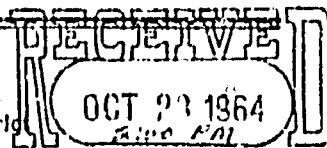


1135-3

1. Considered 1-20, 1965
2. Name of Applicant E. C. MARTIN
3. Post Office Address CHAMBERLAIN
4. Amount of Water Claimed 16.77
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 1174.4
7. Water to be diverted and used in BUFFALO County about
31.5W Miles of FORT THOMPSON
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved A
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

CANCEL # 202-3 A

No. 1135-3Water 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 E. C. Martin Broken Bow Ranch, Inc.
F. L. Thompson
 Postoffice address Chamberlain, County Brule, State South Dakota

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)
Adequate

(b) Cash on hand, \$-----

(c) Treasury stock, \$-----

(d) Bonds to be issued, \$-----

(e) Other resources, \$-----

2. Name of diversion work -----

3. Amount of water claimed 16.77 cubic feet per second -----4. Source of water supply Missouri River (Big Bend Reservoir) -----

5. Location of point of diversion Between two points, the first located on the north boundary of the SE $\frac{1}{4}$ Sec. 25, T 108 N, R 73 W, and the second located on the south boundary of N $\frac{1}{2}$ Sec. 1, T 107 N, R 73 W -----
bank ----- Buffalo County.

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

7. To be used for: -----

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? sprinkler -----(a) Number of acres to be irrigated 1174.4 acres -----160 acres in the SW $\frac{1}{4}$ Sec. 25

(b) Legal subdivisions to be irrigated 80 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 25, and 59.4 acres in the E $\frac{1}{2}$ E $\frac{1}{2}$ Sec. 35, and 637.5 acres in Sec. 36, T 108 N, R 73 W, and
 (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.)
237.5 acres in the N $\frac{1}{2}$ Sec. 1, T 107 N, R 73 W.

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 765-3

8. Estimated cost of work: \$50,000

(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.)

Pumping plants, pipelines, ditches and sprinkler system

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at top

.....feet; thickness at bottomfeet; thickness at top

feet; 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	ACRE-FOOT CAPACITY

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

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 use4.....years additional

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

STATE OF SOUTH DAKOTA

County of Hughes ss.

I, E. C. Martin, 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 E. C. Martin

Subscribed and sworn to before me this 13 day of October 1965

Alvin H. Grier
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

WATER RIGHT APPLICATION BY E. C. MARTIN FOR LAND LOCATED IN SECTIONS 25, 35 AND 36
OF T108N R73W AND SECTION 1 OF T107N R73W, 5TH P.M., BUFFALO COUNTY, S. DAK.

I, Leslie B. Larson, Registered Land Surveyor in South Dakota, do hereby certify that the adjacent plat is in all respects true and correct to the best of my knowledge and that the location of said subdivisions is correctly shown on said plat. I further certify that E. C. Martin did acknowledge to me that he is the only owner of the land shown on said plat in Sections 25, 35, and 36 of T108N R73W and Section 1 of T107N R73W of the 5th Principal Meridian, Buffalo County, South Dakota said land being adjacent to land taken by the United States of America for Big Bend Dam Reservoir located on the Missouri River. I also acknowledge that the adjacent plat was made at the request of the owner.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of October, 1964.

Leslie B. Larson
Registered Land Surveyor

ACKNOWLEDGMENT OF E. C. MARTIN

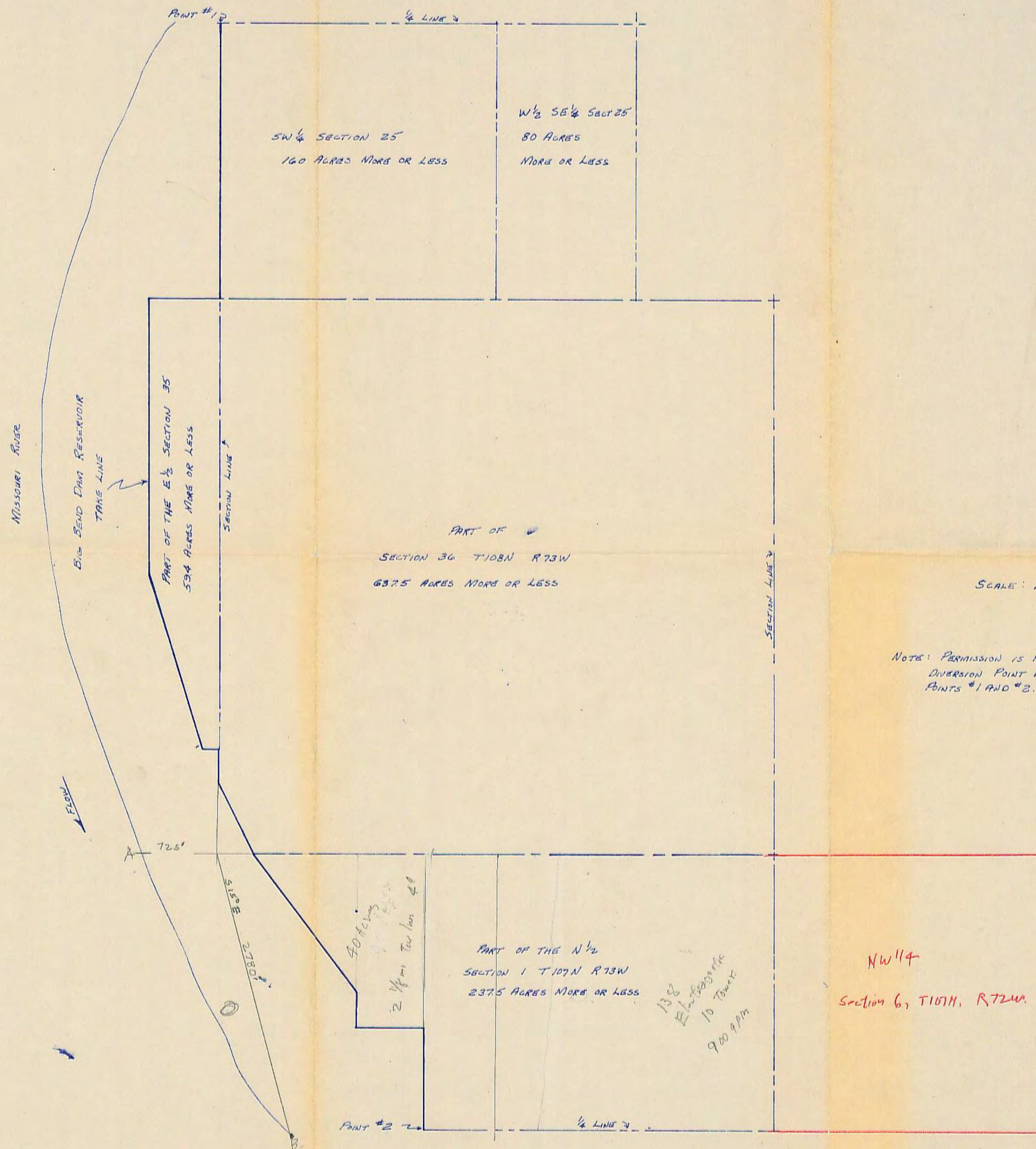
State of South Dakota
County of Buffalo

On this day, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Leslie B. Larson, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness my hand and seal this 10th day of October, 1964.

My Commission Expires on 10/10/68

Leslie B. Larson
Notary Public



SCALE: 1" = 660'

NOTE: PERMISSION IS REQUESTED TO PLACE A
DIVERSION POINT ANYWHERE BETWEEN
POINTS #1 AND #2.

WATER RIGHT APPLICATION BY E. C. MARTIN FOR LAND LOCATED IN SECTIONS 25, 35 AND 36
OF T108N R73W AND SECTION 1 OF T107N R73W, 5TH P.M., BUFFALO COUNTY, S. DAK.

SURVEYOR'S CERTIFICATE

I, Leslie G. Larson, Registered Land Surveyor in South Dakota, do hereby certify that the adjacent plat is in all respects true and correct to the best of my knowledge and that the location of said subdivisions is correctly shown on said plat. I further certify that E. C. Martin did acknowledge to me that he is the only owner of the land shown on said plat in Sections 25, 26, and 36 of T108N R73W and Section 1 of T107N R73W of the 5th Principal Meridian, Buffalo County, South Dakota; said land being adjacent to land taken by the United States of America for Big Bend Dam Reservoir located on the Missouri River. I also acknowledge that the adjacent plat was made at the request of the owner.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of October, 1964.

Leslie G. Larson
Registered Land Surveyor

ACKNOWLEDGEMENT OF SURVEYOR

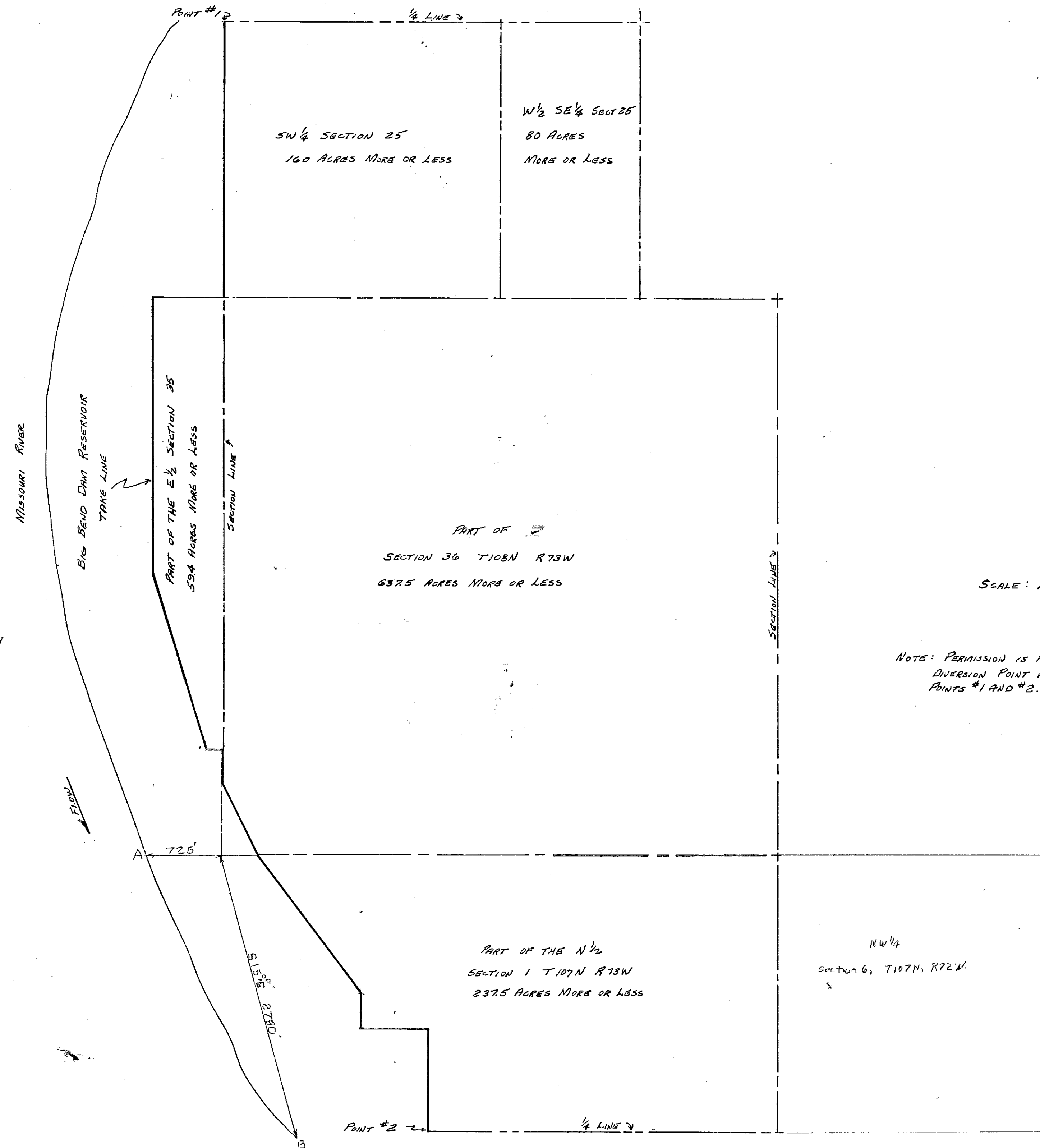
State of South Dakota } ss
County of Brule }

On this day, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared Leslie G. Larson, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness my hand and seal this 10 day of October, 1964.

My Commission expires on 5-12-66

Flora R. Rait
Notary Public



Remarks by State Water Resources Commission:

THIS PERMIT CANCELS PERMIT 202-3

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 22, 1965

This is to certify that the foregoing application was received by the Commission at 2:00 o'clock

P.m. upon the 23RD day of OCTOBER, 1964

State Water Resources Commission

By: Auston Jones

for Chief Engineer, Executive Officer

Number of permit: 1135-3

Date of first receipt of application OCTOBER 23, 1964

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 use _____, 1964

Approved JANUARY, 1965, Recorded in Book 8 Page 283

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 _____

JULY 20, 1967

2nd. The whole of said work is to be completed on or before JANUARY 20, 1970

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

JANUARY 20, 1974

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 16.77 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 JANUARY 20, 1974, said water to be used during the following described annual period:

APRIL THRU NOVEMBER

Witness my hand this 22ND day of JANUARY, 1974

State Water Resources Commission

By: W.C. Jones

Chief Engineer, Executive Officer

Certificate of Construction issued SEPTEMBER 28, 1973

Water License issued SEPTEMBER 28, 1973

Form 15.

Permit No. 1135-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That W. G. Martin

_____ the holder _____ of
Permit No. 1135-3, issued upon Application No. 1135-3, bearing date of priority of October 23,
1964 authorizing the diversion of 16.77 cu. ft. per second of the waters of _____
the Missouri River County of Buffalo, State of South Dakota at _____
between points 725 ft. due West and South 15° East, 2780' from the NW Corner
Section 1, T107N, R73W

_____, for irrigation

purposes, has 8 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 2.0 cu. ft. per second of water.

Date September 28, 1973

~~WATER RIGHTS COMMISSION~~

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1135-3

(1) WHEREAS, On the 23rd day of October A. D. 19 64

E. C. Martin

made Water Right Application No. 1135-3 for a permit to use 16.77 cubic feet per second of the waters of the Missouri River

County of Buffalo, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 22nd day of January A. D. 19 65

Permit No. 1135-3, with a date of priority of October 23, 1964

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 20th day of January A. D. 19 70 and for the application to beneficial use of said water on or before the 20th day of January A. D. 19 74

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 2.0 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 Section 1, T107N, R73W

NE $\frac{1}{4}$ 138 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 25 acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 15 acres

Total 178 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 E. C. Martin

_____ of Ft. Thompson, S.D.
the holder _____ and owner _____ of said permit No. 1135-3 a water right, dating from October 23, 1964
_____ to use of 2.0 cubic feet per second of the waters
of the Missouri River

in the County of Buffalo and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at between points 725 ft. due West and South 15° East,
2780 ft. from the NW Corner, Section 1, T107N, R73W

and conduct to and upon portions of Section 1, T107N, R73W, more fully described on the
face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1135-3 and subject to the laws of the State of South Dakota.

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

Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

on or before December 24, 1964.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 25, 1964

Notice is hereby given that E. C. Martin whose postoffice address is Chamberlain 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 16.77 cubic feet of water per second of time from the Missouri River through the Martin Irrigation Project, the point of diversion of which is to be located on the left between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T108N, R73W and a point bank of said stream/in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1 Twp. 107N Range 73W on portions of Sald water to be used for the purpose of providing irrigation/~~or~~ the following described land:

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 25; E $\frac{1}{2}$ E $\frac{1}{2}$, Section 35; Section 36, all in T108N, R73W and the N $\frac{1}{2}$ Section 1, T107N, R73W

~~XXXXXX~~

~~purposes~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

CC: E. J. Buckingham, Jr.
Publisher
Chamberlain Register
Chamberlain, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County BRULE } ss.

I, E. J. Buckingham, Jr. being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the The Chamberlain Register a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the City of Chamberlain County of Brule and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 3, December 10, December 17 and
December 24

in each and every issue of the full number thereof, the first publication being made on the 3 day of December 1964 and the last publication on the 24 day of December 1964, 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 Manager and publisher of the said newspaper.

E. J. Buckingham, Jr.

Subscribed and sworn to before me this 24 day of December A. D. 1964

RECEIVED
JAN 4 1965

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of Water Resources
Commission, Pierre, S. Dak.,
November 25, 1964.

Notice is hereby given that E. C. Martin whose postoffice address is Chamberlain 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 16.77 cubic feet of water per second of time from the Missouri River through the Martin Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T108N, R73W and a point in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1 Twp. 107N Range 73W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, Section 25; E $\frac{1}{2}$ E $\frac{1}{2}$, Section 35; Section 36, all in T108N, R73W and the N $\frac{1}{2}$ Section 1, T107N, R73W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 p. m. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

Burton F. Jones

Water Right Specialist

(Dec. 3 - 10 - 17 - 24)

Notary Public BRULE County, S. D.

Notary Public
My Commission Expires
Dec. 6, 1966

E. J. Buckingham, Jr.

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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

No. DACN45-2-67-5203

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

B. C. Martin

Water Permit No. 1153-3.

Chamberlain, South Dakota
hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{coextensive with State/}
~~() years from the date hereof~~ an easement for 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 land under the control of the Secretary of the Army at the location
shown in red on Exhibit "A", entitled Segment 2, Big Bend Dam and Lake Sharpe
attached hereto and made a part hereof, and described as follows:

A strip of land 66.00 feet in width situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 107 North, Range 3
West of the Fifth Principal Meridian, Buffalo County, South Dakota, said
strip of land lying southwesterly from the North line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of
of Section 1 to the easterly shore of Lake Sharpe.

The strip of land herein described contains 1.52 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of

Sixty and no/100

Dollars (\$ 60.00)

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, 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.

15. That this easement and right of way is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

16. 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.

That Conditions Nos. 15 and 16 were added prior to the execution of this easement.

This easement is not subject to Title 10, United States Code, Section 2689

IN WITNESS WHEREOF I have hereunto set my hand this 21st
day of June 19 67

/s/ Dale Kent

DALE KENT

Chief, Real Estate Division

Quaha District, Corps of Engineers

PROJECT MAP

AGENCY: DEPT OF THE ARMY

STATE: SOUTH DAKOTA

COUNTY: BUTTE AND LYMAN

DIVISION: MISSOURI RIVER

DISTRICT: OMAHA

PROJECT AREA: F-134

LOCATION OF PROJECT

1. MAIN HIGHWAY 134

2. MAIN SLOPE 134

TRANSPORTATION FACILITIES

RAILROAD: C&N 134

STATE ROAD: 134

NEARBY AIRPORT: 134

AND 134

ACQUISITION

TOTAL ACRES ACQUIRED: 134

ACRES 134

ACRES 134

ACRES 134

ACRES 134

DISPOSAL

TOTAL ACRES DISPOSAL: 134

ACRES 134

ACRES 134

ACRES 134

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TRACT REGISTER OF ACQUISITION AFTER 1 JAN 1943

TRACT NO.	LAND OWNER	TITLE	ACREAGE	DATE
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LEGEND

1. MAIN HIGHWAY 134

2. MAIN SLOPE 134

3. MAIN SLOPE 134

4. MAIN SLOPE 134

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6. MAIN SLOPE 134

7. MAIN SLOPE 134

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SEGMENT 2

1. MAIN HIGHWAY 134

2. MAIN SLOPE 134

3. MAIN SLOPE 134

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8. MAIN SLOPE 134

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Permit No. 1135-3
 Water Division 3 MISSOURI RIVER Water District

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

WATER RIGHTS COMMISSION

TO: Water 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 E. C. Martin
 of Ft. Thompson, S.D. holder
 of Permit No. 1135-3, bearing date of priority of October 23, 1964
 authorizing the diversion of 16.77 cu. ft. per second of the waters of Missouri River
 for irrigation purposes purposes, in Buffalo County.

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

The Water Use System consists of,

A. Works used to divert the water:

Berkeley centrifugal pump, Mod. B4J
 Chrysler industrial engine, Mod. 413, 109 H.P.

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

1/2 mile of 10" Aluminum main line
 1/2 mile of 6" Aluminum main line

C. Works used to apply water to beneficial use.

Electrogator center pivot sprinkler system
 Two 1/8 mile long tow lines 4" dia.

The system is in the following condition: excellent
 The point of diversion is located between points 725 feet due west and South 15° East 2780 ft.
from the NW corner of Sec. 1, T107N, R73W

The works are capable of diverting and conveying to the place of use 2
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: All in Sec. 1, T107N, R73W
Circular 138 acres in the center of the NE¼, 25 acres in the NE¼ NW¼ and
15 acres in the NW¼ NW¼

comprising a total of 178 acres of land.

Date September 18, 1973

Donald Driscoll
 (Signature)

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

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6757

PIERRE, February 6, 1922

RECEIVED OF Broken Bow Ranch, Inc. Ft Thompson, SD 57339

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of water right permit No. 1135-3	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9781

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: 2-3-79

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

178 acres described on Water License No. 1135-3 as NE $\frac{1}{4}$ (138 acres), NE $\frac{1}{4}$ NW $\frac{1}{4}$
(25 acres) and NW $\frac{1}{4}$ NW $\frac{1}{4}$ (15 acres) in Section 1, T107N, R73W

formerly owned by E. J. Martin, Ft. Thompson, SD 57339

has been transferred to Broken Bow Ranch Inc., Ed Martin Jr., Ft. Thompson, SD 57339

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

Water Right Permit No. 1135-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of _____) ss.

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

Edmund C Martin
(Signed)

Subscribed and sworn to before me this 3rd Day of February 1979.

Leta Martin
(Notary Public)



**Department of
Water & Natural Resources**

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

February 17, 1989

Ed Martin Broken Bow Ranch
SR Box 10
Ft. Thompson, SD 57339

Dear Mr. Martin:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

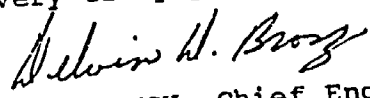


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

1135-3

December 30, 1989
HCR 59 Box 10
Fort Thompson, SD 57339

Water Rights Commission
Joe Foss Building
Pierre, SD 57501

Dear Sir:

Enclosed find a request to transfer water permit # 1135-3 from Broken Bow Ranch--Bill Martin to only William E. Martin, Sr. Also enclosed is a request to transfer water permit # 1873-3 from Edward C. Martin to William E. Martin, Sr. Also enclosed is a check for \$5.00 for the filing fees. I also have water permit # 2023-3 which we transferred from Edward C. Martin to William E. Martin in March of 1989. I believe these are all the water permits we have, but would you please check your records for me. If you have any permits in the name of Edward C. Martin or Broken Bow Ranch, please send me the necessary forms to transfer them to my name. Thank you.

Sincerely,

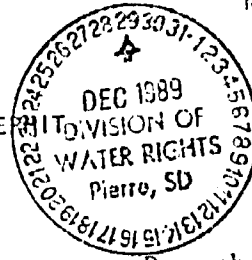
William E. Martin

William E. Martin, Sr.



NO. 1135-3

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 28, 1989

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

178 acres described on Water License No. 1135-3 as NE $\frac{1}{4}$ (138 acres), NE $\frac{1}{4}$ NW $\frac{1}{4}$ (25 acres) and NW $\frac{1}{4}$ NW $\frac{1}{4}$ (15 acres) in Section 1, T10⁷N, R73W

formerly owned by Broken Bow Ranch, Inc., Ed Martin Jr. Ft. Thompson, SD 57339

has been transferred to William E. Martin, Sr., HCR 69 Box 10 Ft. Thompson, SD 57339
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1135-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of _____) ss.

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

William E. Martin
(Signed)

Subscribed and sworn to before me this 27 day of December, 1989

Gay D. Busch
(Notary Public)
7/11/97

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412009

Pierre, December 29, 19 89

RECEIVED OF Broken Bow Ranch, Inc., HCR 69 Box 10, Ft. Thompson, SD 57339

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Right No. 2135-3	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for XXX		
(Any Other Work Provided by Law)	Total	2 50

By John Halabek
Chief Engineer Kimra

SOUTH DAKOTA Department of
Water & Natural Resources

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

January 12, 1990

1135-3
1873-3

William E. Martin Sr.
HCR 69 Box 10
Ft. Thompson, SD 57339

Dear Mr. Martin:

Enclosed are Receipt Nos. 412009 and 412010 in the amount of \$2.50 each which you paid for transfer of Water Permit Nos. 1135-3 and 1873-3.

Our records now reflect you as the owner of these Water Rights.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure





1135-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

May 11, 1993

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

Dear Mr. Eddy:

Enclosed, as we discussed, are copies of Water Right Nos. 1135-3 and 4833-3. No. 1135-3 for William Martin authorizes irrigation of the land in Section 1, T107N, R73W you referred too. No. 4833-3 for Northwest Irrigation District covers the portion of land in the SE 1/4 Section 31, T108N, R72W.

You indicated that along with the copy of Water Right No. 1135-3, you would like information relative to the "lift" from the Missouri River. This information is not a regular part of irrigation permits. The USGS Quadrangle map (Lower Brule) reflects that the Lake Sharpe normal pool elevation is at 1420 feet msl. In reviewing the inspection report for No. 1135-3, the acreage being irrigated in the NE 1/4 Section 1 is at an approximate elevation of 1465 feet msl and the acreage in the N 1/2 NW 1/4 Section 1 is at an approximate elevation of 1455 feet msl. Using these figures, the amount of lift would be between 35 and 45 feet.

I hope the above information will be helpful to you. If you need additional information or copies of permits, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosure



1135-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

4833A-3

William Sr., & Michele Martin
HCR 69 Box 10
Ft Thompson, SD 57339

Dear Mr. & Mrs. Martin:

Enclosed is your Water License No. 4833A-3 and Receipt No. 414934 in the amount of \$2.50 which you paid for filing a transfer on portions of land described in No. 4833-3. Water Right No. 4833-3, issued to the Northwest Irrigation District, has been divided and reissued as follows:

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

The applicable portions of Water Right No. 1135-3 and Water Permit Nos. 1873-3 and 2023-3 were incorporated into Water License No. 4833A-3.

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

Very truly yours,


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

enclosures