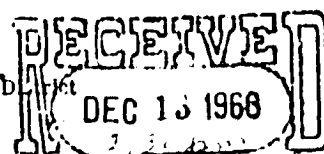


1. Considered Jan 18, 1967
2. Name of Applicant Charlie F. Stewart & Son
3. Post Office Address Ft. Thompson
4. Amount of water claimed 5.2
5. Source of water supply Missouri River & Ground
6. Water to be used for Irrigation
Acres to be irrigated 400
7. Water to diverted and used in Buffalo County
about 26 1/2 miles of Ft. Thompson
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved O.K.
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1338-3
 Water Division No. 3 Missouri River
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

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

1. Name of applicant Charlie E. Stewart & Son
 Postoffice address Ft. Laramie, County Butte, State S.D.

~~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 labor

(b) Cash on hand, \$ 20,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work STEWART Irrigation Project

3. Amount of water claimed 5.7 cubic feet per second

4. Source of water supply Well & Lake Stark, Missouri River

5. Location of point of diversion 1-3480' W, #2-2590' E & 1320' N, & No. 3-700' S

of SE Corner Sec 8, T107-R22 on bank Butte County.

6. Annual period or periods during which water is to be used April 1st to Nov 1st

7. To be used for:

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

(a) Number of acres to be irrigated 400 acres.

(b) Legal subdivisions to be irrigated Sec 8, T107-R22

(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

M 11/10/68 950-3

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 top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

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

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

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....years.

11. Time required for complete application of water to the proposed beneficial use.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....
Gann Valley Chronicle

STATE OF SOUTH DAKOTA

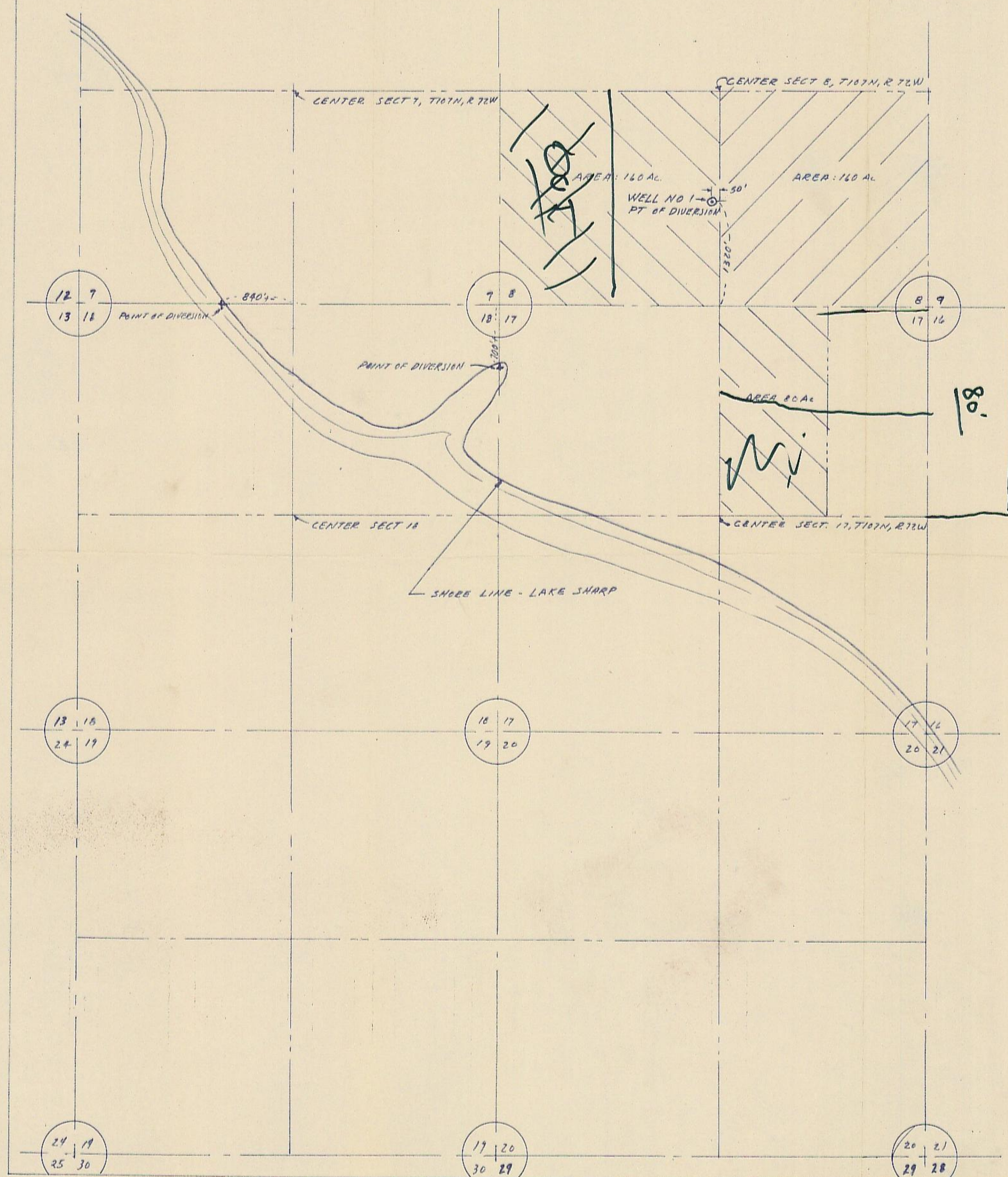
County of.....ss.

I, Charles Stewart, 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 Charles Stewart

Subscribed and sworn to before me this 13th day of December 1944

Leta Martin
Notary Public (or other qualified officer.)



AREAS BY LEGAL SUBDIVISION

160 AC: S.W. 1/4, SECT 8, T.107N, R.72W, 5TH PM.
 160 AC: S.E. 1/4, SECT 8, T.107N, R.72W, 5TH PM.
 80 AC: W. 1/2, NE 1/4, SECT 17, T.107N, R.72W, 5TH PM.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF CHARLES STEWART
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
 WITHIN HIS OWNERSHIP BOUNDARIES ON DEC 14, 1966 FOR WHICH APPLICATION
 FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
 IS A TRUE REPRESENTATION THERE OF.
 WITNESS MY HAND AND SEAL THIS 10TH DAY OF DEC. 1966.

Harlan W. Meyer
 REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA)
 COUNTY OF BEADLE)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10TH DAY
 OF DEC. 1966

Samuel H. Bailey
 NOTARY PUBLIC

NOTE: THERE ARE THREE (3) POINTS OF DIVERSION.

SCALE 1" = 800'

CHARLES STEWART IRRIGATION PROJECT NO 2
 SHOWING AREA, WELL LOCATION & TWO LAKE POINTS OF
 DIVERSION WHERE WATERS WILL BE DIVERTED.
 FOR PERMIT TO APPROPRIATE WATER.

OWNER CHARLES STEWART
 SURVEYOR HARLAN W. MEYER

DEC 1966

Map # 950-3 (App 1 # 1338-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, January 20, 1967

This is to certify that the foregoing application was received by the Commission at 2:30 o'clock
P.m. upon the 13th day of December, 1966.

State Water Resources Commission

By: Richard D Schroyer
for Chief Engineer, Executive Officer

Number of permit 1330-3

Date of first receipt of application December 13, 1966

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 December 13, 1966

Approved January 18, 1967, Recorded in Book 9 Page 207

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 18, 1968

2nd. The whole of said work is to be completed on or before January 18, 1970

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

January 18, 1972

4th. The water appropriated shall be used for the purpose of _____

Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 5.7 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 18, 1972 said water to be used during the following described annual period:

April 1st Through November 1st

Witness my hand this 20th day of January, 1967

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 5, 1969

Water License Issued AUGUST 5, 1969

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 100'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing .219 Gauge
 Length of casing 50' If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Johnson Irrigator
 Size of perforated screen 16" 20'
 (diameter) (length)
 Thickness of gravel pack 7" length of gravel pack 100'

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials
Sand & Gravel from 50' to 100'

Thickness of water bearing material

(d) Pump and Motor

Type of pump Turbine & Centrifugal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Hayne-Boulton & Cornell size 12" Bore 18" Column 18" Cent.
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 125 Name of Motor GE or Chrysler

(e) Complete well

Capacity 2500 at drawdown of 50' Estimated cost \$2,100.00

(f) Owner of land upon which well is located

Charles Stewart
 Name

Address 17 Thompson

(g) Distance to nearest existing wells

On same owner's property 160 rods On property owned by others 250 rods

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1338-3

(1) WHEREAS, On the 13th day of December A. D. 19 66
Charlie E. Stewart and Son

made Water Right Application No. 1338-3 for a permit to use 5.7 cubic feet per second of the waters
of the Missouri River

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

(2) WHEREAS, On the 20th day of January A. D. 19 67
Permit No. 1338-3 with a date of priority of December 13, 1966

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 18th day of January A. D. 19 70 and for the
application to beneficial use of said water on or before the 18th day of January A. D. 19 72

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 5.7 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.

All in T107N, R72W	
	Acres
Section 8, S2½	160
E½ SW¼	80
Section 16, W½NW¼	80
Section 17, N½N¾	80
Total	400 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 Charlie E. Stewart

_____ of Ft. Thompson
the holder, _____ and owner _____ of said permit No. 1338-3 a water right, dating from December 13, 1966
_____ to use of 5.7 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 a point 700' S of the NE Corner, Section 18,
T107N, R72W

and conduct to and upon SE $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8; N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17; W $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16,
T107N, R72W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1338-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of August A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1338-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Charlie E. Stewart and Son

_____ the holder _____ of
Permit No. 1338-3, issued upon Application No. 1338-3, bearing date of priority of December 14,
1966 authorizing the diversion of 5.7 cu. ft. per second of the waters of _____
the Missouri River County of Buffalo, State of South Dakota at _____
a point 700' S of the NE Corner, Section 18, T107N, R72W

_____, for irrigation

purposes, has yes 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 6.6 cu. ft. per second of water.

Date August 5, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before December 22, 1966
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 16, 1966

Notice is hereby given that Charlie E. Stewart and Son whose postoffice address is Fort Thompson 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 5.7 cubic feet of water per second of time from the Missouri River and ground water through the Stewart Irrigation Project are the point of diversion of which is be located on the left between a point in the SE 1/4 SW 1/4, Sec. 7 and a point 17 bank of said stream in the NW 1/4 of the NW 1/4 of Section 17 Twp. 107N and 72W from a point in the SE 1/4 SW 1/4, Sec. 8, T107N, R72W. Said water to be used for the purpose of providing irrigation on the following described land:
1/2 Section 8, and W 1/2 NE 1/4, Section 17, T107N, R72W

~~and for~~ ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of January, 1967, 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:

~~Chief Engineer, State Water Resources Commission~~
RICHARD D. SCID-oyer
Water Right Specialist

CC: Mr. Melvin J. Neso, Publisher
Gann Valley Chief
Gann Valley, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Buffalo } ss.

Elvin J. Mess being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Gann Valley Chief a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Gann Valley Chief Gann Valley County of Buffalo and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 22, 1966

December 29, 1966

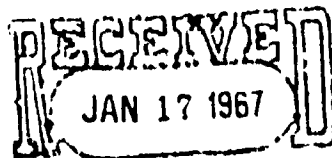
January 5, 1967

January 12, 1967

in each and every issue of the full number thereof, the first publication being made on the 22 day of December 1966 and the last publication on the 12 day of January 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

Melvin J. Mess

Subscribed and sworn to before me this 17 day of January A. D. 1967



STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
 Office of State Water Resources
 Commission, Pierre, S. Dak., December 16, 1966.

Notice is hereby given that Charlie E. Stewart and Son whose postoffice address is Fort Thompson, 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 5.7 cubic feet of water per second of time from the Missouri River and ground water through the Stewart Irrigation Project, the points of diversion of which are located on the left bank of said stream between a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7 and a point in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 Twp. 107N Range 72W and from ground water from a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T107N, R72W. Said water to be used for the purpose of providing irrigation on the following described land: S $\frac{1}{2}$ Section 8, and W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 17, T107N, R72W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of January, 1967, 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: RICHARD D. SCHMOYER
 Water Right Specialist

Notary Public James H. Smith County, S. D.

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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

NO. PACW45-2-67-5172

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

Charles Stewart

St. Thompson, South Dakota

hereinafter designated as the grantee, for a period not exceeding Five
(5) years from the date hereof, an easement for a right of way for an irrigation
pipeline and irrigation pump

over, across, in, and upon land under the control of the Secretary of the Army at the location
shown in red on Exhibit A, Big Bend Dam - Tree Planting Map
attached hereto and made a part hereof, and described as follows:

A strip of land 66 feet in width in the NW $\frac{1}{4}$ of Section 17, Township
107 North, Range 72 West of the Fifth Principal Meridian, Buffalo County,
South Dakota, lying 33 feet on either side of the following described
line; commencing at the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said
Section 17; thence South parallel to the West line of Section 17 for a
distance of 600 feet to point of beginning; thence East parallel to the
North line of Section 17 for a distance of 400 feet; thence South 45°
00' East to the shoreline of Lake Sharpe. Containing 0.61 acre, more or
less. (Pipe is to be installed through a culvert under an existing road
crossed by the above described strip).

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/00 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, Omaha, Nebraska 68102

LAW 1-27-74. IT IS FURTHER CERTIFIED THAT THE PHOTOCOPYING OF THIS DOCUMENT IS PROHIBITED BY THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION. AID ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION. REPRODUCTIONS. REDUCTION 25% ROLL NO 37 DATE MICROFILMED 4-8-82

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 it is understood that the Government shall not be held responsible for possible damage to any of the grantee's equipment due to erosion, wind and wave action.

16. That this easement and rights of way for water pipeline and pumping units are 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.

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

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

IN WITNESS WHEREOF I have hereunto set my hand this 11th
day of APRIL 19 67

/s/ Dale Kent

DALE KENT

Chief, Real Estate Division

3 Omaha District, Corps of Engineers

Permit No. 1328-3
 Water Division 3 MISSOURI RIVER Water District

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by CHARLIE E. STEWART & SON of FT. THOMPSON holder of Permit No. 1328-3 bearing date of priority of DECEMBER 13, 1966 authorizing the diversion of 5.7 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION 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:

8" INLET - 10" OUTLET
BERKELEY B8G PBM PUMP w/ 100 H.P.
U.S. ELECTRIC MOTOR.

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

1600' OF 10" MAINLINE
3000' OF 13" "
2200' OF 6" "

C. Works used to apply water to beneficial use.

12 - 1/4 MILE TOW LINES w/ RAINB. 20 NOZZLES
R 4600 11/64

The system is in the following condition: EXCELLENT

The point of diversion is located 700' S OF THE NE CORNER,
SECTION 18, T107N, R72W

The works are capable of diverting and conveying to the place of use 6.6

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 T107N R72W *

<u>SE⁴ & E² SW⁴</u>	<u>SECTION 8</u>	<u>240 ACRES</u>
<u>N² NE²</u>	<u>SECTION 17</u>	<u>80 "</u>
<u>W² NW⁴</u>	<u>SECTION 16</u>	<u>80 "</u>

comprising a total of 400 acres of and.

* THIS IS A VARIATION FROM LANDS SHOWN ON THE APPLICATION. THIS TRANSFER WAS DISCUSSED WITH THE COMMISSION AT THE TIME THE APPL. WAS APPROVED, AND THEY FELT THE CHANGE COULD BE MADE AT THE TIME OF FINAL INSPECTION. (SUPERVISOR ERROR INCLUDED INDIAN LAND & NOT MR. STEWARTS.)

Date JULY 18, 1969

Sutton Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMM.

May 6, 1970

*Balance of June 1970 cash report amount
was transferred out of U.S. funds.
When check was received in July,
check receipt submitted from same sent
over putting it amount back into the
to U.S. funds - sent with 2nd cash report.*

Mr. Charlie Stewart
Ft. Thompson, South Dakota 57339

Dear Mr. Stewart:

We have been notified by the State Treasurers Office that collection on your insufficient fund check in the amount of \$12.00 must be made by June 1, 1970.

Please take care of this at your earliest convenience.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

*When check gets here
take it over and give
it to Pat*

*Phone Mr. Ft Thompson
245-5266*

*Received Check July 30, 1970 after
it had been turned out of U.S. funds.
All copy this letter for forwarding
included*

Water Rights Division - DWR

File No. 1338-3

Conversation or File Documentation

NAME OF ~~PERSON OR~~ FILE: Charlie Stewart & Sons

ADDRESS: _____ COUNTY Buffalo

DATE: 12-13-84 TELEPHONE _____

RE: Ownership Status

COMMENTS:

Buffalo Co. Treasurer's Office indicated land
now owned by Crow Creek Sioux Tribe -

Contacted Frank Gravatt, Realty Office
(245-2311) w/ Crow Creek Sioux Tribe - yes they do
own - land is being irrigated and they do want it
transferred to them.

Send transfer form:

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

4/82

NAME: Genny Mcmarr



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1338-2

Crow Creek Sioux Tribe
Fort Thompson, South Dakota 57339

ATTENTION: Frank Bravatt

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83



Department of Water & Natural Resources

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

Second Notice

July 8, 1985

Permit No. 1338-3

Crow Creek Sioux Tribe
ATTN: Frank Gravatt
Ft. Thompson, South Dakota 57339

Dear Mr. Gravatt:

On December 13, 1984 notice was sent to you concerning the transfer of Water Permit No. 1338-3 in the name of Charlie Stewart & Sons which covers irrigation of 400 acres in the SE1/4 and E1/2 SW1/4 Section 8; N1/2 NE1/4 Section 17; W1/2 NW1/4 Section 16, T107N, R72W. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S509.WR

- **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery.. —¢
 2. ☐ **RESTRICTED DELIVERY** —¢
 (The restricted delivery fee is charged in addition to
the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

Crow Creek Sioux Tribe
ATTN: Frank Marvatt
Ft. Thompson SD 57339

4. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P 404 786 566

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Crow Creek Sioux Tribe

DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

**7a. EMPLOYER'S
INITIALS**

DM

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

