.I.A. Route No. 10, 75.00 feet Westerly from, measured at right angles, the center line of said B.I.A. Route No. 10, said point being the point of beginning of said tract; thence Southeasterly, making an angle of 6°49'00" to the left, and parallel with aforesaid center line of B.I.A. Route No. 10, for a distance of 645.84 feet; thence Southwesterly at right angles to the right for a distance of 65.00 feet; thence Southwesterly along a curve to the right, concave Northwesterly, having a radius of 901.74 feet, initial tangent running Southwesterly and being at right angles to previously described course, said curve being parallel with and 75.00 feet Westerly, measured at right angles, from said center line of B.I.A. Route No. 10, for an arc-length of 907.16 feet; thence Southeasterly along the extended radius for a distance of 15.00 feet to said Westerly right-of-way line of the B.I.A. Route No. 10, 75.00 feet Northwesterly from, measured at right angles, said center line; thence Southwesterly along a curve to the right, having a radius of 966.74 feet, initial tangent running Southwesterly at right angles to the aforesaid extended radius, said curve being concave Northwesterly, parallel with and 75.00 feet distant from aforesaid center line to the West line of said SE¹/₄SW¹/₄NE¹/₄SW¹/₄NE¹/₄; thence North along aforesaid West line to the Northwest corner of said SE¹/₄SW¹/₄NE¹/₄SW¹/₄NE¹/₄; thence East along the North line of said SE¹/₄SW¹/₄NE¹/₄SW¹/₄NE¹/₄ to the Northeast corner thereof; thence North along the West line of the SE¹/₄NE¹/₄SW¹/₄NE¹/₄ to the Northwest corner thereof; thence East along the North line of said SE¹/₄NE¹/₄SW¹/₄NE¹/₄ a distance of 165.00 feet; thence Northeasterly to the Southwest corner of the NE¹/₄SE¹/₄NE¹/₄NE¹/₄; thence North along the West line of said NE¹/₄SE¹/₄NE¹/₄NE¹/₄ and the West line of the SW¹/₄NE¹/₄NE¹/₄NE¹/₄ to the NW¹/₄ of said SW¹/₄NE¹/₄NE¹/₄NE¹/₄; thence East along the North line of said SW¹/₄NE¹/₄NE¹/₄NE¹/₄ to the Northeast corner thereof; thence North along the West line of the NE¹/₄NE¹/₄NE¹/₄NE¹/₄ to the point of beginning.

The tract of land herein described contains 12.47 acres, more or less.

5. The estate acquired by the plaintiff in the above described portion of Tract No. 521 is excluded from these proceedings and title thereto is reverted in said defendant to the extent held by it immediately prior to the taking, subject, however, to the reservation by the plaintiff of a permanent flange easement as hereinafter described in two portions of the above described 12.47 acres, more or less, being reverted, said portions being now referred to as Tract Nos. 521E-1 and 521E-2 and

TRACT NO. 521E-1

A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 109 North, Range 76 West of the Fifth Principal Meridian, Stanley County, South Dakota, more particularly described as follows:

Commencing at the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence Southerly along the West line of the aforesaid NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 213.61 feet to a point of intersection with the Westerly right-of-way line of the existing B.I.A. Route No. 10, 75.00 feet Westerly from, measured at right angles, the center line of said B.I.A. Route No. 10; thence Southeasterly, making an angle of 6°49'00" to the left and parallel with aforesaid center line of B.I.A. Route No. 10, for a distance of 645.84 feet; thence Southwesterly at right angles to the right for a distance of 110.00 feet to the point of beginning of said tract; thence Northeasterly along aforesaid course, for a distance of 35.00 feet; thence along a curve to the right having a radius of 901.74 feet, initial tangent running Southwesterly and being at right angles to previously described course, said curve being parallel with and 140.00 feet Westerly, measured at right angles, from said center line of B.I.A. Route No. 10 for an arc length of 543.15 feet; thence Northwesterly to the point of beginning.

The tract of land herein described contains 0.84 of an acre, more or less.

TRACT NO. 521E-2

A tract of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 109 North, Range 76 West of the Fifth Principal Meridian, Stanley County, South Dakota, more particularly described as follows:

Commencing at said Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence Southerly along said West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 213.61 feet to a point of intersection with the Westerly right-of-way line of the existing B.I.A. Route No. 10, 75.00 feet Westerly from, measured at right angles, the center line; thence Southeasterly, making an angle of 6°49'00" to the left and parallel with the aforesaid center line of B.I.A. Route No. 10 for a distance of 545.84 feet to the point of beginning; thence continuing along aforesaid course for a distance of 105.00 feet; thence Southwesterly at right angles to the right for a distance of 33.00 feet; thence Northwesterly to the point of beginning.

The tract of land herein described contains 0.04 of an acre, more or less.

That the permanent flowage easement reserved by the plaintiff in the two parties identified as Tracts Nos. 521E-1 and 521E-2, of that portion of Tract No. 521 reserved, was taken as follows, to wit:

6. The portion of Tract No. 521 not revested in which the described in paragraph 1(b) of the declaration of taking has been therein by the plaintiff and which is retained by the and which is referred to as Tract No. 521, is described as follows:

Tract No. 109 North, Range 76 West of the Fifth Principal Meridian.

[illegible]

having a radius of 901.74 feet, initial tangent running Southeasterly and being at right angles with previous described course, said curve being parallel with and 140.00 feet Westerly measured at right angles, from said center line of D.I.A. Route for an arc length of 937.16 feet; thence Southeasterly, along the extended radius of the aforesaid curve, for a distance of 65.00 feet to said Westerly right-of-way line of said D.I.A. Route No. 10, 75.00 feet Northwesterly, measured at right angles from said center line; thence Southwesterly along a curve to the right, having a radius of 966.74 feet, initial tangent running Southwesterly at right angles to the aforesaid extended radius, said curve being concave Northwesterly, parallel with and 75.00 feet distant from aforesaid center line to the West line of said $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$; thence Southerly along aforesaid West line of the $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ to the Southwest corner thereof; thence Easterly along the South line of said $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ and the South line of said $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ to the Southeast corner of the aforesaid $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$; thence Northerly along the East line of said $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ to the Southwest corner of said $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$; thence Easterly along the South line of the aforesaid $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ to the Southeast corner thereof; thence Northerly along the East line of said $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ to the Northeast corner thereof; thence Westerly along the North line of the aforesaid $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ to the point of beginning, also $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$, that portion of the $S\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ bounded by the North and East sides and a line extending from the Northwest corner to the Southeast corner thereof; $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$; $S\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$; $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$; $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$; that portion of the $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ bounded by the East and South sides and a line extending from the Northeast corner to the Southwest corner thereof; $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ and that portion of the $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ bounded by the East and South sides and a line, extending from the Southwest corner to the Northeast corner thereof. All the above in Stanley County, South Dakota.

The tract of land herein described contains 279.34 acres, more or less.

7. With respect to Tract Nos. 521E-1 and 521E-2 in which permanent flowage easement is reserved by the plaintiff, the defendant waives for itself, its successors and assigns any and all claims against the United States or the State, County and political subdivision in which the land is located for loss of access thereto and waives further any claims against the United States for damage thereto arising from soil erosion, slides and wave wash.

8. The defendant is revested with the easement estate as herein-after described in a portion of Tract No. 668-1 and a portion of Tract No. 668-2, said easement estate and the portions of Tract Nos. 668-1 and 668-2 described as follows, to-wit:

A perpetual easement and right of way to install and maintain a water pipeline and pumping unit for the exercise of established water rights, although no right to use water is created hereby, upon, over and across the following described land:

A strip of land 66.00 feet in width situated in the NW¹/₄ NW¹/₄ SW¹/₄ of Section 11, Township 109 North, Range 76 West of the Fifth Principal Meridian, Stanley County, South Dakota, with 33.00 feet on each side of the following described center line: Commencing at the Southwest corner of said NW¹/₄ NW¹/₄ SW¹/₄; thence East, along the South line of said NW¹/₄ NW¹/₄ SW¹/₄ for a distance of 288.75 feet to the point of beginning; thence North, at right angles, to a point on the right bank of the Big Bend Reservoir.

A strip of land 66.00 feet in width situated in Lot 4 of Section 11, Township 109 North, Range 76 West of the Fifth Principal Meridian, Stanley County, South Dakota, with 33.00 feet on each side of the following described center line: Commencing at the Southeast corner of said Section 11; thence North 17°40' West for a distance of 3960.00 feet; thence South to a point on a line, said line being parallel with and 66.00 feet North of the South line of said Lot 4, said point being the point of beginning; thence North to the right bank of the Big Bend Reservoir.

provided, however, said easement and right of way shall be dedicated to project purposes and to the right of the United States to flood and submerge said land permanently or intermittently in the construction, operation and maintenance of the Big Bend Dam and Reservoir Project.

The said encumbrance estate acquired by the plaintiff

Approved Classified portions of serials Nos. 609-1 and 609-2 and a part

It is not to be confused with these provisions, and their operation.

ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE PUBLISHER.

10. The fact that the defendant is a minor, is not a defense.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

11. The defendant, Soda Corporation, is authorized to reserve all buildings on Tract Nos. 521 and 668-1, and the Declaration of Taking filed February 10, 1963 is so modified and amended to permit the reservation of said buildings, provided that the same are removed on or before 1 November 1963, and the defendant has no claims for damages to said buildings which may be caused or may arise by reason of acts of the plaintiff for the duration of the reservation, and if such buildings are not removed prior to 1 November 1963, said defendant has no further rights therein; and that the Order for Reservation of Improvements as to Tracts Nos. 521 and 668-1 entered in this action on March 29, 1963, be modified to the extent that the United States of America has waived its right to reimbursement for the salvage value of the improvements in the sum of \$5,565.00.

12. Deficiency judgment is entered against the United States of America for the deficiency amount scheduled below.

13. The Clerk of this Court is hereby authorized and directed to make disbursement of the amount now on deposit in the registry of the Court and of the amount of the deficiency judgment upon deposit of the sum by the plaintiff in the registry of the Court, in accordance with the following schedule of disbursement, and to satisfy such deficiency judgment.

DISBURSEMENT SCHEDULE

Defendant: Soda Corporation

Compensation: \$112,000.00, inclusive of interest, of said sum of \$112,000.00 the sum of \$21,450.00 has heretofore been deposited in the registry of the Court, and of the sum of \$21,450.00 the sum of \$22,375.00 has heretofore been disbursed on account leaving a balance of \$8,075.00 in the registry of the Court. Deficiency judgment against the United States of America is the sum of \$22,375.00.

Disbursement:

To: Soda Corporation, \$22,375.00

\$22,375.00

Compensation for interest on the sum of \$22,375.00

To: Soda Corporation, the sum of

\$22,375.00

Compensation for interest on the sum of \$22,375.00

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

14. The payee recited in the schedule of disbursement above is hereby adjudged to be the person entitled to the distribution of the just compensation, and the Clerk shall transmit such disbursement checks to the plaintiff's attorneys for delivery to said payee.

15. This cause is held open for such further orders, judgments and decrees as may be necessary in the premises.

16. No costs shall be taxed.

Entered at Sioux Falls, South Dakota, this 5th
day of February, 1904.

BY THE COURT:

GEORGE T. HICKELSON

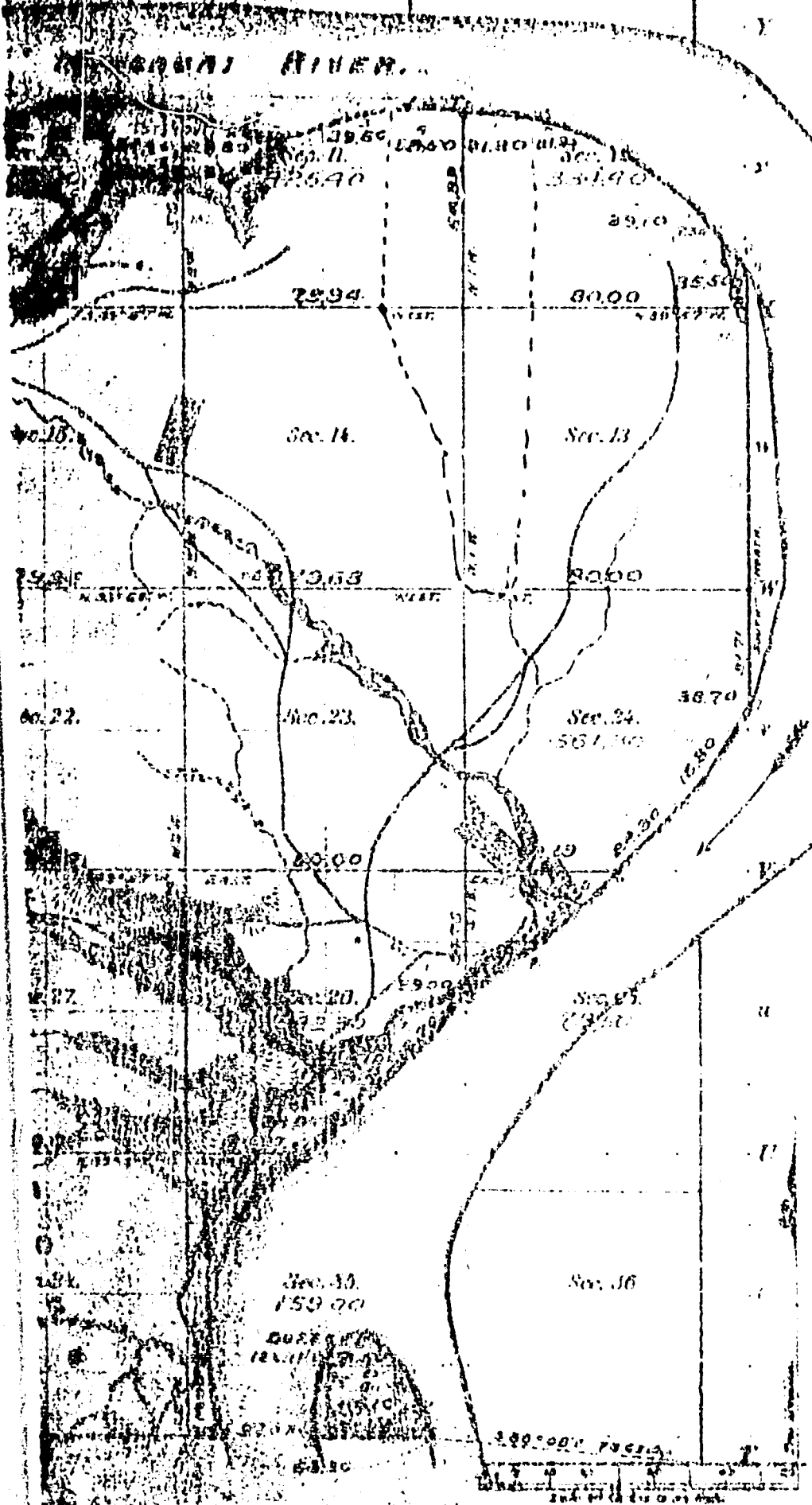
Judge

WILLIAM F. KOSITA

(SEAL OF COURT)

By ARTHUR H. COFFEE

Deputy



Notes and other remarks

Section 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. The river flows from the top left towards the bottom right. The map is drawn on a grid of dashed lines.

Water Rights Division
605 773-3352

December 30, 1983

458-2

799-2

864-2

Neil Clarke
Ft. Pierre,
South Dakota 57532

Dear Mr. Clarke:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 each (\$7.50 for the three).

Upon receipt of the enclosed forms and the \$7.50 filing fee the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of 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.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosures



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

October 23, 1985

458-2
799-2
864-2

Lower Brule Sioux Tribe
Box 187
Lower Brule SD 57548

ATTN: Lisa Estes

Dear Ms. Estes:

Regarding our telephone conversation of October 23, 1985, enclosed are partially completed transfer forms for transferring Water Rights formerly owned by Neil Clarke to the Lower Brule Sioux Tribe. Please check over, date, sign and have them notarized. Upon completion of the forms, return them to our office in the enclosed postage paid envelope.

Upon receipt of the completed forms in our office, all records pertaining to Water Right Nos. 458-2, 799-2 and 864-2 will be transferred to the Tribe.

If you have any questions, please contact our office. I have enclosed a copy of the water rights for your information.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Equal Opportunity Employer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 24, 1985

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

388.7 acres: SE 1/4 & Lot 4 Section 11; NW 1/4 & S 1/2 SW 1/4 Section 12;

NW 1/4 Section 13; E 1/2 NE 1/4 Section 14, T109N, R76W

formerly owned by Neil Clarke

has been transferred to Lower Brule Sioux Tribe, Box 187, Lower Brule SD 57548

(please include complete mailing address)

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

Water Right Permit No. 458-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the 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 hereby attached to cover filing fees as required under SDCL 46-5-15.~~

STATE OF SOUTH DAKOTA)

County of LYONS) ss.

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

[Signature]

(Signed)
MICHAEL B. JANDREAU, CHAIRMAN
LOWER BRULE SIOUX TRIBE

Subscribed and sworn to before me this 24 Day of October, 1985.

[Signature]
(Notary/Public)



SOUTH DAKOTA

VESTED WATER RIGHT NO. 458-2 FOR IRRIGATION

Date of Receipt of Claim May 22, 1957.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 458-2 for irrigation purposes for the Lower Brule Sioux Tribe, Box 187, Lower Brule, South Dakota, 57548 with the following limitations, conditions and qualifications:

1. Partial Vested Water Right No. 458-2 appropriates 5.55 cubic feet per second of water from the Missouri River to irrigate 388.7 acres. The point of diversion is located in Lot 4, Section 11, T109N, R76W. The irrigated lands are located in Lot 4, SE1/4 Section 11; W1/2 SW1/4, SE1/4 SW1/4 Section 12; NW1/4 Section 13; E1/2 NE1/4 Section 14; all in T109N, R76W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 to November 30.
3. The priority dates of the Vested Water Right are:
January 1, 1950 - 2.22 cfs
July 10, 1958 - 3.33 cfs
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____ date _____
Chief Engineer

Division of Water Rights
Dept. of Environment and Natural Resources