

1201
899.2

1. Considered Jan 15, 1967
2. Name of Applicant Colman Barnes
3. Post Office Address Kennelbee
4. Amount of water claimed 8.35
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 585
7. Water to diverted and used in Cymus County
about 15 mi miles 45 of Kennelbee
8. Proof of Publication Received Jan 14
Not Received _____
9. Application Approved ✓
Administrative errors Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 899-2Water Division No. 2 White River District _____
(Blanks to be filled by the Engineer for the W. R. C.)

JAN 23 1967

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant Gilman Farms, Inc.
Postoffice address Kennebec, County Lynn, State S. Dak.

I. If a corporation

(a) Name of same Gilman Farms, Inc.
(b) Date and place of incorporation July 1, 1966 - Kennebec
(c) Amount of capital stock \$500,000
(d) Amount paid in All
(e) Names and addresses of directors Art Gilman, Ruff Gilman, Jim Gilman, all lived in Presko and Bill Gilman, Ret. Gilman both of Kennebec

(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)

Direct
(b) Cash on hand, \$ Adequate

(c) Treasury stock: \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Gilman Irrigation Project #13. Amount of water claimed 8.35 cubic feet per second4. Source of water supply Missouri River5. Location of point of diversion N 30° W 1570' from the SE corner of Sec 26, T108N R75W on Right bank Lynn County.6. Annual period or periods during which water is to be used April 1st thru Nov. 1st

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 585 acres.(b) Legal subdivisions to be irrigated NE 1/4, S 2 1/2 E 4, SE 1/4, Sec 36, T108N, R75W;(NOTE—A list of lands to be irrigated, giving each subdivision and acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
SW 1/4, Sec 31, T108N, R74W; and NE 1/4, Sec 1, T107N, R74W.

(c) Statement as to domestic use (giving location, etc.) _____

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 # 783-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures.....

Total, \$.....

9. Description of diversion works:

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

Pump, Pipe, Ditch, & Dikes

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.....acres. Surface area at highwater mark.....acres.

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

(c) * Head gate: Width.....feet; height.....feet; Material.....

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
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
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 years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Advocate Leader, Kennebec, S. Dak

STATE OF SOUTH DAKOTA

County of Hughes

ss.

I, Ron GilmanCorporation Secretarybeing 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

Ronald Gilman sec

Subscribed and sworn to before me this

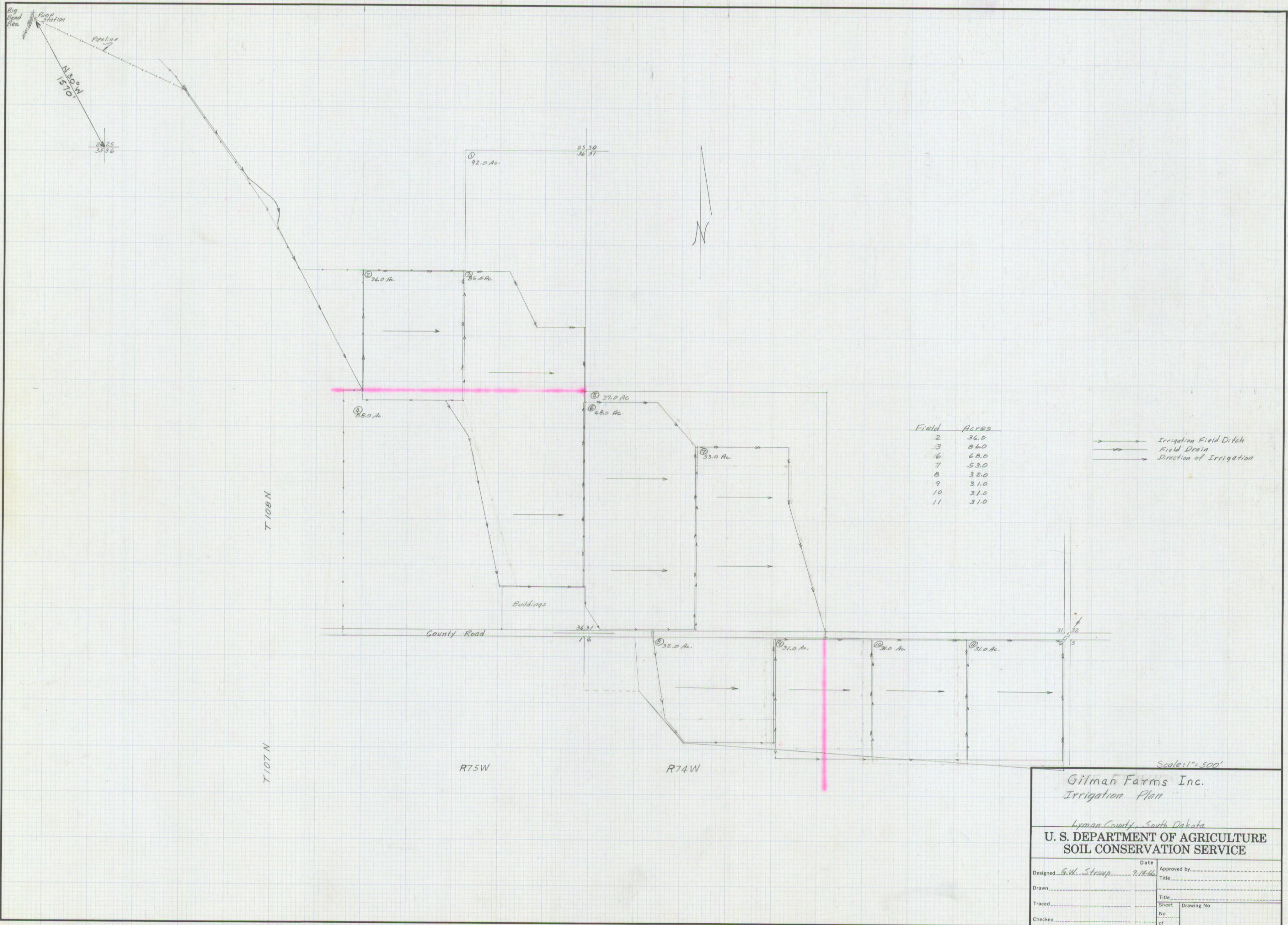
23rd

day of

January1967

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Gilman Farms Inc.
Irrigation Plan

Lyman County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>G.W. Straup</u>	Date <u>7-18-46</u>	Approved by _____
Drawn _____	Title _____	_____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. _____	_____
	of _____	

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 17, 1967

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock
P.m. upon the 23 day of January, 1967

State Water Resources Commission

By: Richard O Schuyler
For Chief Engineer, Executive Officer

Number of permit 899-2

Date of first receipt of application January 23, 1967

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 January 23, 1967

Approved March 15, 1967, Recorded in Book 9 Page 228

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 15, 1969

2nd. The whole of said work is to be completed on or before March 15, 1972

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

March 15, 1976

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 8.35 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 March 15, 1976; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 17 day of March, 1967

State Water Resources Commission

By: GEO. J. Guiney
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 30, 1973

Water License Issued MAY 30, 1973

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County Glenn

*See letter to publisher for
correct publication notice.*

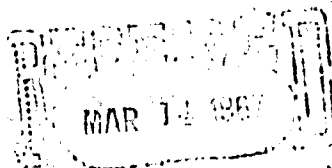
Edith being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate water was taken from the Glenn Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the town of Kennebec County of Glenn and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 9th, February 16th,
February 23rd and March 2nd,
1967

in each and every issue of the full number thereof, the first publication being made on the 16th day of February 1967 and the last publication on the Ninth day of March 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 13 day of Mar A. D. 1967

Notary Public Lyman County, S. D.



STATE WATER RESOURCES COM.
PIERRE SOUTH DAKOTA

Appropriation of Water
Office of State Water Resources
Commission, Pierre, S. Dak., Jan-
uary 30, 1967.
Notice is hereby given that Gil-
man Farms, Inc., whose postoffice
address is Kennebec, S. Dak., has
made an application in accord-
ance with the provisions of the
water laws of South Dakota for a
permit to appropriate for bene-
ficial use 6.5 cubic feet of water
per second of time from the A-15
South River Project, No. 11, the
point of diversion of which is to
be located on the right bank of
said stream in SE 1/4 of the SE 1/4
of Section 26, Twp. 108N, Range
6W. Said water to be used for
the purpose of providing irriga-
tion on the following described
land: NE 1/4, SE 1/4, and SE 1/4
Section 36, T108N, R75W, SW 1/4
Section 31, T107N, R74W, and
N 1/4, Section 11, T101N, R74W.
This application will be taken
up by the State Water Resources
Commission at their office at
Pierre for consideration upon the
15th day of March, 1967, at 2 P.
M. All interested persons may ap-
pear and be heard.
Appropriate action will be tak-
en by the Water Resources Com-
mission after suitable time has
elapsed for the consideration of
any or any information presented.
State Water Resources
Commission, Pierre, S. D.
By: Richard D. Schroyer,
Water Right Specialist.
(Pub. Jan. 16 to March 9)

Permit No. 899-2Water Division 2 WHITE RIVER Water District

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

TO: Water Resources 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 Gilman Farms, Inc.R.R. of Kennebec, S. D. holderof Permit No. 899-2, bearing date of priority of January 23, 19 67authorizing the diversion of 8.35 cu. ft. per second of the waters of the Missouri River
for irrigation purposes, in Lyman 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 8 inch centrifugal pump
Deutz Industrial engine, 150 HP diesel fuel

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

1800 feet of 16 inch buried transite pipe } shared with 918-2 and 919-2
 3600 feet of V ditch, 6' x 4' }
 Several miles of smaller field ditches }
 50' x 30' x 8' pumping pit, pit pump Berkeley 6" centrifugal, Marathon 20 HP, electric motor
 C. Works used to apply water to beneficial use.

One half mile of 9 inch gated pipe
600 siphons 1½" - 2" plastic siphonsThe system is in the following condition: ExcellentThe point of diversion is located North 30° West 955 feet from the NW Corner of Sec. 36-T108N-R75WThe works are capable of diverting and conveying to the place of use 8cu. 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:

SE¼, Section 36, T108N, R75W	153 acres
NE¼, Section 36, T108N, R75W	113 acres
SW¼, Section 31, T108N, R74W	158 acres
NW¼, Section 6, T107N, R74W	51 acres
NE¼, Section 6, T107N, R74W	82 acres
comprising a total of <u>557</u> acres of land.	

send to: Ronald Gilman, Gilman Farms, Inc.

Date May 4, 1973

(Signature)
 (Signature)

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

Form 15.

Permit No. 899-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Gilman Farms, Inc.

_____ the holder of
Permit No. 899-2, issued upon Application No. 899-2, bearing date of priority of January 23,
1967 authorizing the diversion of 8.35 cu. ft. per second of the waters of
the Missouri River County of Lyman, State of South Dakota at
a point North 30° West, 955 feet from the NW Corner, Section 36, T16N, R. 5W
_____, for irrigation

purposes, have 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 8.0 cu. ft. per second of water.

Date May 30, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 899-2

(1) WHEREAS, On the 23rd day of January A. D. 19 67
Gilman Farms, Inc.

made Water Right Application No. 899-2 for a permit to use 8.35 cubic feet per second of the waters
of the Missouri River

County of Lyman State of South Dakota for irrigation

purposes; and

(2) WHEREAS, On the 17th day of March A. D. 19 67

Permit No. 899-2 with a date of priority of January 23, 1967

was issued to said applicant 8 for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 15th day of March A. D. 19 72 and for the
application to beneficial use of said water on or before the 15th day of March A. D. 19 76

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 7.95 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 law of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following land

T108N, R75W, Section 36	SE $\frac{1}{4}$	153 acres
	NE $\frac{1}{4}$	113 acres
T108N, R74W, Section 31	SW $\frac{1}{4}$	158 acres
T107N, R74W, Section 6	NW $\frac{1}{4}$	51 acres
	NE $\frac{1}{4}$	82 acres
Total		557 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, Gilman Farms, Inc.

_____ of Kennebec, S.D.
the holder _____ and owner _____ of said permit No. 899-2 a water right, dating from January 23, 1967
_____ to use of 7.95 cubic feet per second of the waters
of the Missouri River

in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point North 30° West, 955 feet from the NW
Corner, Section 36, T108N, R75W

and conduct to and upon portions of Section 36, T108N, R75W, Section 31, T108N, R74W and
Section 6, T107N, R74W, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 899-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of May A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

STATE OF SOUTH DAKOTA
OFFICE OF THE SECRETARY OF STATE
CERTIFICATE OF INCORPORATION
OF
.....GILMAN FARMS, INC.....

The undersigned, as Secretary of State of the State of South Dakota, hereby certifies that duplicate originals of Articles of Incorporation for the incorporation ofGILMAN FARMS, INC..... duly signed and verified pursuant to the provisions of the South Dakota Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Secretary of State, by virtue of the authority vested in me by law, hereby issues this Certificate of Incorporation ofGILMAN FARMS, INC..... and attaches hereto a duplicate original of the Articles of Incorporation.

DatedMarch 29....., 19..66

Alma Larson
.....
Secretary of State

ARTICLES OF INCORPORATION

Executed by the undersigned for the purpose of forming a South Dakota corporation under Chapter 22 of the South Dakota Business Corporation Act:

Article 1. The name of the corporation shall be

Gilman Farms, Inc.

Article 2. The period of existence shall be **perpetual.**

Article 3. The purposes shall be to carry on all or any of the businesses of farming and ranching and related activities, including the growing of crops, livestock, and related products, and the buying or selling thereof; to purchase or otherwise acquire real estate, personal property, and to do any and all things necessary to the conduct of its business to engage in truck or agricultural products commercially. To dispose of its property.

Article 4. The number of shares which it shall have authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, is:

Class	Series (if any)	Number of Shares	Par value per share or statement that shares are without par value
Common stock		5,000	Par value \$100.00 each.

Article 5. The preferences, limitations, designation, and relative rights of each class or series of stock, are none, except that the corporation shall have the first option to repurchase any outstanding stock issued, such option to be on such terms as the Directors may establish prior to the initial stock issue.

Article 6. Address of initial registered office is: **Freeho, South Dakota**

Article 7. Name of initial registered agent at such address is **Art Gilman**

Article 8. The number of directors constituting the initial board of directors shall be **not less than three nor more than seven;** and the names and addresses of the directors are as follows:

Art Gilman	Freeho, South Dakota
Ruth Gilman	Freeho, South Dakota
James Gilman	Freeho, South Dakota
William Gilman	Kennebec, South Dakota
Ronald Gilman	Kennebec, South Dakota
Alce Ruth Steiger	Kennebec, South Dakota

XXXXXXXXXXXXXXXXXXXX

Article 9. The name and address of incorporator (or incorporators) are:

NAME	ADDRESS
------	---------

Art Gilman	Fresho, South Dakota
Ruth Gilman	Fresho, South Dakota
James Gilman	Fresho, South Dakota
William Gilman	Kennebec, South Dakota

Article 10. (Other provisions) The corporation will not commence business until consideration of the value of at least one thousand dollars has been received for issuance of shares.

Article 11. These Articles may be amended in the manner authorized by law at the time of amendment.

Executed in duplicate on the 23rd day of March, 1966.

Art Gilman

Ruth Gilman

James Gilman

William Gilman

STATE OF SOUTH DAKOTA)
County of LYMAN) ss.

Personally came before me this 23rd day of March, A. D. 1966
the above named Art Gilman, Ruth Gilman, James Gilman, William Gilman

to be known to be the person(s) who executed the foregoing instrument, and acknowledged the same

John W. Larson

Notary Public

(Notary Seal)

My Commission expires Oct. 5th, 1968

STATE OF SOUTH DAKOTA)
County of LYMAN) ss.

Art Gilman and James Gilman

BEING DULY SWORN, each for himself deposes and says: That he is one of the persons described in and who signed the foregoing Articles of Incorporation as an incorporator therein; that he has read said Articles and knows the contents thereof; that the incorporators intend in good faith to form a corporation for the purpose of the promotion of a lawful business as set forth in said articles and not for the purpose of enabling any corporation or corporations to avoid the provisions of Chapter 13.18 South Dakota Code of 1939 relating to unlawful trusts and combinations and laws amendatory thereto.

Art Gilman

James Gilman

Subscribed and sworn to before me this 23rd day of March, 1966

John W. Larson

Notary Public

My Comm. exp. 10/8/68



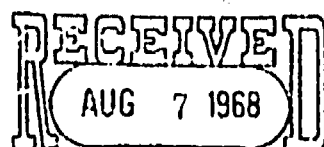
DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6012 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

IN REPLY REFER TO

MRORM

2 August 1968

Gilman Farms Inc.
c/o Art Gilman
Presho, South Dakota 57501



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Gentlemen:

Inclosed for your information and files is an executed copy of Amendment No. 3 to Easement No. DACW45-2-69-6001, Big Bend Dam, Lake Sharpe Project, South Dakota. The granting clause has been changed to provide for an underground water pipeline.

Sincerely yours,

1 Incl
As stated

DALE KENT
Chief, Real Estate Division

Copy furnished:
SD St Wtr Res Comm
Bur Rec, Billings
(ea w/cy incl 1)

AMENDMENT NO. 1
TO
EASEMENT NO. DACW45-2-69-6001
BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

WHEREAS, on the 8th day of July 1968, THE SECRETARY OF THE ARMY, as represented by the officer executing this agreement (hereinafter called the Government) granted Easement No. DACW45-2-69-6001 to GILMAN FAIRBANKS INC., (hereinafter called the grantee), said easement being a right of way for the installation, operation and maintenance of a portable irrigation water pipeline and portable pump unit over, across, in and upon certain lands, as more particularly described therein, within the Big Bend Dam, Lake Sharpe Project, South Dakota; and

WHEREAS, the grantee later advised that the pipeline is underground; and

WHEREAS, it is in the best interest of the Government to amend the easement accordingly.

NOW THEREFORE, Easement No. DACW45-2-69-6001 is hereby amended in the following particulars but in no others:

a. The purpose of the easement as stated in the eighth and ninth lines of the granting clause is deleted and the following substituted in lieu thereof:

The installation, operation and maintenance of an underground irrigation water pipeline and portable pump unit.

All other terms and conditions of said easement shall be and remain unchanged.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of July 1968.

/s/ Dale Kent

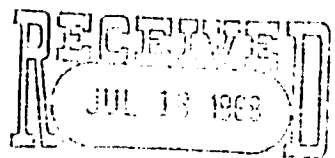
DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers

799.2

MRORR

15 July 1968

Gilman Farms Inc.
c/o Art Gilman
Presho, South Dakota 57501



STATE WATER RESOURCES DIVISION
PIERRE, SOUTH DAKOTA

Gentlemen:

Inclosed for your information and files is a fully executed copy of Easement No. DACW45-2-69-6001 granting right of way for the installation, operation and maintenance of a portable irrigation water pipeline and portable pump unit over, across, in, and upon land of the Big Bend, Lake Sharpe Project, South Dakota.

It is requested that you forward to this office your remittance in the amount of \$50.00 as evidenced by the inclosed Bill for Collection.

Sincerely yours,

2 Incls
As stated

DALE KENT
Chief, Real Estate Division

cc: SD St Wtr Res Comm
Bur Rec, Billings
(ea w/cy incl 1)

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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

No. DACW45-2-69-6001

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 Gilman Farms, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of South Dakota, with its principal office at Presho, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ coextensive with State Water Permit No. 899-2 ~~to construct, install, operate and maintain~~ an easement for a right of way for the installation, operation and maintenance of a portable irrigation water pipelines and portable pump unit

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 "4" attached hereto and made a part hereof, and described as follows:

A parcel of land 66 feet wide in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 108 North, Range 75 West, Lyman County, South Dakota, lying 33 feet on each side of the following described line; commencing at the Southeast corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence North along the East line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ for a distance of 140 feet to the point of beginning; thence North 30° 00' West to the shoreline of Lake Sharpe. Contains 1.00 acre, 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 Fifty and no/100 Dollars (\$ 50.00) 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.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.
3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.
4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.
5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.
6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.
7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, ~~nor for injuries to the person of the grantee~~ ~~if not incident to~~ nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.
8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.
9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.
10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

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 a manner that such discharge will 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 benefits 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. 7 and 13 were altered and Conditions Nos. 15 and 16 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 8th
day of July 19 68

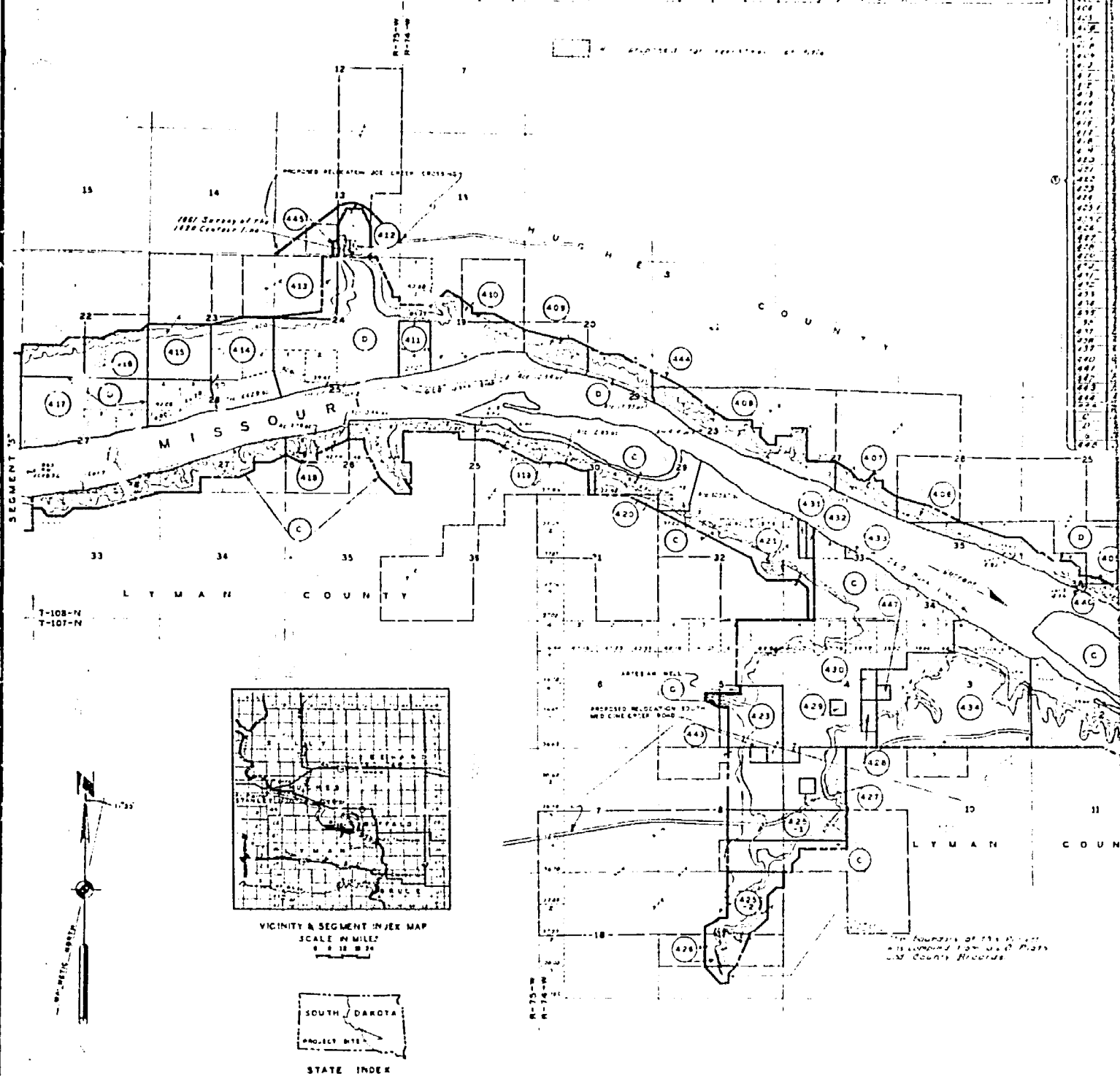
/s/ Dale Kent

DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers

TRACT REGISTER OF ACQUISITION AFTER 1 JANUARY 1943 (CML) CONT

TRACT NO.	LAND OWNER	ACREAGE	REMARKS
407	DeWitt, H. A.	18.00	Relinquished by Plat 281
408	DeWitt, H. A.	18.00	Relinquished by Plat 281
409	DeWitt, H. A.	18.00	Relinquished by Plat 281

TRACT NO.
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THIS DRAWING HAS BEEN REPRODUCED TO THREE EIGHTY TWO PER CENT SCALE.

899-2

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

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

March 23, 1987

GILMAN FARMS, Art Gilman
SR, BOX 12
KENNEBEC, SD 57568

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 964-2, 899-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 964-2, 899-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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

Water Rights Division - DWNR
Conversation or File Documentation

File No.

899-2

964-2

NAME OF PERSON OR FILE: Gilman Farms

ADDRESS: Kennebec, SD

COUNTY

DATE: July 6, 1987

TELEPHONE

RE: 1986 Irrigation Questionnaires

COMMENTS:

A notice was sent to Art Gilman, Gilman Farms March 23, 1987 concerning submission of his 1986 irrigation questionnaires for Water Right Nos. 899-2 and 964-2.

Mr. Gilman's questionnaires were received on March 23, 1987 after the notices were already mailed out.

No followup letter was necessary and Mr. Gilman's water rights were not brought before the Water Management Board at the May 6 hearing.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: Henry McMath

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: George Spiels, COE, Pierre Real Estate Office, Pierre, SD

DATE: June 9, 2000

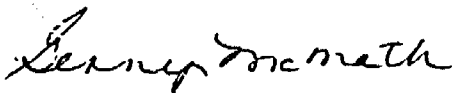
RE: Gilman Farms Inc

COMMENTS:

George called to check on ownership of water rights held by Gilman Farms Inc. I found two water rights listed in their name. Nos. 899-2 and 964-2, both in Lyman County with diversion of water being from the Missouri River.

Mr. Spiels indicated the land has been sold as of April 3, 2000, to the Lower Brule Farm Corporation which is an entity of the Lower Brule Tribe. He has been corresponding with them concerning the easement.

He said he was calling to obtain information on transferring the water rights (cost etc) and would contact the Farm Corp again and recommend that they get the water rights transferred to their name.



Genny McMath
Environmental Scientist