

No. 1322-3Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)WAD 2386
4.50 PM
WATER RESOURCES COMMISSION
WASHINGTON, D. C. 20006

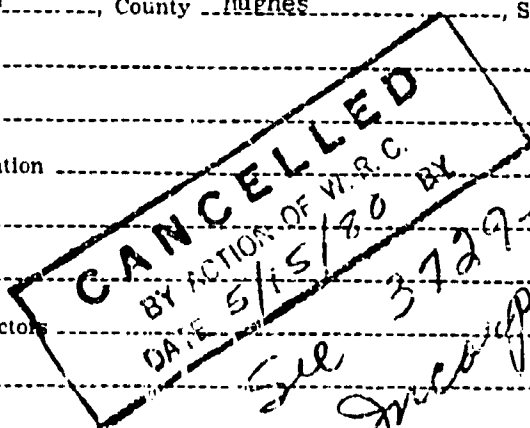
APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Norman Nystrom
Postoffice address Box 142, Pierre, County Hughes, 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)
Contract and Direct Labor
(b) Cash on hand, \$ 1,000 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Norman Nystrom #2
3. Amount of water claimed 16.6 cubic feet per second
4. Source of water supply Oaba Reservoir
5. Location of point of diversion From SE Corner Sec 8-112-80 N 66° 10' W, 360 rods.
From NE Corner Sec 17-112-80 S 67° 30' W,
321 rods on left bank Hughes County.
6. Annual period or periods during which water is to be used May 15 to October 1
7. To be used for:

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

- (a) Number or acres to be irrigated 1162.5 acres.

- (b) Legal subdivisions to be irrigated See Water Right Map

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

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

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
Name any of the above uses claimed
(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
(c) Location of plant _____
(d) Method of developing power _____
(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1,000.....
 (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.)

Pipe - Rump

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	ACRE-Feet CAPACITY

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

Material

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

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

*Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

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

Capital Journal

STATE OF SOUTH DAKOTA

County of HUGHES } ss.

I, Norman Nystrom....., 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 Norman Nystrom

Subscribed and sworn to before me this 1st day of March 1917

Wm. H. Snapper
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Comm. Exp. 1-1-1918
 My Comm. No. 10481

LANDS TO BE IRRIGATED

SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 8	29 acres	23
NW $\frac{1}{4}$ NW $\frac{1}{4}$	"	10 "	"
SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	38 "	23
NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	26 "	27
NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	40 "	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	37 "	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	35.5 "	"
NW $\frac{1}{4}$ SE $\frac{1}{4}$	"	39 "	"
NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	39 "	"
SW $\frac{1}{4}$ SE $\frac{1}{4}$	"	39 "	"
SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	39 "	"
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 9	39.5 "	"
NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 17	39.5 "	"
NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	39.5 "	"
SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	39.5 "	"
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	39.5 "	"
NW $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
NE $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	"	39.5 "	"
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 16	40 "	"
NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	40 "	"
SW $\frac{1}{4}$ NW $\frac{1}{4}$	"	40 "	"
SE $\frac{1}{4}$ NW $\frac{1}{4}$	"	40 "	"
NW $\frac{1}{4}$ NE $\frac{1}{4}$	"	39 "	"
NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	39 "	"
SW $\frac{1}{4}$ NE $\frac{1}{4}$	"	39 "	"
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	39 "	"
		<u>39</u>	
		1161.5 "	

all in T112N-R30W

AREAS BY LEGAL SUBDIVISION

SW ¹ NW ¹ SEC. 8 TWP. 112 R. 80	R. 80
SE ¹ NW ¹ SEC. 8 TWP. 112 R. 80	R. 80
NW ¹ SW ¹ SEC. 8 TWP. 112 R. 80	R. 80
NE ¹ SW ¹ SEC. 8 TWP. 112 R. 80	R. 80
SW ¹ SW ¹ SEC. 8 TWP. 112 R. 80	R. 80
SE ¹ SW ¹ SEC. 8 TWP. 112 R. 80	R. 80
NW ¹ SE ¹ SEC. 8 TWP. 112 R. 80	R. 80
NE ¹ SE ¹ SEC. 8 TWP. 112 R. 80	R. 80
SW ¹ SE ¹ SEC. 8 TWP. 112 R. 80	R. 80
SE ¹ SE ¹ SEC. 8 TWP. 112 R. 80	R. 80
NW ¹ SW ¹ SEC. 9 TWP. 112 R. 80	R. 80
NE ¹ SW ¹ SEC. 9 TWP. 112 R. 80	R. 80
SW ¹ SW ¹ SEC. 9 TWP. 112 R. 80	R. 80
SE ¹ SW ¹ SEC. 9 TWP. 112 R. 80	R. 80
NW ¹ NE ¹ SEC. 17 TWP. 112 R. 80	R. 80
NE ¹ NE ¹ SEC. 17 TWP. 112 R. 80	R. 80
SW ¹ NE ¹ SEC. 17 TWP. 112 R. 80	R. 80
SE ¹ NE ¹ SEC. 17 TWP. 112 R. 80	R. 80
NW ¹ SW ¹ SEC. 17 TWP. 112 R. 80	R. 80
NE ¹ SW ¹ SEC. 17 TWP. 112 R. 80	R. 80
SW ¹ SW ¹ SEC. 17 TWP. 112 R. 80	R. 80
SE ¹ SW ¹ SEC. 17 TWP. 112 R. 80	R. 80
NW ¹ NW ¹ SEC. 16 TWP. 112 R. 80	R. 80
NE ¹ NW ¹ SEC. 16 TWP. 112 R. 80	R. 80
SW ¹ NW ¹ SEC. 16 TWP. 112 R. 80	R. 80
SE ¹ NW ¹ SEC. 16 TWP. 112 R. 80	R. 80
NW ¹ NE ¹ SEC. 16 TWP. 112 R. 80	R. 80
NE ¹ NE ¹ SEC. 16 TWP. 112 R. 80	R. 80
SW ¹ NE ¹ SEC. 16 TWP. 112 R. 80	R. 80
SE ¹ NE ¹ SEC. 16 TWP. 112 R. 80	R. 80
NW ¹ NW ¹ SEC. 8 TWP. 112 R. 80	R. 80

WATER TO BE DIVERTED BETWEEN
POINT NO. 1 AND POINT NO. 2

SURVEYORS CERTIFICATE

STATE OF SOUTH DAKOTA 55
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 NORMAN NYSTROM, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDARIES ON MARCH 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 DAY OF MARCH, 1967.

REG. LAND SURVEYOR

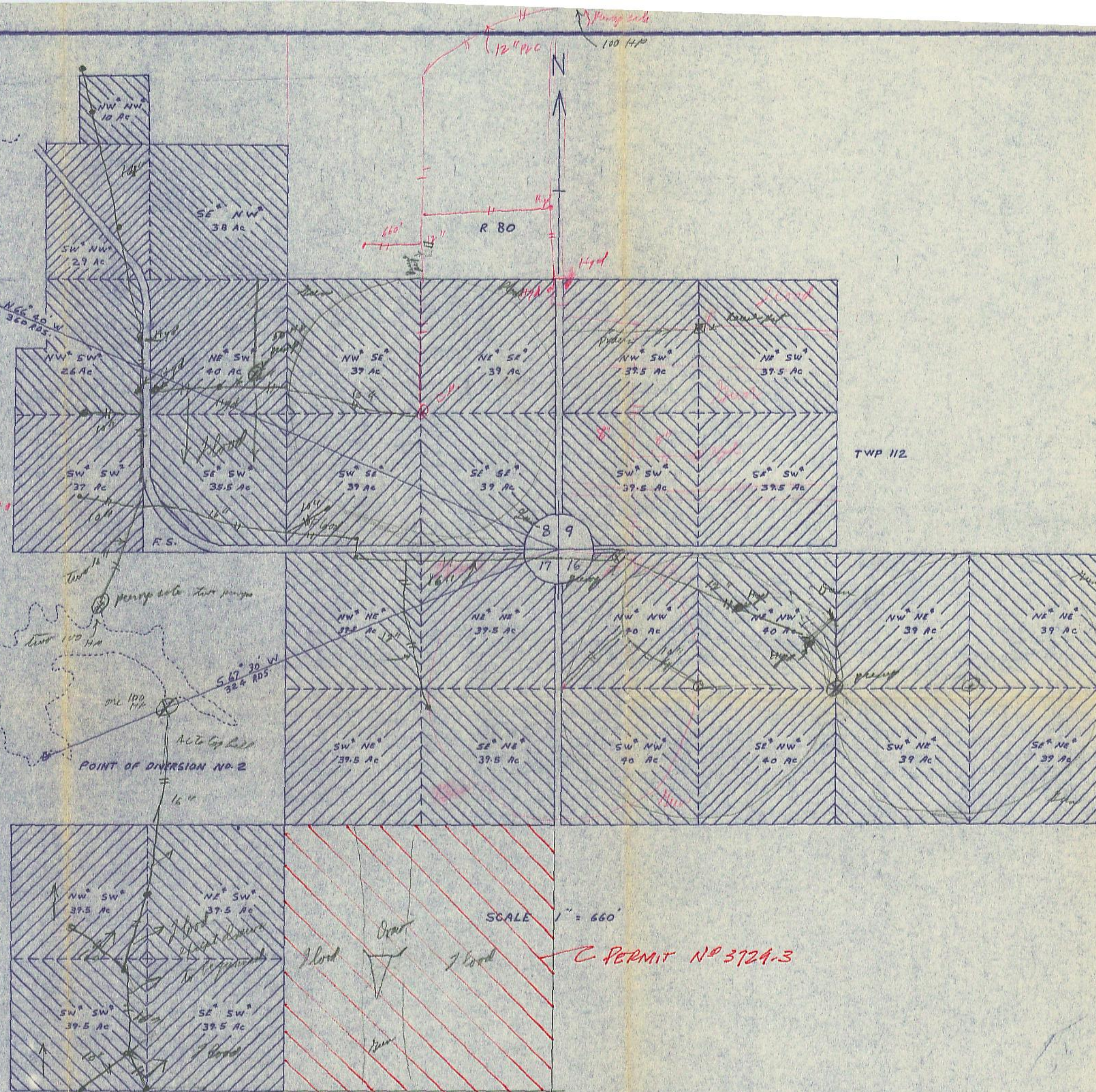
STATE OF SOUTH DAKOTA 55
COUNTY OF HUGHES

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 DAY OF MARCH 1967.

MY COMMISSION EXPIRES

NOTARY PUBLIC

ORHE
RESERVOIR



Run off into down to
be pumped out for 1/2 SE 1/4
3 dead pigs for 3 pumps
one for dry pump
one for flood to last
one for fountain case

SHOWING AREA & DIVERSION POINTS WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

NORMAN NYSTROM
MAYNARD C. SOMMER

OWNER
SURVEYOR

Map# 987-3 (App# 1377-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 24, 1967

This is to certify that the foregoing application was received by the Commission at 4:50 o'clock
P.m. upon the 24th day of March, 1967.

State Water Resources Commission

By: Richard D. Schwaner
For Chief Engineer, Executive Officer

Number of permit 1377-3

Date of first receipt of application March 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 March 7, 1967

Approved May 17, 1967 Recorded in Book 9 Page 273

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 _____

November 12, 1969

2nd. The whole of said work is to be completed on or before May 17, 1972

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

May 17, 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 16.59 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 May 17, 1972; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 24th day of May, 1967.

State Water Resources Commission

By: Richard D. Schwaner
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

On or before April 20, 1967
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 29, 1967

Notice is hereby given that Norman Nystrom whose postoffice address is Pierre S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 16.59 cubic feet of water per second of time from the Missouri River through the Norman Nystrom #2 the point of diversion of which is to be located on the left bank of said stream/in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, both in portions of Twp. 112N Range 80W. Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8; SW $\frac{1}{4}$, Section 9; NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 17; and NW $\frac{1}{4}$, Section 16, all in T112N, R80W.

~~and/or~~ ~~therefor~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 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. Schmoier~~
RICHARD D. SCHMOIER
Water Right Specialist

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. H. HIPFLE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

DAILY CAPITAL JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

CITY of PIERRE County of

HUGHES and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Mar. 31, April 7-14-21-

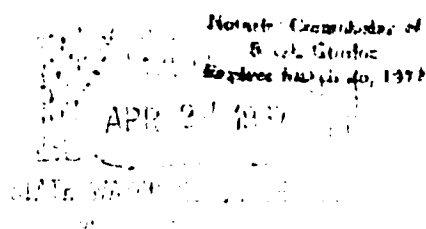
in each and every issue of the full number thereof, the first publication being made on the 31 day of Mar.

1967 and the last publication on the 21 day of

April 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 Business Manager the printer and publisher of the said newspaper.

J. H. Hipfle

Subscribed and sworn to before me this 21 day of April A. D. 1967



Notary Public HUGHES County, S. D.

No. 187, 4t daily, March 31, April 7-14-21.

No. 1877-3
APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak.,
March 29, 1967

Notice is hereby given that Norman Nystrom whose postoffice address is Pierre, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 16.59 cubic feet of water per second of time from the Missouri River through the Norman Nystrom No. 2, the point of diversion of which is to be located on the left bank of said stream between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, and a point in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, both in Twp. 112N Range 80W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8; SW $\frac{1}{4}$, Section 9; NE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 17; and N $\frac{1}{2}$, Section 16, all in T112N, R80W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 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. SCHNOYER
Water Right Specialist

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

ON GAHE DAM AND RESERVOIR PROJECT, SOUTH DAKOTA

No. DACW45-2-63-5003

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

Norman Nyström
P. O. Box 142
Pierre, South Dakota

coextensive with State Water Permits Nos.

hereinafter designated as the grantee, for a period ~~not to exceed~~ 1377-3 and 1080-3,
~~XXXXXX~~ an easement for a right of way for the installation,
operation and maintenance of irrigation water pipelines and portable pump
units

over, across, in, and upon land under the control of the Secretary of the Army at the location
shown in red on Exhibit "A-1" and "A-2" entitled Gahe Reservoir, Segment "D"
~~XX~~
and Segment "C" attached hereto and made a part hereof, and described on
attached Exhibit "B"

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of
Two Hundred Sixty and no/100 Dollars (\$ 260.00)
, 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.

17. That the grantee shall place the irrigation pipelines on Strips 1 and 2 under any existing reservoir road or trail through a culvert at the point of intersection of said pipelines and the road or trail. Said pipelines shall be buried between the reservoir road or trail and the project boundary.

18. It is understood and agreed that the pipelines on Strips Nos. 1 and 2 shall be buried through the existing tree planting areas at a sufficient depth so as not to interfere with tree cultivation practices.

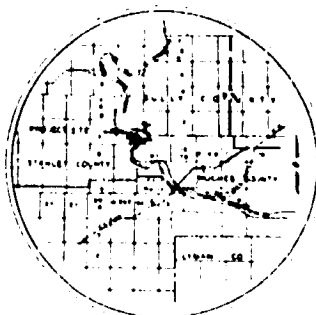
19. That the grantee shall coordinate points of ingress and egress to the easement areas with said officer.

20. That in the event of future development of the area for project purposes adjacent to or near the said pipeline easements, the United States reserves the right to control the location, noise and safety features of the pumping units.

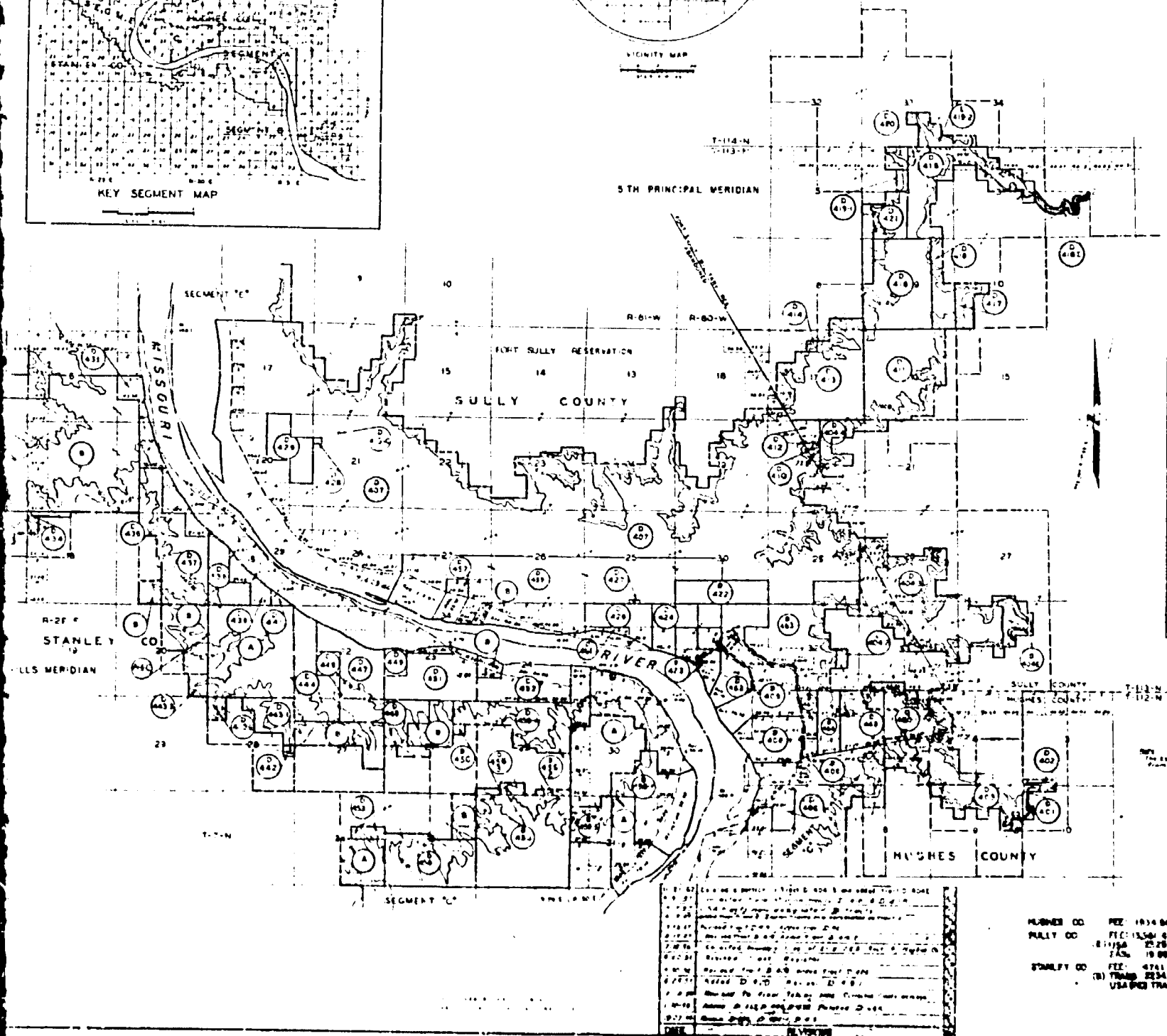
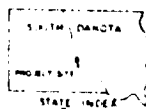
~~This easement shall be subject to Title 10, United States Code, Section 2602.~~
That Conditions Nos. 15, 16, 17, 18, 19 and 20 were added prior to execution of this easement. This easement is not subject to Title 10, Section 2602.
IN WITNESS WHEREOF I have hereunto set my hand this 24th day of July 1967

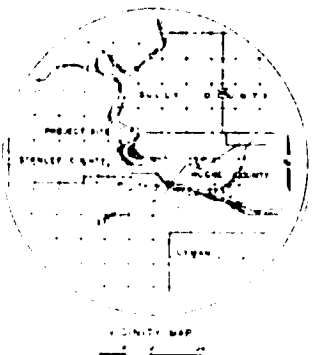
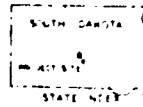
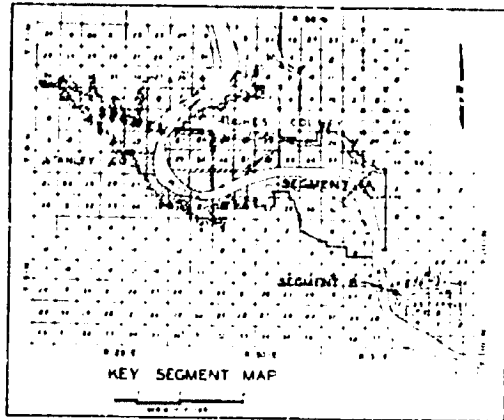
/s/ Dale Kent

DALE KENT
Chief, Real Estate Division
(Wash District, Corps of Engineers)

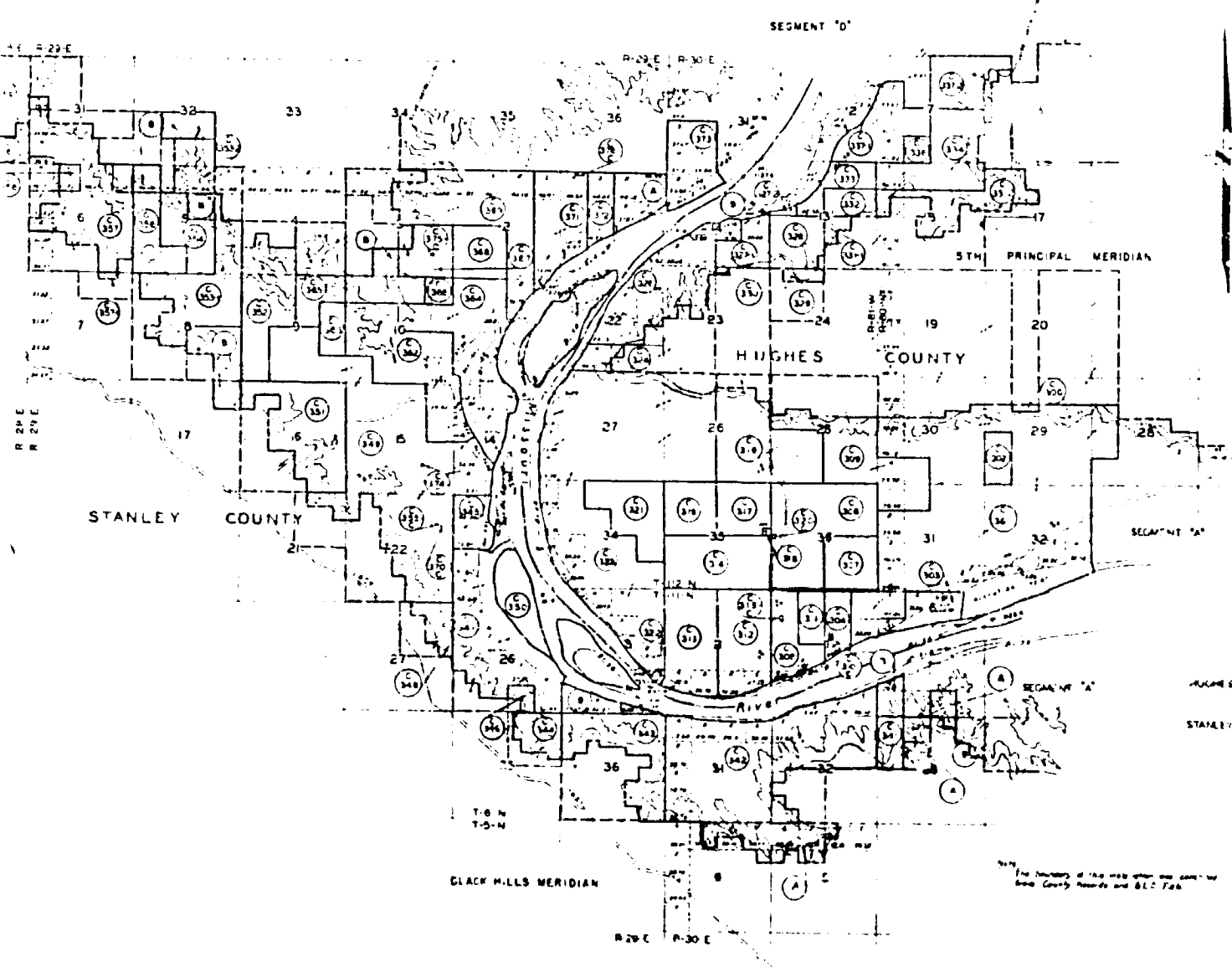


VICINITY MAP





TRACT	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
11	1.00
12	1.00
13	1.00
14	1.00
15	1.00
16	1.00
17	1.00
18	1.00
19	1.00
20	1.00
21	1.00
22	1.00
23	1.00
24	1.00
25	1.00
26	1.00
27	1.00
28	1.00
29	1.00
30	1.00
31	1.00
32	1.00
33	1.00
34	1.00
35	1.00
36	1.00
37	1.00
38	1.00
39	1.00
40	1.00
41	1.00
42	1.00
43	1.00
44	1.00
45	1.00
46	1.00
47	1.00
48	1.00
49	1.00
50	1.00
51	1.00
52	1.00
53	1.00
54	1.00
55	1.00
56	1.00
57	1.00
58	1.00
59	1.00
60	1.00
61	1.00
62	1.00
63	1.00
64	1.00
65	1.00
66	1.00
67	1.00
68	1.00
69	1.00
70	1.00
71	1.00
72	1.00
73	1.00
74	1.00
75	1.00
76	1.00
77	1.00
78	1.00
79	1.00
80	1.00
81	1.00
82	1.00
83	1.00
84	1.00
85	1.00
86	1.00
87	1.00
88	1.00
89	1.00
90	1.00
91	1.00
92	1.00
93	1.00
94	1.00
95	1.00
96	1.00
97	1.00
98	1.00
99	1.00
100	1.00



HUGHES CO FEE TRANS (B) 2.00
STANLEY CO FEE TRANS (B) 2.00
USA, IND, 10.00

TRACT	ACRES
1	1.00
2	1.00
3	1.00
4	1.00
5	1.00
6	1.00
7	1.00
8	1.00
9	1.00
10	1.00
11	1.00
12	1.00
13	1.00
14	1.00
15	1.00
16	1.00
17	1.00
18	1.00
19	1.00
20	1.00
21	1.00
22	1.00
23	1.00
24	1.00
25	1.00
26	1.00
27	1.00
28	1.00
29	1.00
30	1.00
31	1.00
32	1.00
33	1.00
34	1.00
35	1.00
36	1.00
37	1.00
38	1.00
39	1.00
40	1.00
41	1.00
42	1.00
43	1.00
44	1.00
45	1.00
46	1.00
47	1.00
48	1.00
49	1.00
50	1.00
51	1.00
52	1.00
53	1.00
54	1.00
55	1.00
56	1.00
57	1.00
58	1.00
59	1.00
60	1.00
61	1.00
62	1.00
63	1.00
64	1.00
65	1.00
66	1.00
67	1.00
68	1.00
69	1.00
70	1.00
71	1.00
72	1.00
73	1.00
74	1.00
75	1.00
76	1.00
77	1.00
78	1.00
79	1.00
80	1.00
81	1.00
82	1.00
83	1.00
84	1.00
85	1.00
86	1.00
87	1.00
88	1.00
89	1.00
90	1.00
91	1.00
92	1.00
93	1.00
94	1.00
95	1.00
96	1.00
97	1.00
98	1.00
99	1.00
100	1.00

Strip No. 1

A strip of land in Lot 7, Section 5 being 50' wide (5.00' wide in area with trees, 2.50' on either side of said centerline) lying 25' on either side of the following described line; beginning at a point on the east line of said Lot 7, said point being 330' South of the Northeast corner thereof; thence South $10^{\circ} 00'$ West to the shoreline of the Oahe Reservoir, containing 0.90 acre, more or less.

Strip No. 2

A strip of land in Lot 8, Section 4, being 50' wide (5.00' wide in area with trees, 2.50' on either side of said centerline) and lying 25' on either side of the following described line; beginning at the Northeast corner of said Lot 8; thence South $70^{\circ} 00'$ West to the shoreline of the Oahe Reservoir, containing 1.10 acres, more or less.

Strip No. 3

A strip of land in the $NW\frac{1}{4}NW\frac{1}{4}$ of Section 8 being 50' wide and lying 25' on either side of the following described line; beginning at the Northeast corner of the $NW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$; thence North $50^{\circ} 00'$ East to the shoreline of the Oahe Reservoir, containing 0.60 acre, more or less.

Strip No. 4

A strip of land in the $SE\frac{1}{4}SE\frac{1}{4}$ of Section 7, being 50' wide lying 25' on either side of the following described line; beginning at the Northeast corner of the $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ of said Section 7; thence South $85^{\circ} 00'$ West to the shoreline of the Oahe Reservoir, containing 1.02 acres, more or less.

All the above in Township 112 North, Range 80 West, Hughes County, South Dakota

EXHIBIT 15 ATTACHED TO AND MADE
A PART OF Grant No. 10045-2-
18-5003

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

ON CAHE DAM, LAKE CAHE PROJECT, SOUTH DAKOTA

No. DACW45-2-68-5195

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

Norman Hyttrom
P. O. box 142
Pierre, South Dakota

hereinafter designated as the grantee, for a period ~~subsequent to the date hereof~~ ^{coextensive with State} ~~10 years from the date hereof~~ ^{Water Permit No. 1377-3} an easement for a right of way for the installation, operation and maintenance of portable irrigation water pipelines and portable pump units

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 Cahe Reservoir, Segment "C" attached hereto and made a part hereof, and described as follows:

Strip No. 1

A parcel of land 66 feet wide in the NW $\frac{1}{4}$ of Section 17, Township 112 North, Range 80 West of the 5th P.M., Hughes County, South Dakota, lying 33 feet on each side of the following described line: Beginning at the NW corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence South 10° 00' East to the shoreline of the Cahe Reservoir. Contains 0.50 acres, more or less.

Strip No. 2

A parcel of land 66 feet wide in the NW $\frac{1}{4}$ of Section 17, Township 112 North, Range 80 West of the 5th P.M., Hughes County, South Dakota, lying 33 feet on each side of the following described line: Beginning at the SW corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North 17° 00' East to the shoreline of the Cahe Reservoir. Contains 0.67 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
One Hundred and no/100 Dollars (\$ 100.00)
for the term, payable in advance. Compensation shall be made payable to the
Treasurer of the United States and forwarded by the grantee to the District Engineer,
Omaha District, Corps of Engineers, 6012 U. S. Post Office and Court House,
Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

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

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

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

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

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

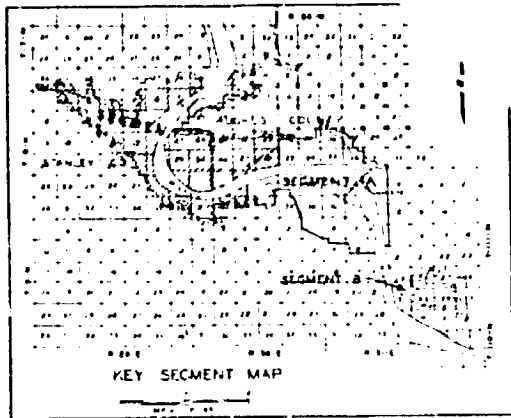
16. That this easement and right of way for a water pipeline and pumping plant is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

Prior to the execution of this easement, Conditions Nos. 15 and 16 were added.

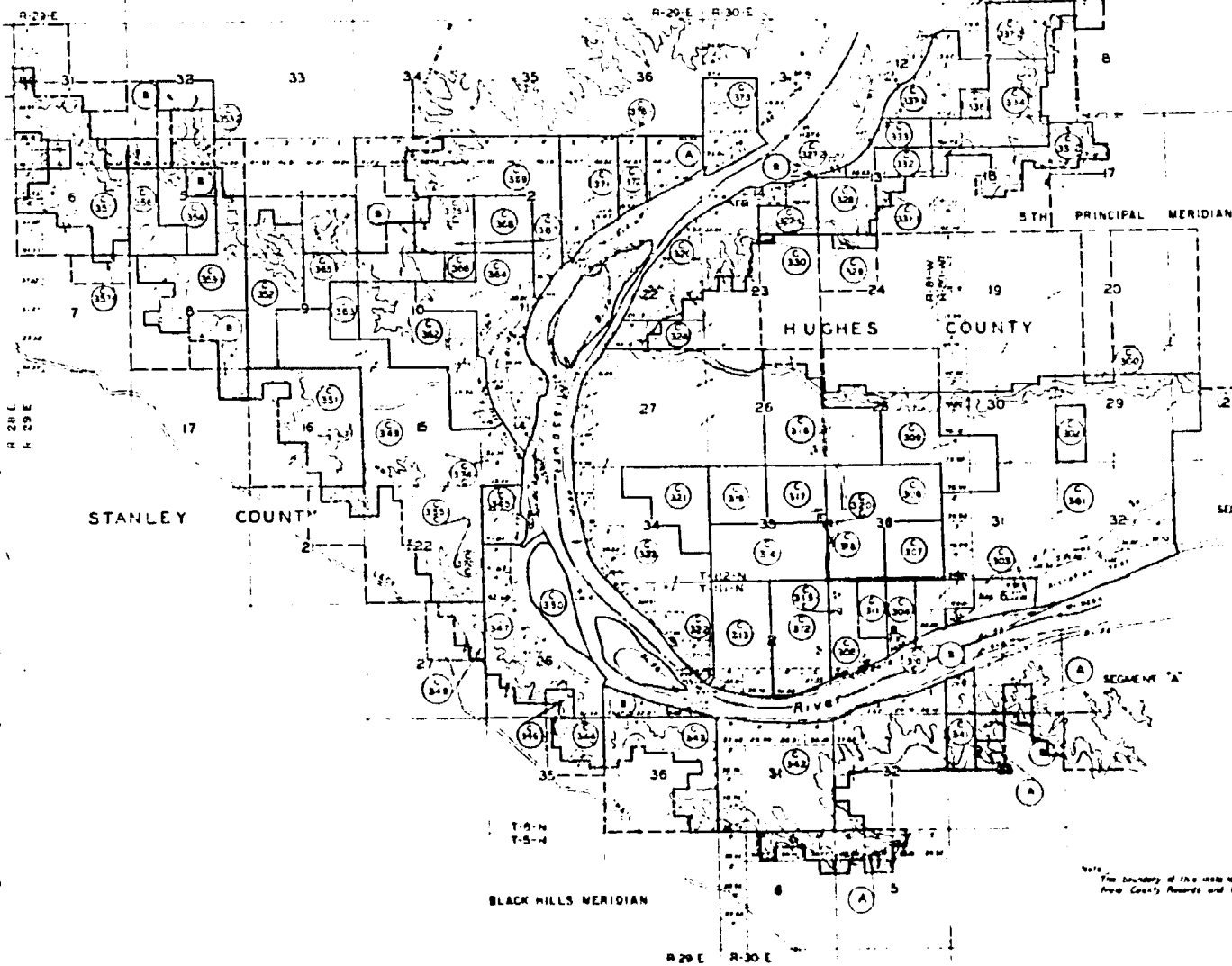
This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this
day of May 19 63

/s/ Dale Kent
DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers



SEGMENT "D"



HUGHES CO. FEE TRANS (B) 100
STANLEY CO. FEE TRANS (B) 100
USA IND. TRAN

Section	Owner	Acres	Value
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...
11	...	...	...
12	...	...	...
13	...	...	...
14	...	...	...
15	...	...	...
16	...	...	...
17	...	...	...
18	...	...	...
19	...	...	...
20	...	...	...
21	...	...	...
22	...	...	...
23	...	...	...
24	...	...	...
25	...	...	...
26	...	...	...
27	...	...	...
28	...	...	...
29	...	...	...
30	...	...	...
31	...	...	...
32	...	...	...
33	...	...	...
34	...	...	...
35	...	...	...
36	...	...	...

Form 18.

, 1377-3

APPLICATION FOR EXTENSION OF TIME

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

Date JULY 31, 1972

Dear Sirs:

In Water Right Permit No. 1377-3 it is specified that the water diversion system is to be completed by MAY 17, 1972 and that the water is to be put to the limit of beneficial use by MAY 17, 1972.

I hereby request that the date for completing the diversion system be extended to MAY 17, 1972 and that the date for putting the water to the limit of beneficial use be extended to MAY 17, 1976.

The extension of time for the completion of these works is requested for the following reasons: _____

UNABLE TO COMPLETE ENTIRE SYSTEM IN
THE 5 YEAR PERIOD

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

Norman Nyestrom
(Signed)
Holder of Permit No. 1377-3

APPROVED:

WATER RESOURCES COMMISSION

By: