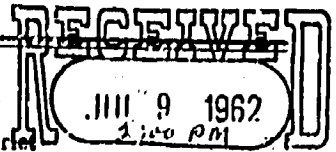


1000-3

1. Considered 9-19, 1915
2. Name of Applicant Harold J. Downes
3. Post Office Address Pirion
4. Amount of water claimed 2.39
5. Source of water supply Mission River
6. Water to be used for irrigation
Acres to be irrigated 167.8
7. Water to be diverted and used in Shasta County
15 miles 5 miles of Pirion
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not Approved ☐
Action deferred ☐

10. Remarks:

No. 1000-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Harold J. Downes RR #2, Harold 57534
~~Postoffice address~~ _____, County Pierre Hughes, State S. Dak.

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract and employment of others.
 (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Harold J. Downes #1
 3. Amount of water claimed 239 cubic feet per second
 4. Source of water supply Missouri River (Big Bend Lake)
 5. Location of point of diversion From the NE corner sec 23 T108N R75 W PTA is S 38 degrees 0 min. W. 1190
280 rods and Pt B is E 3 degrees 45 min. W. 192 rods
on P.W. S 31 degrees 0 min. E 192 rods on North bank Hughes County.
 6. Annual period or periods during which water is to be used MAY 1 to Nov 1
 7. To be used for:

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

(a) Number of acres to be irrigated 187.8 acres.
SEE BACK OF THIS APPLICATION

(b) Legal subdivisions to be irrigated See W.B. map

(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.) _____

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 NO 644-3

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.)

.....

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

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 work5.....years.
 11. Time required for complete application of water to the proposed beneficial use5..... years.
 12. Choice of newspaper for publication of notice or intention to appropriate Pierre Capital Journal

STATE OF SOUTH DAKOTA

County of Hughes } ss.

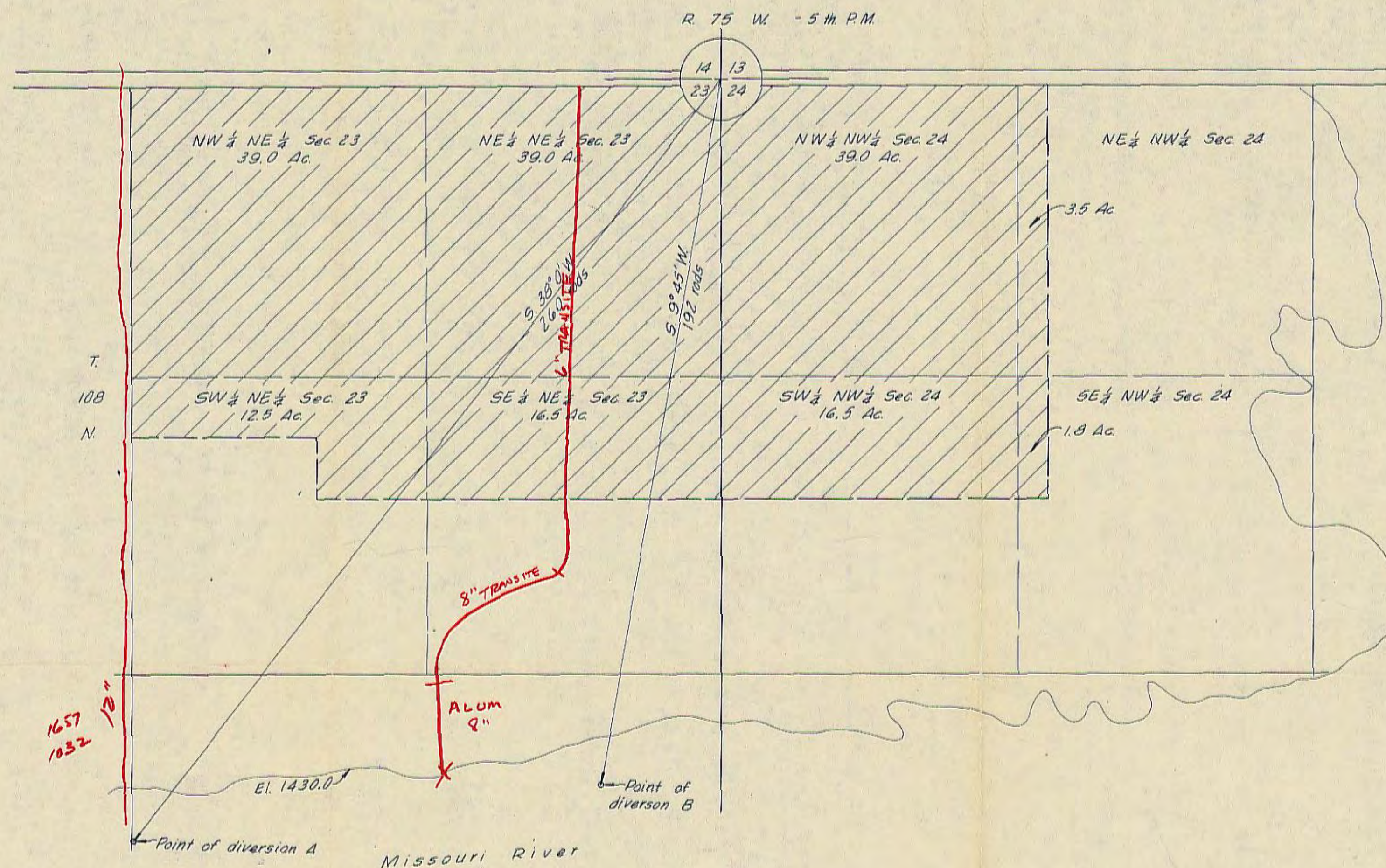
I, Harold L. Downes, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Harold L. Downes

Subscribed and sworn to before me this 9th day of July 1962

Wm. L. Redman
 Notary Public (or other qualified officer.)

*Each diversion must have headgate or measuring device.



All lands described are owned by Harold J. Downes

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW $\frac{1}{4}$ NE $\frac{1}{4}$	23	108N	75W	39.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	108N	75W	39.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	108N	75W	12.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23	108N	75W	16.5
NW $\frac{1}{4}$ NW $\frac{1}{4}$	24	108N	75W	39.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24	108N	75W	3.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24	108N	75W	16.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$	24	108N	75W	1.8
TOTAL				167.8

SURVEYOR'S CERTIFICATE

I, Harold J. Downes DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE HAROLD J. DOWNES IRRIGATION PROJECT NUMBER ONE AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HUGHES COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Harold J. Downes

TITLE: Agricultural Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 11th DAY OF June, 1962, A.D.

John E. Thomas
NOTARY PUBLIC

MY COMMISSION EXPIRES October 2, 1965

Scale: 1" = 400'

**HAROLD J. DOWNES
IRRIGATION PROJECT
NUMBER ONE**

Hughes County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 21, 1962

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock
P.m. upon the 9TH day of JULY, 1962

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 1000-3

Date of first receipt of application JULY 9, 1962

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right JULY 9, 1962

Approved SEPTEMBER 19, 1962 Recorded in Book 7 Page 180

This is to certify that we have — the foregoing application for a permit to appropriate water of the State of South Dakota, and we heretofore — 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 MARCH 19, 1965

2nd. The whole of said work is to be completed on or before SEPTEMBER 19, 1967

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

SEPTEMBER 19, 1967

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 2.39 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 — 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 SEPTEMBER 19, 1967; said water to be used during the following described annual period:

MAY 1 TO NOVEMBER 1

Witness my hand this 21ST day of SEPTEMBER, 1962

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 10, 1971

Water License Issued JUNE 10, 1971

No. -----

Division N° -----

District -----

PERMIT

to appropriate water from -----

County, South Dakota

Name of applicant -----

Name of diversion works -----

Date of first receipt at Office of State
Water Resources Commission

Returned to applicant for Correction

Corrected application received

Date of Water Right

Recorded in Book ----- Page -----
One-fifth of work to be completed

Whole work to be completed

Final proof of use of water

Approved -----
State Water Resources Commission

By: Chief Engineer

**LANDS TO BE IRRIGATED
ALL IN T102N R. 75W**

SEC. 23	NW ¹ NE ¹	39.0	acres
	NE ¹ NE ¹	39.0	"
	SW ¹ NE ¹	12.5	"
	SE ¹ NE ¹	16.5	"
SEC. 24	NW ¹ NW ¹	39.0	"
	NE ¹ NW ¹	39.0	"
	SW ¹ NW ¹	16.5	"
	SE ¹ NW ¹	1.8	"
TOTAL		167.8	"

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1000-3

(1) WHEREAS, On the 9th day of July A. D. 19 62
Harold I. Downes

made Water Right Application No. 1000-3 for a permit to use 2.39 cubic feet per second of the waters of the Missouri River

County of Hughes, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 21st day of September A. D. 19 62
 Permit No. 1000-3, with a date of priority of July 9, 1962

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of September A. D. 19 67 and for the application to beneficial use of said water on or before the 19th day of September A. D. 19 67

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 2.39 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in T108N, R75W

Section 23	NW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	12.5 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16.5 acres
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3.5 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.5 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1.8 acres
Total		157.8 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 Harold Downes
of Pacific Palisades, California
the holder _____ and owner _____ of said permit No. 1000-3 a water right dating from July 9, 1962
to use of 2.39 cubic feet per second of the waters
of the Missouri River
in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 3100' South and 1200' West of the NE
Corner, Section 23, T108N, R75W

and conduct to and upon portions of Sections 23 and 24, T108N, R75W, described on the face
of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1000-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of June A. D.
Nineteen Hundred and Seventy-One

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.V. GRIFFS

Form 15.

Permit No. 1000-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harold J. Downes

the holder of

Permit No. 1000-3, issued upon Application No. 1000-3, bearing date of priority of July 9, 1962

authorizing the diversion of 2.39 cu. ft. per second of the waters of

the Missouri River County of Hughes, State of South Dakota at

a point 3100' South and 1200' West of the NE Corner, Section 23, T108N, R75W

for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of water.

Date June 10, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.J. H. HIPPLEbeing duly
sworn, deposes and says the annexed printed copy of Notice
of Intention to Appropriate Water was taken from theDAILY CAPITAL JOURNAL a newspaper which
during the whole time of publication of said notice herein
after stated, has been and is printed and published in the
DAILY CAPITAL JOURNAL
~~XXXXXX~~ of ~~XXXXXX~~ PIERRE County ofHUGHESand State of South Dakota;
that the said notice was published in said newspaper on the
following dates:8-2, 8-9, 8-16-, 8-23-in each and every issue of the full number thereof, the first
publication being made on the 2 day of Aug
1962 and the last publication on the 23 day of
Aug. 19 62, upon which days or times
of publication aforesaid the newspaper was regularly pub-
lished, and that during the whole time of said publication he
was Business gr. the printer and publisher of
the said newspaper.John H. HippelSubscribed and sworn to before me this 23 day of Aug. A. D. 19 62Notarial Commission of
Sarah Gordon
Expires March 25, 1966Sarah Gordon
Notary Public HUGHES County, S. D.

No. 10011 It daily Aug. 2-9-16-23
No. 1000-3
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak. July
30, 1962.
Notice is hereby given that Har-
old J. Downes whose postoffice ad-
dress is Pierre, S. Dak., has made
an application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use 2.39
cubic feet of water per second of
time from the Missouri River
through the Downes No. 1 the
point of diversion of which is to
be located on the north bank of
said stream between a point in the
NW 1/4 Sec. 24 and a point in the
SE 1/4 of the SW 1/4 of Section 23
Twp. 108N. Range 75W. Said water
to be used for the purpose of pro-
viding irrigation on portions the
following described land:
Section 21, T. 108N. R. 75W.
This application will be taken up
by the State Water Resources
Commission at their office at
Pierre for consideration upon the
15th day of September, 1962, at 2
P.M. All interested persons may
appear and be heard.
Appropriate action will be taken
by the Water Resources Commis-
sion after suitable time has elapsed
for the consideration of any or all
information presented.
State Water Resources
Commission
By: Burton F. Jones
Water Right Specialist

RECEIVED
AUG 24 1962

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 1000-1

on or before
(First Publication August 23, 1962.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 30, 1962

Notice is hereby given that Harold J. Downes

address is Pierre S. Dak., whose postoffice

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.32

cubic feet of water per second of time from the Missouri River through the

Downes #1 between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, and a point north
bank of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23

Twp. 108N Range 75W Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$, Section 23, and NW $\frac{1}{4}$, Section 24, T 108N, R 75W

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of September, 1962, at 2 P.M. All interested persons may appear and be heard.

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

cc: R.E. Hipple - Publisher
Pierre Capitol Journal
Pierre, South Dakota

State Water Resources Commission

By:

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

DEPARTMENT OF THE ARMY
LICENSE

No. DA-25-066-CIVENG-65-379

THE SECRETARY OF THE ARMY hereby grants to

Harold J. Dornas

a license, for a period of

five years

commencing on 1 March 1964

but revocable at the will of the Secretary of the Army, to install, use, operate and maintain a water pipeline and pumping unit upon, over and across each of the parcels designated as 1 and 2

as shown in red on Exhibits "B" and "C" respectively, attached hereto and made a part hereof, and described as follows: Parcel No. 1 A parcel of land lying within Sections 23 and 26, T108N, R75W, Hughes Co., SD, more particularly described as follows: A strip of land being 66' wide lying 33' on either side of the following described line: Commencing at the NE corner of the SE $\frac{1}{4}$ of said Section 23; thence S 45°00'00" W to the shoreline of the Lake Sharpe Project. Parcel No. 2 A parcel of land lying in Sections 20 & 29, R108N, R75W, Hughes Co., SD, more particularly described as follows: A strip of land being 66' wide lying 33' on either side of the following described line: Commencing at a point on the North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20, said point being 33' East of the NW corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South parallel to the East line of said Section 20 to the shoreline of the Lake Sharpe Project.

THIS LICENSE is granted subject to the following conditions:

1. That the licensee shall pay to the United States compensation in the amount of: Forty and no/100 Dollars (\$40.00)

Payments shall be forwarded directly to District Engineer, U. S. Army Engineer District, Omaha, 6012 U. S. Post Office and Courthouse, 215 North 17th Street, Omaha 2, Nebraska.

2. That the exercise of the privileges hereby granted shall be 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 referred to as "said officer," and subject also to such regulations as may be prescribed by him from time to time.

3. That any property of the United States damaged or destroyed by the licensee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the licensee to the satisfaction of the said officer, or in lieu of such repair or replacement the licensee 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 damage to or destruction of Government property.

4. That the United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property of the licensee, or for injuries to the person of the licensee, or for damages to the property or injuries to the person of the licensee'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 governmental activities on the said premises, and the licensee shall hold the United States harmless from any and all such claims.

5. That, on or before the date of expiration of this license or its relinquishment by the licensee, the licensee shall vacate the said Government premises, remove all property of the licensee therefrom, and restore the premises to a condition satisfactory to the said officer, damages beyond the control of the licensee and due to fair wear and tear excepted. If, however, this license is revoked, the licensee shall vacate the premises, remove said property therefrom, and restore the premises as aforesaid within such time as the Secretary of the Army may designate. In either event, if the licensee shall fail or neglect to remove said property and so restore the premises, then, at the option of the Secretary of the Army, said property shall either become the property of the United States without compensation therefor, or the Secretary of the Army may cause the property to be removed and the premises to be so restored at the expense of the licensee, and no claim for damages against the United States or its officers or agents shall be created by or made on account of such removal and restoration work.
6. That the licensee shall pay the cost, as determined by the said officer, of producing and/or supplying any utilities and other services furnished by the Government or through Government-owned facilities for the use of the licensee, including the licensee's proportionate share of the cost of operation and maintenance of the Government-owned facilities by which such utilities or services are produced or supplied. The Government shall be under no obligation to furnish utilities or services. Payment shall be made in the manner prescribed by the said officer upon bills rendered monthly.
6. ~~IX~~ That 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 the facilities constructed by the licensee on the said premises.
7. ~~IX~~ That this license may be terminated by the licensee at any time by giving to the Secretary of the Army, through the said officer, at least ten (10) days' notice in writing; provided that, in case of such termination, no refund by the United States of any rental theretofore paid shall be made.
8. ~~IX~~ That it is to be understood that this license is effective only insofar as the rights of the United States in the property involved are concerned, and that the licensee shall obtain such permission as may be necessary on account of any other existing rights.
9. That the installation and/or operation and maintenance of the facilities shall be accomplished in such a manner as not to endanger personnel or property of the United States on the land of the United States or obstruct travel on any road thereon.
10. That no permanent structures shall be constructed on the land.
11. That the licensee shall supervise the said facilities and cause them to be inspected at reasonable intervals, and shall immediately repair any defect 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 facilities and the making of any repairs thereto, the premises shall be restored immediately by the licensee at the licensee'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.
12. That 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 a manner as not to create any unreasonable interference with the use of the right of way herein granted.
13. That in connection with the use of the right of way granted, the licensee shall obtain and possess at all times a valid permit of water right in accordance with the State law.

11, 12, and 13 added
11. *IX.* That Condition ~~(4)~~ No. ~~(4)~~ 6 was deleted and Conditions 9, 10, was (were) deleted before
the execution of this License.

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

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army

this 18th day of August 19 64.

L. Y. Lawton
XXXXXXXXXX L. Y. LAWTON
Acting Chief, Real Estate Division
U. S. Army Engineer District, Omaha

The above instrument, together with all the conditions thereof, is hereby accepted this 17th
day of April 1964

Harold J. Downes
HAROLD J. DOWNES
31 Boulevard
Commandant Charcot
Neuilly-sur-Seine, France

1000-3

DEPARTMENT OF THE ARMY
AMENDMENT NO. 1
TO LICENSE NO. DA-25-066-CIVENG-65-379
BIG BEND DAM & LAKE SHARPE, SOUTH DAKOTA

WHEREAS, HAROLD J. DOWNES, an individual, (hereinafter called the "licensee") was granted a five (5) year license designated No. DA-25-066-CIVENG-65-379, effective 1 March 1964, to install, use, operate and maintain a water pipeline and pumping unit upon, over and across Government-owned land located on the Big Bend Dam, Lake Sharpe Area, South Dakota, for the purpose of pumping irrigation water to other lands owned by the licensee; and

WHEREAS, it has been determined that the area described as Parcel No. 1 should be amended to conform to the actual use area.

NOW, THEREFORE, it has been determined to be in the best interest of the Government that said license is amended in the following particulars, but in no others:

Exhibit D, attached hereto and made a part hereof, is substituted in place of Exhibit B and the description of Parcel No. 1 is amended to read as follows:

"A parcel of land lying within Section 23, Township 108 North, Range 75 West of the Fifth Principal Meridian, Hughes County, South Dakota, more particularly described as follows:

A strip of land being 66 feet wide lying 33 feet on either side of the following described line. Commencing at the NE corner of the SE $\frac{1}{4}$ of said section 23; thence westerly along the East-West quarter line of said Section 23 for a distance of 1000 feet to the true point of beginning; thence South 10°20' West to the shoreline of Lake Sharpe."

Except as amended above, all provisions and conditions of said license shall remain in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army this 3rd day of February 1966.

Dale Kent
DALE KENT

Chief, Real Estate Division
U. S. Army Engineer District, Omaha

STATEMENT AND CERTIFICATE OF AWARD

ND-25-066-CIVENG-65-379
(Contract)

Date 18 August 1964

DEPARTMENT OF THE ARMY
(Department or establishment)

U. S. ARMY ENGINEER DISTRICT
(Bureau or office)

OMAHA, NEBRASKA
(Location)

METHOD OF OR ABSENCE OF ADVERTISING

METHOD OF ADVERTISING

1. By advertising in newspapers. Yes ☐ No ☐
2. (a) By advertising in circular letters sent to dealers.
(b) And by notices posted in public places. Yes ☐ No ☐

(If notices were not posted in addition to advertising by circular letters sent to dealers, explanation of such omission must be made below.)

ABSENCE OF ADVERTISING

Without advertising in accordance with * See Below

(The law pursuant to which contract was negotiated and the applicable section and paragraph thereof. If contract was negotiated under a public exigency which would not admit of the delay incident to advertising, or because of it being impracticable to secure competition, state below or on the reverse hereof, the circumstances requiring negotiation.)

AWARD OF CONTRACT

- | | | |
|--|------------------------------|-----------------------------|
| A. To lowest bidder as to price (Expenditures) | Yes ☐ | No ☐ |
| B. To highest bidder as to price (Receipts) | ☐ | ☐ |

CERTIFICATE

I CERTIFY that the foregoing statement is true and correct; that the written findings required by law to be submitted with the contract in case of negotiation, upon a determination by the agency head or other authorized official that such method of contracting is necessary, are attached thereto; that the total number of bids received is and that where lower bids (expenditure contracts) or higher bids (receipt contracts) as to price were received, a statement of reasons for their rejection, together with an abstract of bids received, including all lower than that accepted in case of expenditure contracts and all higher in case of receipt contracts, is given below or on the reverse hereof or on a separate sheet attached hereto; that the articles or services covered by the agreement (expenditure) are necessary for the public service; and that the prices charged are just and reasonable.

Harold J. Downes
31 Boulevard
Commandant Charcot
Neuilly-sur-Seine, France

Big Bend Dam and Lake Sharpe Project, So. Dak.

License

Term: Five (5) years

Consideration: \$40.00 for term

* Competition impractical due to nature of grant.

Acting Chief, Real Estate Division
U. S. Army Engineer District, Omaha
(Title)

L. Y. LAWTON (Signature of contracting officer)

NOTE: This statement and certificate will be used to support all agreements, both formal contracts and less formal agreements of whatever character, involving the expenditure or receipt of public funds. It must be executed and signed by the contracting officer (unless the award is made by or is subject to approval by an officer other than the contracting officer, when execution and signature may be made by such officer).



1000-3

DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
7410 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

MRORE-M

11 March 1970

Regional Director
U. S. Department of Interior
Bureau of Reclamation
Regional Office, Region 6
P. O. Box 2553
Billings, Montana 59101

Dear Sir:

Inclosed for your information and files is a conformed copy of
Easement No. DACW45-2-70-6025 granting Harold J. Downes, Pacific
Palisades, California, an easement for rights of way for installation,
operation and maintenance of portable irrigation water pipelines and
portable pumping systems over, across, in and upon land within the
confines of the Big Bend Dam, Lake Sharpe Project, South Dakota,
for a period coextensive with South Dakota State Water Permit
No. 1000-3 for use of 2.39 cfs to irrigate 167.3 acres of land.

Sincerely yours,

1 Incl
as stated

Copy Furnished:

✓ S.Dak Wat. Res. Com w/cy Incl

DALE KEIT
Chief, Real Estate Division

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

NO. DDC-45-2-70-6025

ON DIO ARMS DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

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

Harold J. Dwyer
560 Toyopa Drive
Pacific Palisades, California

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{conterminous with South Dakota State Water Permit No. 1000-3} ~~ten~~ years from the date hereof, an easement ~~for a right of way~~ for rights of way for installation, operation and maintenance of portable irrigation water pipelines and portable pumping systems

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof, and described as follows: on Exhibit "C"

THIS EASEMENT is granted subject to the following conditions:
1. The grantee shall pay to the United States compensation in the amount of ^{One Hundred} ~~Fifty and no/100~~ ^(\$ 100.00) for the term ^{payable} ~~in advance~~ in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to Post Office and Court House, 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, or for injuries to the person of the grantee (if an individual), 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.

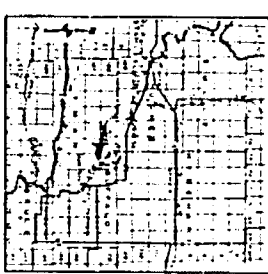
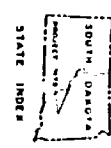
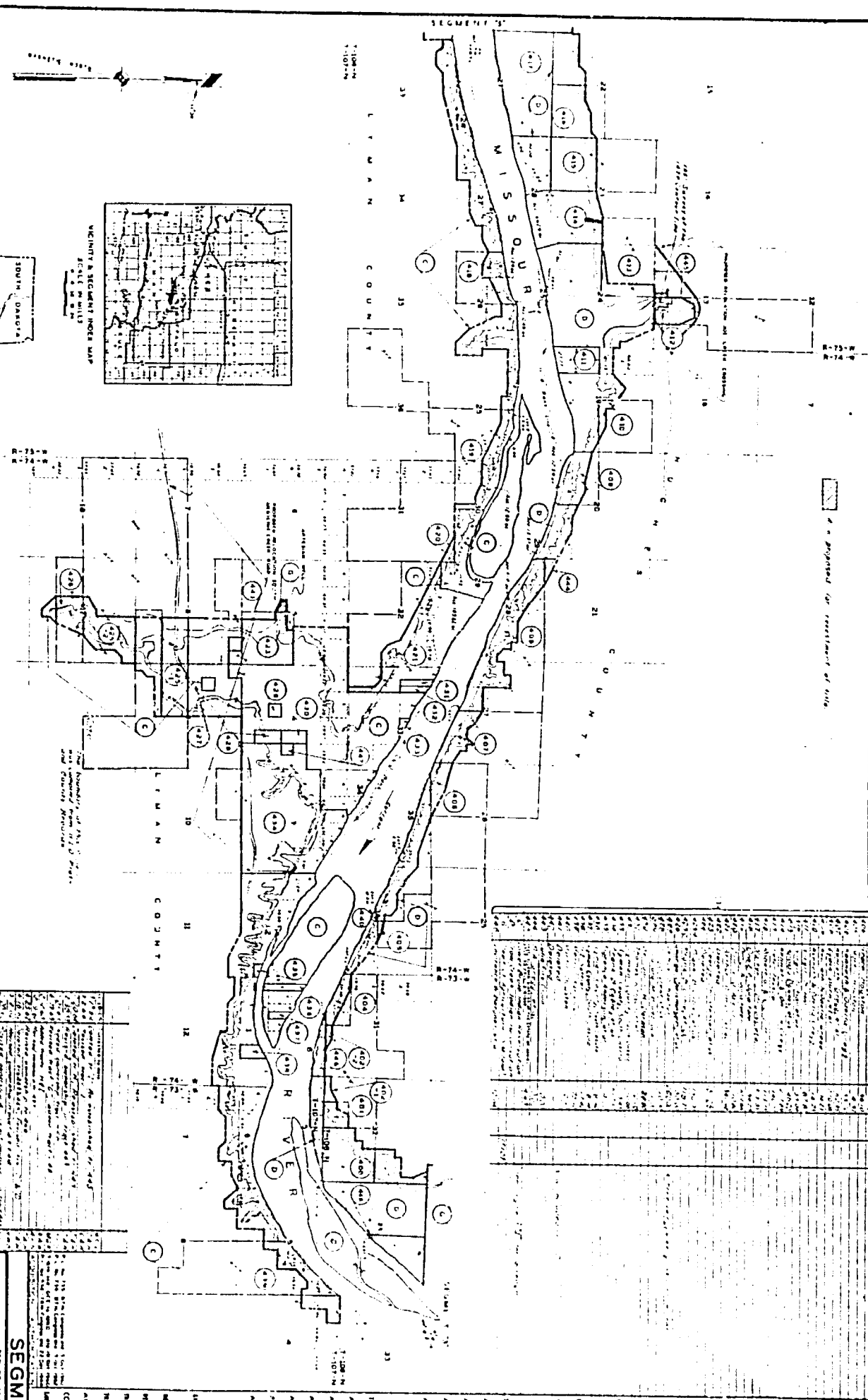
10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, 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.

TRACT REGISTER OF ACQUISITION AFTER 1 JANUARY 1943 (CIVIL)			
TRACT NO.	LAND OWNER	ACQUISITION DATE	REMARKS
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TRACT REGISTER OF ACQUISITION AFTER 1 JANUARY 1943 (CIVIL)			
TRACT NO.	LAND OWNER	ACQUISITION DATE	REMARKS
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90	...	...	...

AGENCY OF THE ARMY
SOUTH DAKOTA
BUFFALO - STANLEY
RICHES - WIDE-LYMAN
MISSOURI RIVER
OWANA
FIFTH

PROJECT MAP



LEGEND

ACQUISITION

DISPOSAL

LOCATION OF PROJECT

TRANSPORTATION FACILITIES

SEGMENT "4"

DEPARTMENT OF THE ARMY
MISSOURI RIVER DIVISION

BU BEND DIV
AND
LANE SHARPE

[illegible]

BIG BEND DAM, LAKE SHARPE PROJECT

A strip of land situated within the SE 1/4 of Section 23, Township 108 North, Range 75 West of the Fifth Principal Meridian, Hughes County, South Dakota, more particularly described as follows:

A strip of land 66.00 feet in width lying 33.00 feet on each side of the following described line. Commencing at the northeast corner of said SE 1/4 of Section 23; thence westerly along the East-West quarter line of said Section 23 for a distance of 1000.00 feet to the true point of beginning; thence South 10°20' West to the shoreline of Lake Sharpe, containing 1.06 acres, more or less.

A strip of land situated in Sections 20 and 21, Township 108 North, Range 75 West of the Fifth Principal Meridian, Hughes County, South Dakota, more particularly described as follows:

A strip of land being 66.00 feet in width lying 33.00 feet on each side of the following described line. Commencing at a point on the North line of the SE 1/4 SE 1/4 of said Section 20, said point being 33.00 feet East of the Northwest corner of said SE 1/4 SE 1/4; thence South parallel to the East line of said Section 21 to the shoreline of Lake Sharpe, containing 0.76 of an acre, more or less.

EXHIBIT "C"

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

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

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

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

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

16. That this easement and rights of way for water pipelines and pumping plants 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

~~This easement is not subject to Title 10, United States Code, Section 2862.~~
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.
~~IN WITNESS WHEREOF, I have hereunto set my hand and the~~
day of

17. That the grantee shall not install erosion control devices around the intake of the irrigation systems without the approval by said officer in charge.

18. That any fuel storage tanks above ground shall be so located or protected by dikes, curbs, sumps or other suitable means as to prevent the spread of liquids in case of leakage of tank or piping therefrom causing or contributing to the pollution of any watercourse. The holding area shall have a capacity at least equal in volume to that of the largest tank in use, plus ten percent of all other tanks inclosed.

Prior to the execution of this instrument, Conditions Nos. 15, 16, 17 and 18 were added.

This easement is not subject to Title 10, United States Code, Section 2862.
In witness whereof I have hereunto set my hand this 34th day of

October 1967.

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

1000-3

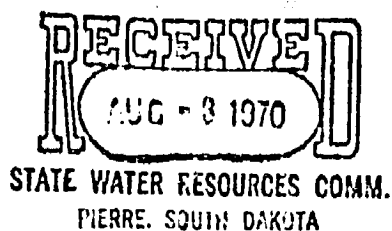


DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
7410 U. S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

MRORE-M

31 July 1970

Regional Director
U. S. Department of Interior
Bureau of Reclamation
Regional Office, Region 6
P. O. Box 2553
Billings, Montana 59101



Dear Sir:

Inclosed for your information and files is a conformed copy of Easement No. DACW45-2-70-6071 granting Harold J. Downes, Pacific Palisades, California, an easement for right of way for a portable irrigation pipeline and pumping system on land within the boundaries of Big Bend Dam, Lake Sharpe Project, South Dakota, for a period coextensive with South Dakota State Water Permit No. 1000-3. The South Dakota Water Permit allows 2.39 cubic feet per second for use on 167.8 acres of land.

Sincerely yours,

1 Incl
as stated

L. Y. LAWTON
Chief, Real Estate Division

✓ Copy furnished:
S. Dakota Water Res Com, Pierre
w/cy of Incl

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

ON SIG BEAD DAM, LAKE SHARPE, SOUTH DAKOTA

No. LACW45-2-70-6071

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

Harold J. Downs
560 Toyopa Drive
Pacific Palisades, California

hereinafter designated as the grantee, for a period ~~not exceeding~~ ~~extensive~~ with South Dakota State Water Permit No. 1000-3, held by grantee, from the date hereof, an easement for a right of way for installation, operation and maintenance of a portable irrigation water pipeline and portable pumping system,

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof, and described as follows:

A strip of land situated within the SE-1/4 of Section 23, Township 108 North, Range 75 West, Hughes County, South Dakota, more particularly described as follows:

A strip of land 66 feet in width lying 33 feet on each side of the following described line.

Commencing at the Southwest corner of the NW-1/2 NW-1/4 SE-1/4 of said Section 23, thence northeasterly along a line from the SW corner of said NW-1/2 NW-1/4 SE-1/4 to the Northeast corner thereof for a distance of 100 feet to the true point of beginning; thence South parallel to the West line of said SE-1/4 to the shoreline of Lake Sharpe, containing 0.66 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 District Engineer, Omaha District, Corps of Engineers, 721 U. S. Post Office and Court House, 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, or for injuries to the person of the grantee (if an individual), 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.

(Conditions Nos. 15, 16, 17, 18 and 19 are continued on page 4, attached hereto, and by this reference made a part hereof.)

Prior to the execution of this instrument, Conditions Nos. 15, 16, 17, 18 and 19 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 20th
day of April 19 70.

/s/ L. Y. LANTON
L. Y. LANTON
Acting Chief, Real Estate Division
Cranes District, Corps of Engineers

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

16. That this easement and rights of way for water pipelines and pumping plants 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.

17. That the grantee shall not install erosion control devices around the intake of the irrigation systems without the approval by said officer in charge.

18. That any fuel storage tanks above ground shall be so located or protected by dikes, curbs, ramps or other suitable means as to prevent the spread of liquids in case of leakage of tank or piping therefrom causing or contributing to the pollution of any watercourse. The holding area shall have a capacity at least equal in volume to that of the largest tank in use, plus ten per cent of all other tanks included.

19. The right is hereby reserved to the United States to flood the premises whenever necessary in connection with river and flood control work, and the grantee shall have no claim for damages of any character on account thereof against the United States.

Permit No. 1000-3
 Water Division 3 MISSOURI RIVER Water District

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

TD: 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 HAROLD J. DOWNES of PACIFIC PALISADES, CALIF. holder of Permit No. 1000-3, bearing date of priority of JULY 9, 1962 authorizing the diversion of 2.39 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION purposes, in HUGHES 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:

CORNELL 6NW3 8" INLET 10" OUTLET PUMP
POWERED BY I.H.C. UV 461 PROPANE MOTOR

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

630' OF 8" ALUMINUM PIPE
630' OF 8" TRANSITE PIPE - BURIED
1650' OF 6" TRANSITE PIPE - BURIED

C. Works used to apply water to beneficial use.

2010' OF 10" GATED PIPE W/ 40" GATES.
NATURAL SLOPE OF LAND PLUS SOME PLANING
OF HIGH SPOTS

The system is in the following condition: VERY GOOD

The point of diversion is located 3100'S AND 1200'W OF THE
NE⁴, SECTION 23, T108N, R75W

The works are capable of diverting and conveying to the place of use 4.0

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

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

SECTION 23		SECTION 24	
NW ⁴ NE ⁴	39 ACRES	NW ⁴ NW ⁴	39 ACRES
NE ⁴ NE ⁴	39 "	NE ⁴ NW ⁴	3.5 "
SW ⁴ NE ⁴	12.5 "	SW ⁴ NW ⁴	16.5 "
SE ⁴ NE ⁴	16.5 "	SE ⁴ NW ⁴	1.8 "

comprising a total of 167.8 acres of land.

Date April 27, 1971
[Signature]
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



January 16, 2002

NOTICE

1000-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/jdenr

TO: HAKOLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4949-3 & 5345-3, 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HAROLD J DOWNES
1301 SHOREBIRD LANE
CARLSBAD CA 92009

COMPLETE THIS SECTION ON DELIVERY

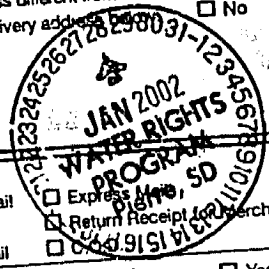
A. Received by (Please Print Clearly) **HAROLD DOWNES** B. Date of Delivery **1/25-02**

C. Signature **X Harold Downes** ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Signature Required

4. Restricted Delivery? (Extra Fee) ☐ Yes



2. Article

7001 2510 0004 4797 5774

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2002

Harold J Downes
1301 Shorebird Lane
Carlsbad, CA 92009

RE: Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

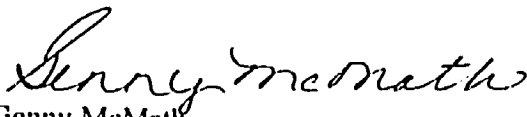
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3.

I completed questionnaires for you based on our January 23rd telephone conversation. The forms I completed reflect that you did not irrigate in 2001. The systems were turned on briefly at the end of the season to determine if they worked properly.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,


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

Garland Erbele, Chief Engineer Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol.
Pierre, South Dakota 57501-3182

RECEIVED

OCT 24 2003

WATER RIGHTS
PROGRAM

Dear Sir:

Since we first started irrigating on the Joe Creek Terrace nearly 50 years ago, before Lake Sharpe was formed, we have seen many changes. We have always found the personnel in your department most helpful and cooperative. Relying on the precedents thus set, we are submitting herewith our water rights reports along with notes accurately reporting the facts as we know them. This year catches us in a state of flux or change in that we have found it no longer economically desirable to pursue further the flood and gated pipe way of distributing water on our crops. While the pivot systems are somewhat more capital intensive, they offer the advantages of less water use, more efficient distribution, less labor intensive, less erosion, and less pollution. We took the first steps in switching over by replacing all the diesel operated pump stations with electric systems in 1997 admittedly with more than a little pressure from the Corps of Engineers.

Accordingly, we are progressively changing to pivot systems. We installed our first pivot this year and hope to have four more installed by the end of this year or at least in time for the 2004 crop season. By the 2005 season we hope to have completed the pivotization of all our irrigable holdings on the Joe Creek Terrace. So much for the big picture.

Several of the permits obviously will need amendment. We would like to wait until we have finished the current redevelopment before making those changes. However we need the advice of your department on this point. Would you please ask whoever is charged with the responsibility for reading these reports to cast one eye on this letter and the notes included herewith to better understand what we are trying to do?

We expect to be at Joe Creek from October 25-30. The farm phone is 875-3384 and my cellphone is 760-419-8951.

Sincerely,


Harold and Mary Ann Downes
1301 Shorebird Lane
Carlsbad, CA 92009
October 21, 2003

Note to # 5345-3: If this is the 25- acre strip adjacent Lake Sharpe, we lost the lease and don't believe we will recover it under current Corps of Engineers policies. Accordingly this permit may be a candidate for revision or cancellation. It was represented to us by the Corps at the time of non-renewal of our lease that the land was to be used as a wild life preserve. However, it has been farmed and crop has been taken from it in the form of hay in recent years in apparent contradiction of the use used as a basis for non-renewal of our long standing lease arrangement. If the Corps were to change its policies we would want to lease it again and make use of this permit.

If, on the other hand, this pertains to land on Joe Creek Terrace itself, we are currently irrigating it by gravity and gated pipe and are currently in the planning stages of installing additional center pivots on Secs 23 and 24 to replace the gated pipe system which has been employed since the date of permit #1000-3. We hope to have the new systems operational for the 2004 season.

Note to 4949-3: We are currently lessees of the land in Sec 21 but do not currently hold the lease in Sec 16. Accordingly, this permit should be amended to eliminate reference to the land in Sec 16. Also, we are in planning stages of installing a center pivot to replace the gated pipe system which we have always used in Sec 21. When this comes to pass, we would want to change the diversion point shown in this permit to that employed in #2105 for the land in the NW quarter of 22 and the NW quarter of 15 108-75 since the use of center pivots requires less water more efficiently distributed with less erosion than the flood systems. This change is tentatively foreseen for crop year 2005. We would like to withhold amending this permit until some of the things we are planning become fait accompli so as to incorporate all the changes with a single amendment or updating.



1000-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1000-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2005

Harold J Downes
1301 Shorebird Lane
Carlsbad CA 92009

RE: Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1000-3

1032-3

1657-3

2105-3

4293-3

4949-3

5345-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Albert Hattum, 21862 West Bend Rd, Harrold SD

DATE: September 25, 2006

TELEPHONE: 605 875-3248

RE: irrigation questionnaires for former Harold Downes land

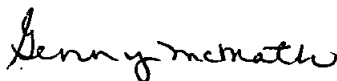
COMMENTS:

Mr. Hattum stopped by the office to complete the 2005 irrigation questionnaires for Water Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. He farmed the land for the "Downes". Harold Downes had originally submitted the forms in November, 2005. The information contained on the forms did not appear to be correct and Mr. Hattum was contacted to review the data and make any necessary changes.

Since the updated irrigation questionnaire information for 2005 was received so late, the information did not become part of the permanent record for 2005. The completed questionnaires will still be scanned however the information will not be contained in the yearly report.

September 26, 2006: John Downes (son) and Michele Downes (daughter) to Mary Ann Downes stopped by the office to submit the "Notice of Transfer of Ownership" changes needed to transfer all Harold Downes' water rights to Mary Ann (Harold's wife). Michele Downes requested that the annual irrigation questionnaires be sent directly to her and she would work with Mr. Hattum to get them completed and submitted back to the office. Send the forms to her at:

Michele Downes 1682 NW Hopper St Roseburg OR 97470	phone: 541 464-8902 cell: 760 417-5711 work: 541 440-1000
--	---



Genny McMath
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 20 06

RECEIVED OF John Downes, 723 Bay Front Ln, Oak Harbor WA 98277

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1000-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02598

By

Darland Ebel
Chief Engineer
gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1000-3

Date: 9/12/06

I/We request that Water Right No. 1000-3

formerly owned by: Harold J Downes

be transferred to: (name & address) MARY ANN DOWNES
1301 Shorebird Ln.
CARLSBAD, CA 92011 Telephone No. _____

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

167.8 acres – NE ¼ Section 23 and NW ¼ Section 24, T108N, R75W

I/We understand that the validity of Water Right No. 1000-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MARY ANN DOWNES, the new owner, certify that the above information is true and correct.

* Mary Ann Downes
(Signed by new owner)

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

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

RECEIVED
SEP 26 2006
WATER RIGHTS
PROGRAM



1000-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 27, 2006

Mary Ann Downes
1301 Shorebird Ln
Carlsbad CA 92011

RE: Water Right or Permit Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3, 4949-3, 5345-3

Dear Mrs. Downes:

On September 26th, John and Michele Downes stopped by the office with the transfer forms you signed for changing ownership on Water Right Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. The transfers have been completed. The water rights and permits formerly listed in the name of Harold Downes are now listed in your name.

The receipts for the filing fees are being forwarded to John Downes by copy of this letter.

During a review of the water rights, we found the original water license for No. 2105-3 contained an error in the legal description. The error is being corrected and a new copy of the water license will be forwarded to you as soon as it is issued and signed. Also, it came to our attention that the irrigation systems described under Water Right Nos. 1000-3, 1032-3 and 1647-3 were operated interchangeably from the same diversion points. For ease of reporting information on the annual irrigation questionnaires, the water licenses are being combined into one. Nothing is lost during this process and you will retain the original priority dates. A copy of the final license will also be sent to you under separate cover once it is issued and signed by the Chief Engineer.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: John Downes



1000-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 01 2006

1000-3
1032-3
1657-3
2105-3

Mary Ann Downes
1301 Shorebird Lane
Carlsbad CA 92009

Dear Mrs. Downes:

Enclosed are your Reissued Water License Nos. 1657-3 and 2105-3. Water License No. 2105-3 was reissued to correct an error in the legal description of the irrigated acreage. Water License No. 1657-3 was reissued to incorporate the applicable portions of Water Right Nos. 1000-3 and 1032-3. In each case, all original priority dates were retained.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Michele Downes w/copies of licenses

PAID

JUN 23 2020

Ck# 38060

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

JUN 23 2020

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1000-3

Date: June 22, 2020

I/We request that Water Right/Permit No. 1000-3 formerly owned by:
Harold J. Downes and/or Mary Ann Downes be transferred to:

New Owner Name: John H. Daly
Address: 34662 - 236th Street
City, State, Zip Pukwana SD 57370 Telephone No. 605-680-1354

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

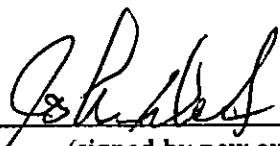
See Attached Exhibit A.

- ☒ I understand that the validity of Water Right/Permit No. 1000-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John H. Daly, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

EXHIBIT A

Township 108 North, Range 74 West, Hughes County, South Dakota

Section 18: S1/2SW1/4 lying South of the County Highway right of way as shown in Book 211, page 274

Township 108 North, Range 75 West, Hughes County, South Dakota

Section 14: SW1/4; W1/2SE1/4

Section 15: W1/2SW1/4 less right of way in SW1/4

Section 22: N1/2NW1/4, less right of way; NE1/4

Section 23: NE1/4 less E1/2SE1/4SE1/4SE1/4NE1/4 and less right of way;

Section 24: NW1/4 less triangular portions deeded to the United States of America as shown in Book 259, page 590 and less right of way

Township 108 North, Range 75 West, Hughes County, South Dakota

Section 23: The triangular portion of the N1/2N1/2NW1/4SE1/4 bounded by the North and West sides of said N1/2N1/2NW1/4SE1/4 and by a diagonal line extending from the Southwest corner of said N1/2N1/2NW1/4SE1/4 to the Northeast corner thereof.

1000-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 1, 2020

Douglas A Abraham
MAY, ADAM, GERDES & THOMPSON LLP
PO Box 160
Pierre SD 57501 0160

RE: John Daly transfers

Dear Mr. Abraham:

The seven transfer forms and filing fees you submitted on behalf of John Daly were received and four were processed. Water Right Nos. 4293-3, 2105-3, 1657-3 and Permit No. 5345-3, formerly held by Harold and/or Mary Ann Downes are now listed under John H Daly.

As we discussed on the phone, the transfers filed for Nos. 1000-3, 4949-3 and 4393-3 are not needed for the following reasons:

- **1000-3** Those acres were incorporated into Water License No. 1657-3 upon licensing, so everything irrigated is within 1657-3 (filing an ownership change for 1657-3 caught all of the acreage under both #'s)
- **4949-3**: SW ¼ Section 16 and E ½ Section 21, T108N, R75W (this one according to the 2017 inspection looks like it can be cancelled) We did not receive word back from the Tribe on any new lease.
- **4393-3** (held by Lyle Wagner) is for land in Union County (SE ¼ Sec 9, T92N, R50W).

The receipts amounting to \$200 for the transfers that were processed are enclosed. The remaining \$150 submitted for Nos. 1000-3, 4949-3 and 4393-3 will be refunded to you. The refund will be processed and sent to you within the next two weeks.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
genny.mcmath@state.sd.us

c: John Daly, 34662 236th St, Pukwana SD 57370