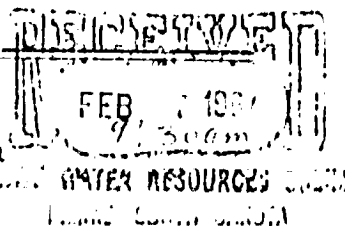


1. Considered Mar. 15, 1967
2. Name of Applicant Joe Winkler
3. Post Office Address Prine
4. Amount of water claimed 6.13
5. Source of water supply Missouri River
6. Water to be used for irrigation
 Acres to be irrigated 429.5
7. Water to diverted and used in Hopkins County
 about 10.1 miles 6.0 of Prine
8. Proof of Publication
 Received Mar 6
 Not Received _____
9. Application
 Approved ✓
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 1353-3Water Division No. 3 Missouri River District
(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 Joe Winkler
370 W. Capital
 Postoffice address Brookings, County 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(b) Cash on hand, adequate (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Winkler #13. Amount of water claimed 6.13 cubic feet per second4. Source of water supply Missouri River

5. Location of point of diversion Between Pt 1, N 27° 10' W, 120 Rods and Pt 2, S 16° 30' W, 1386' both from Pt corner Sec 9 and between Pt 2, S 72° 20' W, 172 Rods to Pt 3, S 16° 30' W, 1386' both from Pt corner on left bank Hughes County.
Section 9, T 112 N, R 80 W

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

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 429.5 acres.(b) Legal subdivisions to be irrigated See Attachment

(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. Stock watering, 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 # 963-3

Lands to be Irrigated

NE ¹ / ₄ SW ¹ / ₄	Sec 4	27 Acres
NW ¹ / ₄ SE ¹ / ₄	4	40
NE ¹ / ₄ SE ¹ / ₄	4	40
SE ¹ / ₄ SW ¹ / ₄	4	4
SW ¹ / ₄ SE ¹ / ₄	4	9
SE ¹ / ₄ SE ¹ / ₄	4	39

NW ¹ / ₄ NW ¹ / ₄	Sec 9	9
SW ¹ / ₄ NW ¹ / ₄	9	36
SE ¹ / ₄ NW ¹ / ₄	9	30
SW ¹ / ₄ NE ¹ / ₄	9	30
SE ¹ / ₄ NE ¹ / ₄	9	8
NW ¹ / ₄ SE ¹ / ₄	9	39
NE ¹ / ₄ SE ¹ / ₄	9	39.5
SW ¹ / ₄ SE ¹ / ₄	9	39
SE ¹ / ₄ SE ¹ / ₄	9	40
Total		<u>429.5</u>

112°N-80°W

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.)

Pumps, Pipes, & Ditches

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	FEET ACRE-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 use⁴ years.
 12. Choice of newspaper for publication of notice of intention to appropriate
Capital Journal, Pierre

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, Joe Winkler, 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 Joe F. Winkler

Subscribed and sworn to before me this 11th day of July 1967

Edward M. Gault
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

AREAS BY LEGAL SUBDIVISION

NE¹ SW¹ SEC. 4 TWP. 112 R. 80
 NW¹ SE¹ SEC. 4 TWP. 112 R. 80
 NE¹ SE¹ SEC. 4 TWP. 112 R. 80
 SE¹ SW¹ SEC. 4 TWP. 112 R. 80
 SW¹ SE¹ SEC. 4 TWP. 112 R. 80
 SE¹ SE¹ SEC. 4 TWP. 112 R. 80
 NW¹ NW¹ SEC. 9 TWP. 112 R. 80
 SW¹ NW¹ SEC. 9 TWP. 112 R. 80
 SE¹ NW¹ SEC. 9 TWP. 112 R. 80
 SW¹ NE¹ SEC. 9 TWP. 112 R. 80
 SE¹ NE¹ SEC. 9 TWP. 112 R. 80
 NW¹ SE¹ SEC. 9 TWP. 112 R. 80
 NE¹ SE¹ SEC. 9 TWP. 112 R. 80
 SW¹ SE¹ SEC. 9 TWP. 112 R. 80
 SE¹ SE¹ SEC. 9 TWP. 112 R. 80

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA SS
 COUNTY OF HUGHES

I, MAYNARD C. SOMMER, REGISTERED LAND SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF JOE WINKLER, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDARIES ON FEBRUARY 1967 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.
 WITNESS MY HAND AND SEAL THIS 3rd DAY OF FEBRUARY 1967.

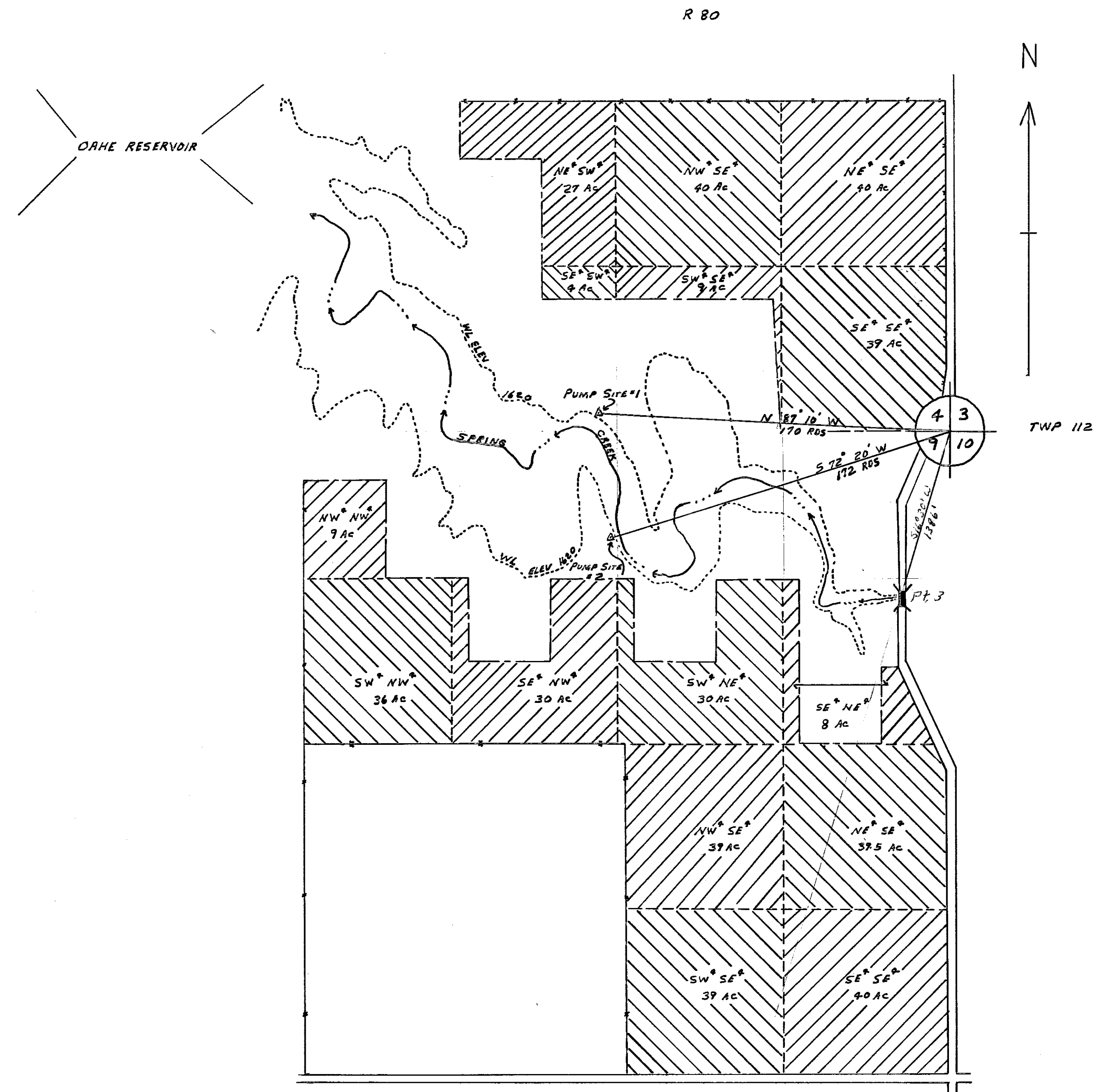
Maynard C. Sommer
 REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA SS
 COUNTY OF HUGHES

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED MAYNARD C. SOMMER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
 WITNESS MY HAND AND SEAL THIS 3rd DAY OF FEBRUARY 1967.

MY COMMISSION EXPIRES Jan. 19, 1975

R. B. Schell
 NOTARY PUBLIC



Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 12, 1967

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
A.m. upon the 7 day of February, 1967.

State Water Resources Commission

By: Richard D Schroyer
7m Chief Engineer, Executive Officer

Number of permit 1353-3

Date of first receipt of application February 7, 1967

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right February 7, 1967

Approved March 16, 1967, Recorded in Book 9 Page 241

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 16, 1967

2nd. The whole of said work is to be completed on or before March 16, 1972

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

March 16, 1976

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

Irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 6.13 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before March 16, 1976; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 17 day of March, 1967.

State Water Resources Commission

By: Richard D Schroyer
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 17, 1972

Water License Issued MAY 17, 1972

Form 15.

Permit No. 1353-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Joe Winkler

_____ the holder _____ of
Permit No. 1353-3, issued upon Application No. 1353-3, bearing date of priority of February 7,
1967 authorizing the diversion of 6.13 cu. ft. per second of the waters of _____
the Missouri River County of Hughes, State of South Dakota at _____
a point North $E7^{\circ} 10'$ West, 170 rods from the SE Corner, Section 4,
T112N, R80W
_____, 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. 5.0 cu. ft. per second of water.

Date May 17, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRILES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1353-3

(1) WHEREAS, On the 7th day of February A. D. 19 67
Joe Vinler

made Water Right Application No. 1353-3 for a permit to use 0.15 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 17th day of March A. D. 19 67
 Permit No. 1352-3 with a date of priority of February 7, 1967
 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 16th day of March A. D. 19 72 and for the application to beneficial use of said water on or before the 16th day of March A. D. 19 76

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 0.15 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 4, T112N, R80W

	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$	9.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	27.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	4.0
Total	159.0 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 Joe Wintler

of Pierre, S.D.

the holder _____ and owner _____ of said permit No. 1353-3 a water right dating from February 7, 1967

to use of _____ cubic feet per second of the waters of the Missouri River

in the County of Bighorn and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point North 67° 10' West, 170 rods from the SE Corner, Section 4, T112N, R80W

and conduct to and upon portions of Section 4, T112N, R80W, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1353-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of May A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.A. GRIMES

On or before
(First Publication February 16, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., February 7, 1967

Notice is hereby given that Joe Winkler whose postoffice address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.13 cubic feet of water per second of time from the Missouri River through the Winkler #1, the points of diversion of which are to be located on the left bank of said stream between a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 and a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9; and between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9 and a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, all in Twp. 112N, Range 80W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, and SE $\frac{1}{4}$, Section 4; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, all in Township 112N, Range 80W.

State

This application will be taken up by the Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1967, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: RICHARD D. SCHMOYER
Water Right Specialist

CC: Mr. R. B. Hipple, Publisher
Daily Capital Journal
Pierre, S.D.

Affidavit of Publication
 State of South Dakota } ss.
 County of HUGHES
J. H. HIPPLE

of said County and State, being first duly sworn, on his oath says:
DAILY CAPITAL JOURNAL is a
DAILY newspaper of general circulation, printed and
 published in PIERRE in said County
 and State by HIPPLE PRINTING COMPANY and has
 been such newspaper during the times hereinafter mentioned; that the
 said DAILY CAPITAL JOURNAL
 is a legal newspaper and has been in existence for more than one year
 immediately preceding the first publication herein mentioned; and has
 more than two hundred bona fide subscribers; that I, the undersigned,
 am BUSINESS MANAGER of said newspaper, in
 charge of the advertising department thereof, and have personal know-
 ledge of all the facts stated in this affidavit; and that the advertisement
 headed Notice Appropriation of Water a printed copy
 of which is hereto attached, was printed and published in the said news-
 paper once each week for 4 successive weeks; the first publica-
 tion being made on 2-9- 1967; subsequent publications on
2-16, 2-23-
1967; and last publication on 3-2-
1967 that \$ 19.49 being the full amount of the fee for publi-
 cation of the annexed notice inures solely to the benefit of the publishers
 of the said newspaper; that no arrangement or understanding for a
 division thereof has been made with any other person, and that no part
 thereof has been agreed to be paid to any other person whomsoever.

John H. Hipple
 Subscribed and sworn to before me
 this 2 day of Mar.
1967
Sarah Gordon
 Notary Public HUGHES County.

Attorney's Affidavit Ex Rel Fees
 State of South Dakota } ss.
 County of _____
 _____ being first duly sworn,
 on his oath says: I am _____
 of the _____ that _____
 directed the publication of the annexed notice; that the full amount as
 appears by the foregoing affidavit of _____
 for the publication
 of such notice has been paid; that no agreement or understanding for any
 division thereof, has been made with any person whomsoever, and that
 no part thereof has been refunded by the party publishing said notice.

Subscribed and sworn to before me
 this _____ day of _____
 19 _____
MAR 2 1967 Notary Public _____ County.
 STATE WATER RESOURCES COMM
 PIERRE, SOUTH DAKOTA

No. 121, 4t daily, Feb. 9-16-23,
 March 2.
 APPROPRIATION OF WATER
 Office of State Water Resource-
 es Commission,
 Pierre, S. Dak.,
 February 7, 1967
 Notice is hereby given that Joe
 Winkler whose postoffice ad-
 dress is Pierre, South Dakota,
 has made an application with the
 provisions of the water laws of
 South Dakota for a permit to
 appropriate for beneficial use
 6.13 cubic feet of water per
 second of time from the
 Missouri River through the
 Winkler No. 1, the points of di-
 version of which are to be lo-
 cated on the left bank of said
 stream between a point in the
 SE 1/4 SW 1/4 Section 4 and a
 point in the SE 1/4 NE 1/4,
 Section 9; and between a point
 in the NE 1/4 NW 1/4, Section 9
 and a point in the SE 1/4 NE 1/4
 of Section 9, all in Twp. 112N,
 Range 80W. Said water to be
 used for the purpose of providing
 irrigation on portions of the
 following described land:
 E 1/2 SW 1/4, and SE 1/4, Section 4;
 S 1/2 NW 1/4, NW 1/4 NW 1/4, SE 1/4,
 S 1/2 NE 1/4, Section 9, all in
 Township 112N, Range 80W.
 This application will be taken
 up by the State Water Resources
 Commission at their office at
 Pierre for consideration upon the
 15th day of March, 1967, at 2:00
 P.M. All interested persons may
 appear and be heard.
 Appropriate action will be tak-
 en by the Water Resources Com-
 mission after suitable time has
 elapsed for the consideration of
 any or all information presented.
 State Water Resources
 Commission
 By: Richard D. Schmoyer
 Water Right Specialist

Notary Fees . . .
 Total . . . \$
 Received payment.

LEGAL RATES
 South Dakota Session Laws of
 1957, Chapter 500 page 601-602.

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

ON Oahe Dam and Reservoir Project, South Dakota

NO. EACW 45-2-67-5206

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
Joe F. Winkler
320 West Capitol Avenue
Pierre, South Dakota

hereinafter designated as the grantee, for a period ~~no longer than~~ ^{coextensive with State} Water Permit No. 1353-3, an easement for a right of way for the installation, operation and maintenance of a portable 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 "D", Oahe Reservoir attached hereto and made a part hereof, and described as follows:

A strip of land situated in the $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$ of Section 11, Township 112 North, Range 80 West of the Fifth Principal Meridian, Hughes County, South Dakota, said strip of land being 33.00 feet wide, extends from the easterly shore line of the Oahe Reservoir, is parallel with, adjacent to and extends 16.50 feet on each side of the following described center line and the extensions thereto:

Beginning at a point on the north line of said $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, 25.00 feet westerly from the Northeast corner thereof; thence South $39^{\circ}00'00''$ West, to said easterly shore line of the Oahe Reservoir and the point of termination containing 0.55 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
Fifty and no/100 Dollars (\$ 50.00)
, 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.

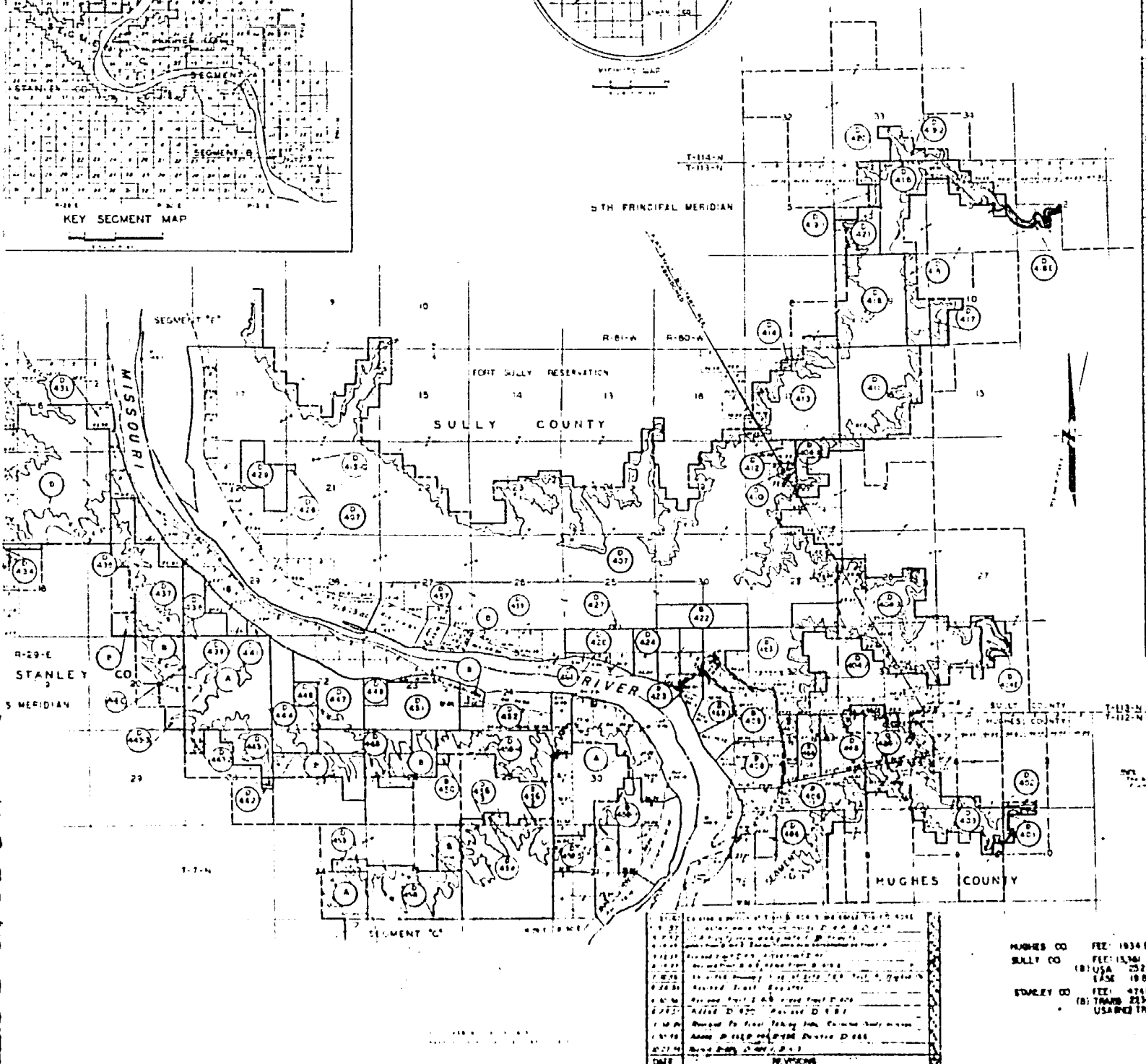
16. That the grantee shall not discharge waste or effluent from the granted property in such manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

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

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

IN WITNESS WHEREOF I have hereunto set my hand this 27th
day of June 1967

/s/ Dale Kent
DALE KENT
Chief, Real Estate Division
8 Omaha District, Corp., of Engineers



Permit No. 1353-3Water Division 3 Missouri River Water DistrictREPORT 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 JOE WINKLER of PIERRE holder of Permit No. 1353-3, bearing date of priority of FEBRUARY 7, 1967 authorizing the diversion of 6.13 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:

- 1- BERKELEY MODEL B6J PUMP WITH 10" INLET & 10" OUTLET, POWERED BY CHRYSLER INDUSTRIAL 413 PROPANE MOTOR
- 2- BERKELEY MODEL B96 PUMP WITH 8" INLET & 6" OUTLET POWERED BY CHRYSLER INDUSTRIAL 318 PROPANE MOTOR

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

- 1760' OF 10" MAINLINE FOR GATED PIPE SYSTEM
1980' OF 6" MAINLINE FOR SPRINKLER SYSTEM

C. Works used to apply water to beneficial use.

- 3330' OF 10" GATED PIPE TO ABOUT 100 ACRES OF LEVELLED LAND. 4-660' 4" TOWNLINES WITH RAISED #40 SPRINKLER HEADS @ 40' PACING
1 1/4" NOZZLES

The system is in the following condition: VERY GOOD

The point of diversion is located N 87° 10' W, 170 RODS FROM THE SE CORNER, SECTION 4, T112N, R80W

The works are capable of diverting and conveying to the place of use 5.0

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: ALL IN SEC. 4, T112N, R80W

NW ¹ SE ¹	40 ACRES	NE ¹ SW ¹	27 ACRES
NE ¹ SE ¹	40 "	SE ¹ SW ¹	4 "
SW ¹ SE ¹	9 "		
SE ¹ SE ¹	39 "		

comprising a total of 159 acres of land.

Date

MAY 16, 1972

Durton Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

Water Rights Division
605 773-3352

November 22, 1985

1353-3

James Schumacher
St Rt 149
Pierre SD 57501

Dear Mr. Schumacher:

Enclosed is the 1985 Irrigation Questionnaire pertaining to Water Right No. 1353-3, listed in the name of Joe F Winkler. Mr. Winkler stopped in our office and indicated you operated his irrigation system and would have records of the data requested on the questionnaire.

Please complete the questionnaire as accurately as possible and return it to our office by December 20, 1985. If it is satisfactory to you, I have placed your name on Mr. Winkler's water right as operator. This will enable us to send the yearly irrigation questionnaire directly to you.

For your information, Water Right 1353-3 authorizes irrigation of 150 acres in the SE $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T112N, R30W from the Missouri River. If you have any questions, please advise.

Sincerely,

GENTRY MCNATH
Natural Resource Analyst

GJ:ks

enclosures

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

1353-3

October 22, 1987

Jim Schumacher
HCR 37, Box 149
Pierre, South Dakota 57501

Dear Mr. Schumacher:

Enclosed is a 1987 irrigation questionnaire pertaining to Water Right No. 1353-3, listed in the name of Joe Winkler. It is my understanding that you operated his irrigation system during 1987.

Please complete the form as accurately as possible. The questionnaire should reach our office by November 30, 1987.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

1353-2

 **Department of
Water & Natural Resources**

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

February 17, 1989

Robert Brinda
HC 14, Box 126
Valentine, NE 69201

Dear Mr. Brinda:

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;

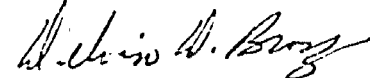


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 6, 1998

1353-3

Jiin Schumacher
19734 285th Ave
Pierre, SD 57501

Dear Mr. Schumacher:

Thank you for getting in touch with me regarding Water Right No. 1353-3. Enclosed as we discussed, is a 1998 irrigation questionnaire and a "Notice of Transfer of Ownership" form.

Please review the transfer form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. As soon as we receive the completed form and fee, Water Right No. 1353-3 will be transferred to your name.

I am including a postage paid envelope for your convenience in returning the irrigation questionnaire and transfer of ownership information. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1353-3

Date: 11/22/98



I/We request that Water Right No. 1353-3

formerly owned by: Joe F Winkler

be transferred to: (name & address) James F or Charlene E Schumacher

19734 285th Ave Pierre SDak 57501

Telephone No. 605 224 1420

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

159 acres - SE 1/4 and E 1/4 SW 1/4 Section 4, T112N, R80W

I/We understand that the validity of Water Right No. 1353-3 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.

STATE OF SOUTH DAKOTA)

County of Hughes)

I/We James F. & Charlene E. Schumacher 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 that I know of my own personal knowledge that the information herein stated is true.

James F. Schumacher Charlene E. Schumacher
(Signed)

Subscribed and sworn to before me this 19th day of January, 1999.

JERRE D. WILLIS, NOTARY PUBLIC
My Commission Expires July 5, 2004

Jerre D. Willis
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416017

Pierre, January 22, 1999

RECEIVED OF James F. or Charlene E. Schumacher, 19734 285th Ave., Pierre, SD 57501
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 _____	
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>Water Right No. 1353-3</u>	2 50
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	2 50

By

Chief Engineer

John Hater



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

1353-3

Jim Schumacher
19734 285th Ave
Pierre, SD 57501

Dear Mr. Schumacher:

Thank you for returning the transfer form and filing fee for changing ownership of Water Right No. 1353-3. The transfer has been completed. The water right formerly owned by Joe F Winkler has been transferred to James F or Charlene E Schumacher.

Enclosed is Receipt No. 416017 in the amount of \$2.50 which you paid to file the ownership change. I made a copy of the form and am returning it to you for your records.

Thank you again and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

1353-3
JOE F WINKLER
320 W CAPITOL
PIERRE
SD 57501

HU/MI

This is the Water Management Board data sheet for recording 1980 SURFACE WATER source irrigation estimates.

November 1980
For Dept. use only

☐ ☐

S

Please fill out and return at once.
No. Acres irrigated with Surface Water ☐
If you did not irrigate during 1980-check this box ☐ No system ☐

Type of Power	No. acres irrigated	Total Energy used-1980
1. Electric	<u>✓</u>	<u> </u> kWh
2. Gravity	<u>✓</u>	<u> </u> gal
3. Gasoline	<u> </u>	<u> </u> gal
4. Nat. Gas pipeline	<u> </u>	<u> </u> cf
5. Diesel	<u> </u>	<u> </u> gal
6. Propane	<u> </u>	<u> </u> gal
7. Other	<u> </u>	<u> </u>

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use				
				Crop	Acres	Water Used	Crop Acres	Water Used
April								
May								
June								
July								
August								
Sept.								
Oct.								
Other Month								

I didn't keep track of the gallons as
 we have no meter in the well for the
 the above mentioned time for the
 1980 season
 and one 60 H.P. pump
 13.5 inches
 125' down 30' below
 total cost \$12,329.30

Season Static Water Level: beginning 16.16 and 16.11 stands

Complete and return to:
WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre SD 57501



Owner or address change, if any:
Please complete front and back.

The South Dakota Office of Energy has requested your cooperation in completing the following:

1979

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____

1978

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____ gal

- What is your on-farm storage capacity for gasoline _____ gallons
diesel _____ gallons
- What are your present plans for acres under irrigation for 1981?
 _____ an increase in acres
 _____ irrigate same acres
 _____ a decrease in acres
- A. Has your regular fuel supplier been able to meet your fuel needs for irrigation this past year?
 _____ yes
 _____ no
 B. If no, were you able to buy from other sources?
 _____ yes
 _____ no
- Would you continue irrigating the same number of acres in 1981 if the price of fuel increased-

10% yes _____	20% yes _____
no _____	no _____
15% yes _____	over 20% yes _____
no _____	no _____
- At what price for fuel would you cut back on irrigation activities? _____
- What is your best estimate of your fuel needs for irrigation in 1981, if we experience a
 Dry summer: _____ gallons.
 Wet summer: _____ gallons.

1353-3