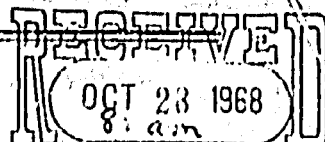


1628-3

1. Consider: 12-4, 65
2. Name of Applicant FRED GENSLER
3. Post Office Address GETTYSBURG
4. Amount of water claimed 22.75
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 1600
7. Water to be diverted and used in POTTER county
about 2N 11W miles of GETTYSBURG
8. Proof of Publication Received _____
Not Received 121
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 16283Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

DR. C. L. SWANSON
STU ZIMMERMAN1. Name of applicant Fred Genzler
Postoffice address Gettysburg, S. Dak. County Potter State S. Dak.I. If a corporation X(a) Name of same Margery A. Pouch & Eugene D. Horrold(b) Date and place of incorporation TRANSFERRED: 3-11-81

(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, \$ plenty

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Fred Genzler Irrigation Project No. 13. Amount of water claimed 2.370 cubic feet per second4. Source of water supply Oahe Reservoir Missouri River5. Location of point of diversion BETWEEN POINT 1385' W., 2534' N of S.E. Corner, Sect 17, 119, 78
AND A POINT 260' W. OF THE NE CORNER SECTION 17, 119, 78.
Oahe Reservoir on EAST bank POTTER County.6. Annual period or periods during which water is to be used April thru Oct.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Overhead Sprink(a) Number of acres to be irrigated 1600 acres.(b) Legal subdivisions to be irrigated See Remarks

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

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

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

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP 2-11743

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$13,000.

(c) Plumbing, \$----- (d) Canal-earth, \$-----

Reck, \$-----

(e) Other structures ----- pipe installed \$40,000.

Total, \$53,000

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping Plant

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 ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
Potter County News, Gettysburg

STATE OF SOUTH DAKOTA

County of Potter ss.

I, Fred Genzler, 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.

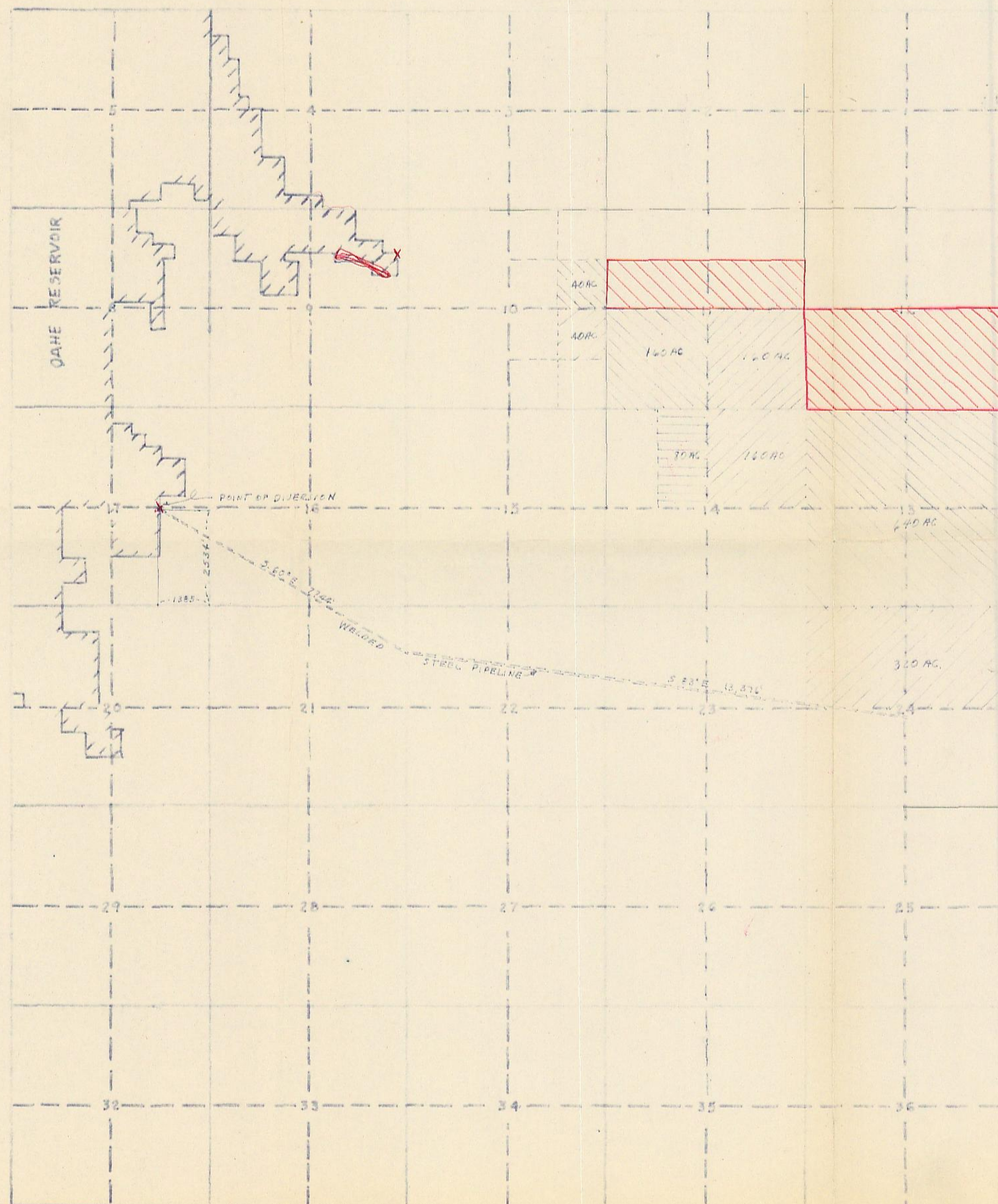
Signed Fred Genzler

Subscribed and sworn to before me this 2nd day of October 19 66

Robert D. Houck
Notary Public (or other qualified officer.)

Robert D. Houck
Notary Public

Potter County, S. D.
My Commission Expires



ACRES	SECTION	TOWNSHIP	RANGE
40	SE 1/4, NE 1/4 - 10	7119 N	78 W
40	NE 1/4, SE 1/4 - 10	119 N	78 W
320	SE 1/4 - 11	119 N	78 W
160	NE 1/4 - 14	119 N	78 W
80	E 1/2, NE 1/4 - 14	119 N	78 W
640	ALL OF - 13	119 N	78 W
320	N 1/4 - 24	119 N	78 W

1600 ACRES TOTAL

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
 COUNTY OF BEADLE) ss
 I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
 IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
 CERTIFY THAT AT THE REQUEST OF FRED GENZLER,
 SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
 WITHIN HIS OWNERSHIP BOUNDARIES ON OCT 7, 1968 FOR WHICH APPLICATION
 FOR APPROPRIATE WATER RIGHT IS MADE AND THAT THIS MAP
 IS A TRUE REPRESENTATION THERE OF.
 WITNESS MY HAND AND SEAL THIS 7TH DAY OF OCT. 1968.

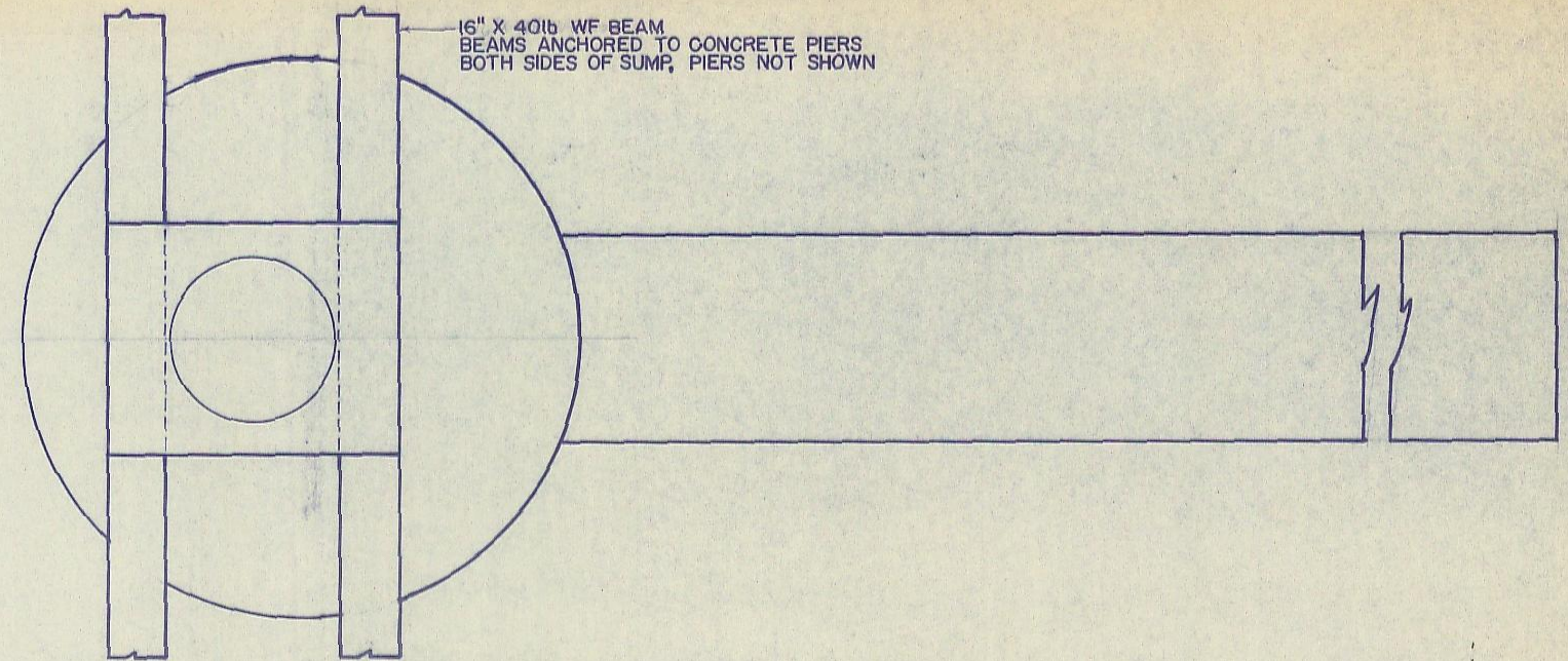
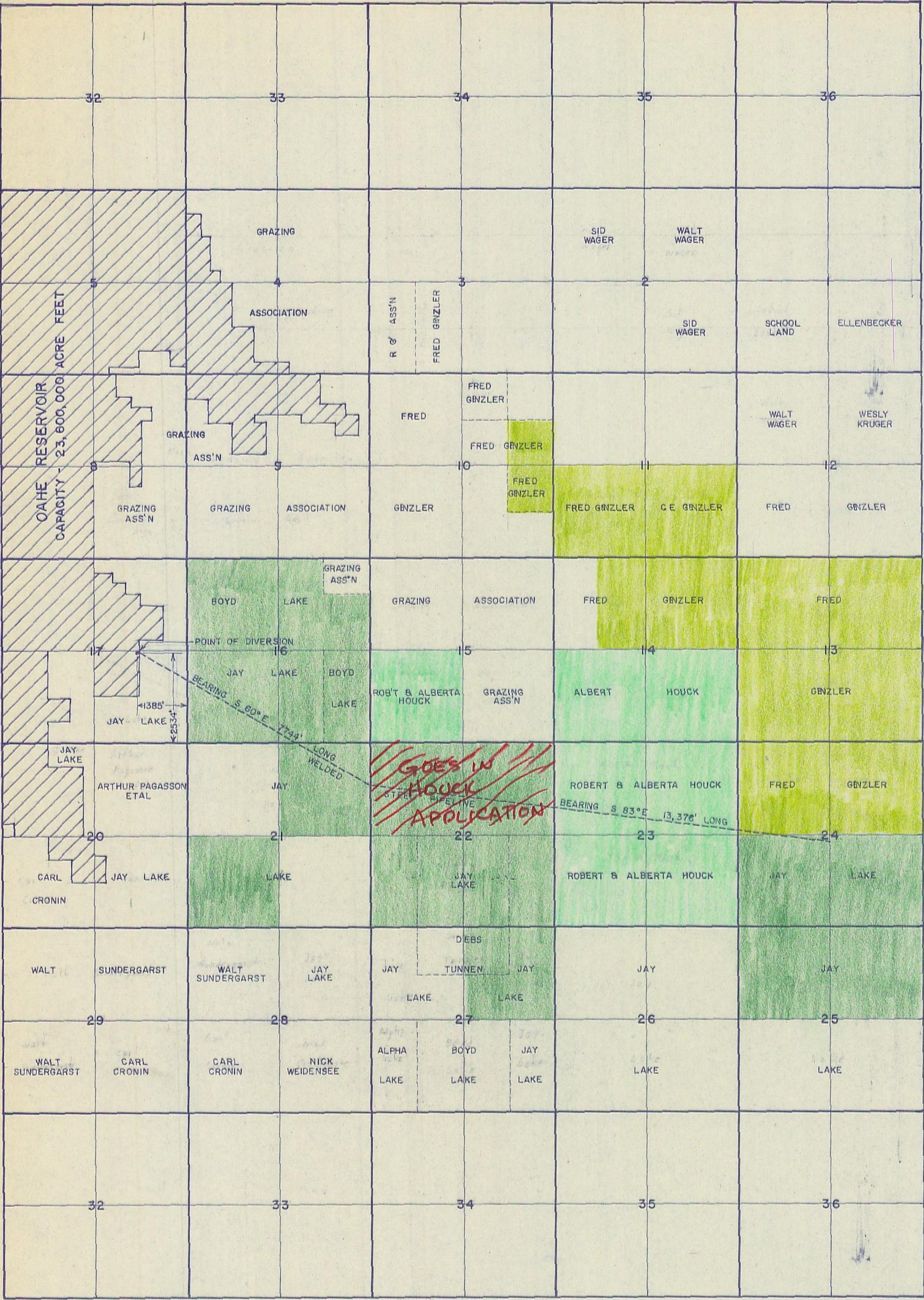
STATE OF SOUTH DAKOTA) ss
 COUNTY OF BEADLE) ss
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 7TH DAY
 OF OCT. 1968
 MY COMMISSION EXPIRES MARCH 10, 1972
 NOTARY PUBLIC

FRED GENZLER IRRIGATION PROJECT NO. 1
 SHOWS AREA TO BE IRRIGATED & POINT OF DIVERSION
 WHERE WATER WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

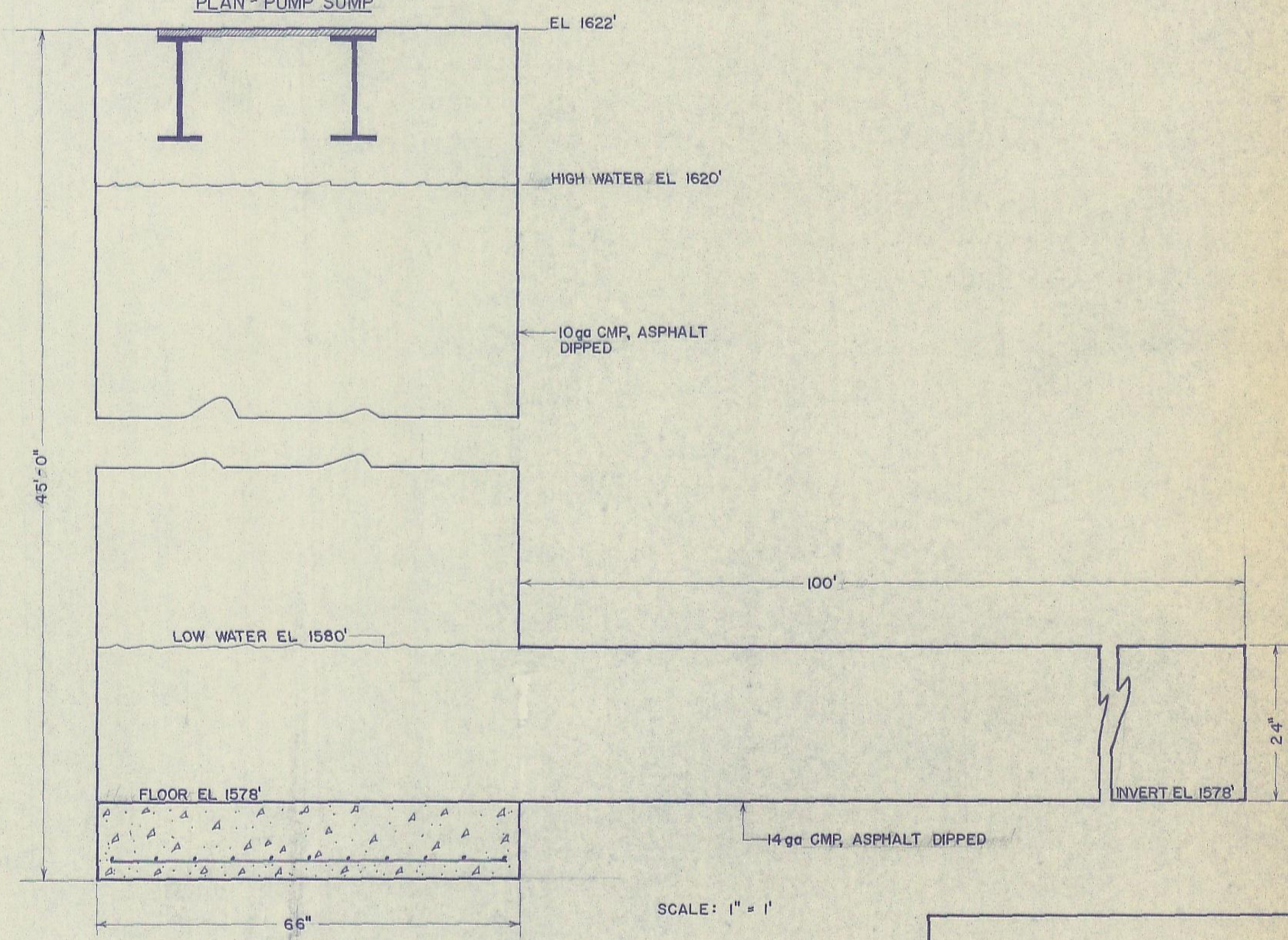
OWNER FRED GENZLER

SURVEYOR HARLAN W. MEYER

APPL NO. 4208-3
 APPL NO. 1628-3

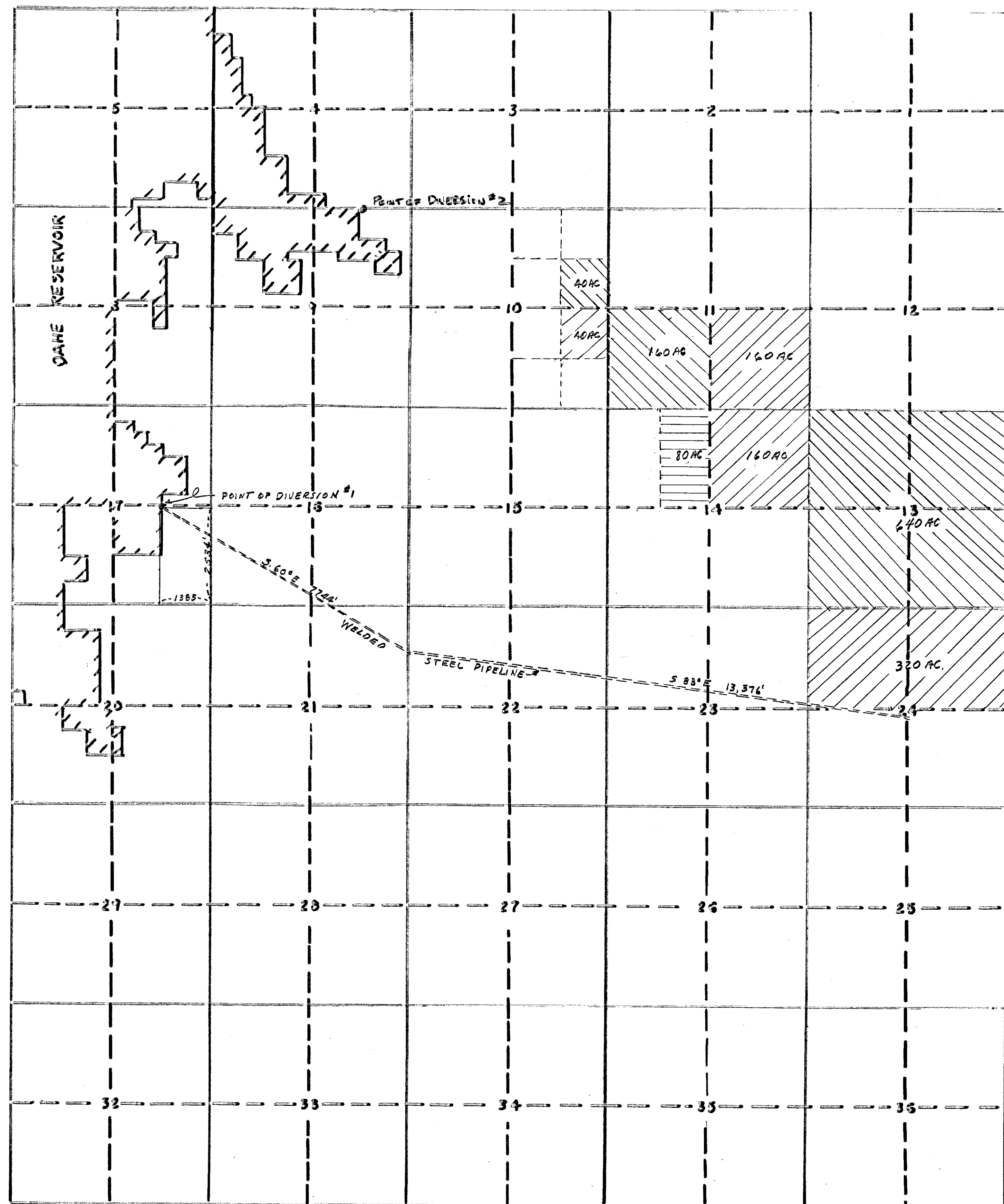


PLAN - PUMP SUMP



SECTION - PUMP SUMP

SCALE: 1" = 1'



AREAS BY LEGAL SUBDIVISION

ACRES	SECTION	TOWNSHIP	RANGE
40	SE 1/4, NE 1/4-10	T. 119 N	78 W
40	NE 1/4, SE 1/4-10	119 N	78 W
320	S 1/2 -11	119 N	78 W
160	NE 1/2 -14	119 N	78 W
80	E 1/2, NW 1/4-14	119 N	78 W
640	ALL OF -13	119 N	78 W
320	N 1/2 -24	119 N	78 W

1600 ACRES TOTAL

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF FRED GENZLER,
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON OCT 7, 1968 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 7TH DAY OF OCT. 1968.

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
SUBSCRIBED AND SWORN TO BEFORE ME THIS 7TH DAY
OF OCT. 1968
MY COMMISSION EXPIRES MARCH 10, 1972

FRED GENZLER IRRIGATION PROJECT NO. 1
SHOWS AREA TO BE IRRIGATED & POINT OF DIVERSION
WHERE WATER WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

OWNER FRED GENZLER

SURVEYOR HARLAN W. MEYER
OCT 1968

MAP NO. 1174-3 (APPL. NO. 1628-3)

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, DECEMBER 6, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
7 m. upon the 28TH day of OCTOBER, 1968.

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1628-3

Date of first receipt of application OCTOBER 28, 1968

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 OCTOBER 28, 1968

Approved DECEMBER 4, 1968, Recorded in Book 10 Page 289

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 JUNE 4, 1971

2nd. The whole of said work is to be completed on or before DECEMBER 4, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is DECEMBER 4, 1977

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 22.85 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 DECEMBER 4, 1975; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 6TH day of DECEMBER, 1968.

State Water Resources Commission

By:

Tom Jones
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

Remarks by the Applicant:

Lands to be Irrigated

Acres.	Sect.	Township 119 North, Range 78 West
40	SE $\frac{1}{4}$, NE $\frac{1}{4}$ -10	
320 40	NE $\frac{1}{4}$, SE $\frac{1}{4}$ -10	
320	S $\frac{1}{2}$ #11	
160	NE $\frac{1}{4}$ -14	
80	E $\frac{1}{2}$, NW $\frac{1}{4}$ -14	
640	All of 13	
320	N $\frac{1}{2}$ -24	
1600 Acres	Total	

on or before
(First Publication November 7, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 26, 1968

Notice is hereby given that Fred Genzler whose postoffice address is Gettysburg 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 22.85 cubic feet of water per second of time from the Missouri River through the Genzler Irrigation Project #1 the point of diversion of which is to be located on the left bank of said stream in the NW 1/4 of the SE 1/4 of Section 17 Twp. 119N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 NE 1/4, NW 1/4 SE 1/4, Section 10, S 1/4 Section 11, E 1/4 NW 1/4 & NE 1/4, Section 14, All of Section 13 and N 1/4 Section 24, All in T119N, R76W

and for XXXXXX XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, 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.

cc: Fred Genzler, Gettysburg, S.D.

State Water Resources Commission

By:

~~Chief Engineer, Executive Office~~

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Potter } ss.

William R. Owens being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Potter County News 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 Gettysburg County of Potter and State of South Dakota; that the said notice was published in said newspaper on the following dates:

November 7, 1968

November 14, 1968

November 21, 1968

November 28, 1968

in each and every issue of the full number thereof, the first publication being made on the 7th day of November 1968 and the last publication on the 28th day of November 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was William R. Owens the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 28th day of November A. D. 1968

Notary Public Potter County, S. D.

Lucy B. Owens, Notary Public
Potter County, South Dakota

My commission expires Oct 3, 1976

No. 1628-3
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak.
October 28, 1968

Notice is hereby given that Fred Genzler whose postoffice address is Gettysburg, 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 22.85 cubic feet of water per second of time from the Missouri River through the Genzler Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17 Twp. 119-N Range 78W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, S $\frac{1}{4}$ Section 11; E $\frac{1}{2}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$, Section 14; All of Section 13 and N $\frac{1}{2}$ Section 24, All in T116N, R78W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, 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: Burton F. Jones
Water Rights Specialist
(Nov. 7, 14, 21, 28, 1968)

RECD

12-4-68

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

ON OAHES DAM, LAKE OAHES, SOUTH DAKOTA

NO. DACW45-2-71-6002

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 Fred Gengler, Gettysburg, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ coextensive with South Dakota State Water Permit No. 1628-3, held by grantee, from the date hereof, an easement for a right of way for installation, operation and maintenance of a portable irrigation water pipeline and portable pumping system, hereinafter referred to as "said line", over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A"

attached hereto and made a part hereof, and described as follows:
A strip of land 66.00 feet in width, situated in the NE $\frac{1}{4}$ of Section 9, Township 119 North, Range 7E West of the Fifth Principal Meridian, Potter County, South Dakota, said strip of land lying 33.00 feet on each side of the following described line:

Beginning at the Southeast corner of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ of said Section 9; thence North 61° 00' West for a distance of 2450.00 feet, thence North parallel to the West line of said NE $\frac{1}{4}$ of Section 9, to the shoreline of Lake Oaho, containing 4.00 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 THREE HUNDRED-TWENTY AND NO/100 DOLLARS (\$ 320.00) 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, 7410 U. S. Post Office & 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.

Condition Nos. 15, 16, 17, 18 and 19 are continued on page 3a, attached hereto, and by this reference made a part hereof.

Prior to the execution of this instrument, Condition Nos. 15, 16, 17, 18 and 19 were added.

This easement is not subject to Title 10, United States Code, Section 1662.

IN WITNESS WHEREOF I have hereunto set my hand this 10 /th
day of July 19 /0

/s/ /s/ L. T. LAWTON
L. T. LAWTON
Acting Chief, Real Estate Division
Omaha District, Corps of Engineers

15. That the grantee shall comply promptly with any regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or a State Water Pollution Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State Agency are hereby made a condition of this grant.

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

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

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

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

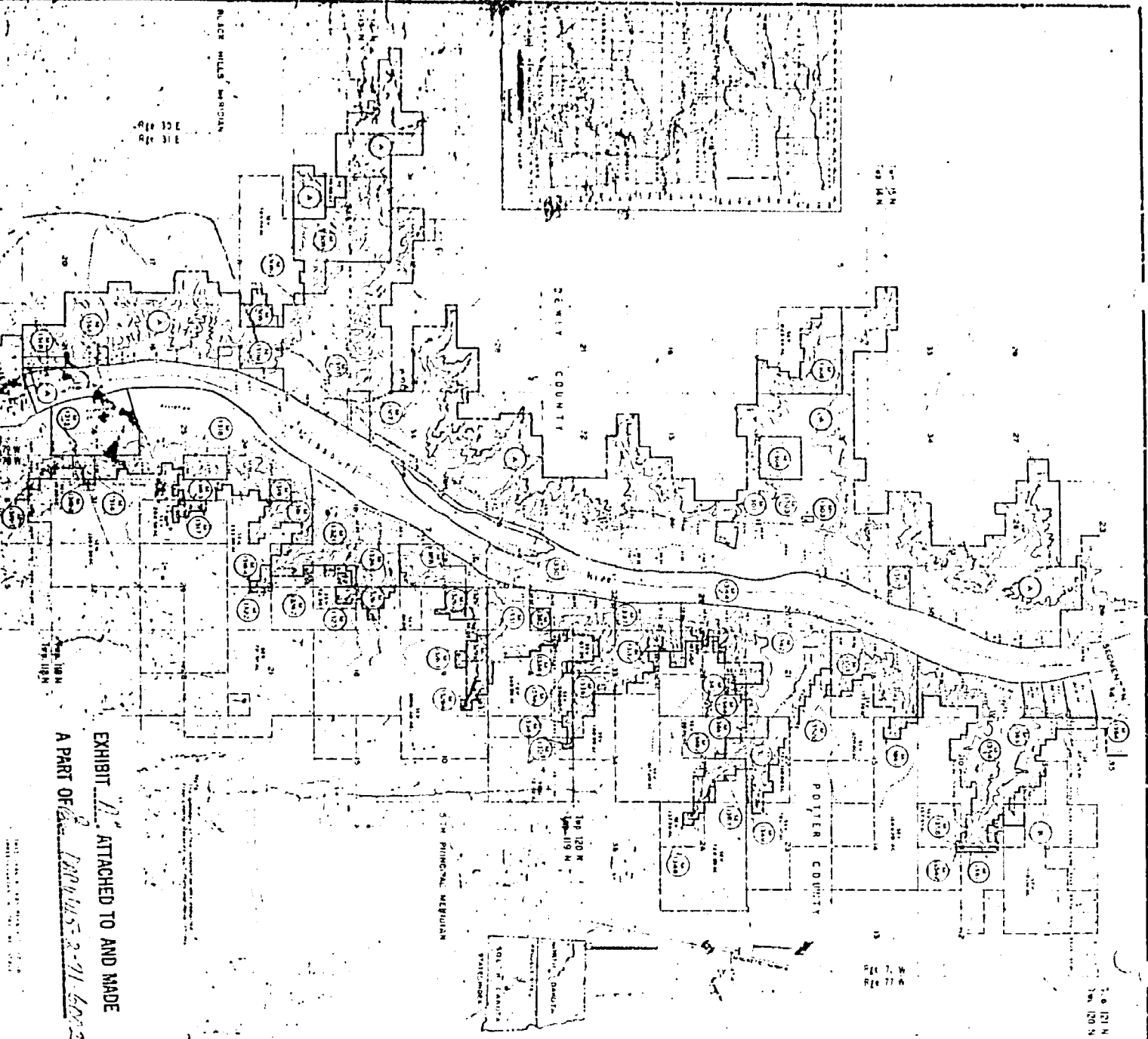


EXHIBIT A ATTACHED TO AND MADE
A PART OF 100-45-2-91-6002

TRACT REGISTER OF ACQUISITION AFTER 1-JAN- (CIVIL)			
TRACT NO.	LAND OWNER	ACQUISITION DATE	ACQUISITION METHOD
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	...	...	...
37	...	...	...
38	...	...	...
39	...	...	...
40	...	...	...
41	...	...	...
42	...	...	...
43	...	...	...
44	...	...	...
45	...	...	...
46	...	...	...
47	...	...	...
48	...	...	...
49	...	...	...
50	...	...	...
51	...	...	...
52	...	...	...
53	...	...	...
54	...	...	...
55	...	...	...
56	...	...	...
57	...	...	...
58	...	...	...
59	...	...	...
60	...	...	...
61	...	...	...
62	...	...	...
63	...	...	...
64	...	...	...
65	...	...	...
66	...	...	...
67	...	...	...
68	...	...	...
69	...	...	...
70	...	...	...
71	...	...	...
72	...	...	...
73	...	...	...
74	...	...	...
75	...	...	...
76	...	...	...
77	...	...	...
78	...	...	...
79	...	...	...
80	...	...	...
81	...	...	...
82	...	...	...
83	...	...	...
84	...	...	...
85	...	...	...
86	...	...	...
87	...	...	...
88	...	...	...
89	...	...	...
90	...	...	...
91	...	...	...
92	...	...	...
93	...	...	...
94	...	...	...
95	...	...	...
96	...	...	...
97	...	...	...
98	...	...	...
99	...	...	...
100	...	...	...

PROJECT MAP
AGENCY: DEPT. OF THE ARMY
DATE: SOUTH DAKOTA
COUNTY: POTTER AND DEWEL
TOWNSHIP: 100 SOUTH RIVER
SECTION: 20
ACQUISITION
LOCATION OF PROJECT
TRANSPORTATION FACILITIES
LEGEND

FILE 100-45-2-91-6002
US ARMY CORP OF ENGRS
POTTER CO

DEPARTMENT OF THE ARMY
ENGINEER DISTRICT OFFICE
SOUTH DAKOTA
POTTER COUNTY
100 SOUTH RIVER
SECTION 20
ACQUISITION
LOCATION OF PROJECT
TRANSPORTATION FACILITIES
LEGEND

NOTICE OF TRANSFER OF WATER PERMIT

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

Date September 17, 1970

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

All or portions of Sections 10, 11, 13, 14 and 24, T119N, R78W,

described in the Water Permit No. 1628-3

formerly owned by Fred Genzler

has been transferred to Fred and Arthur Genzler

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1628-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
 County of Potter) ss.

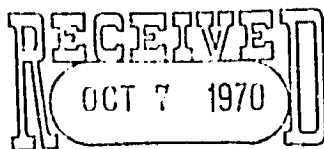
I, Fred Genzler, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Fred Genzler
 (Signed)

Suscribed and sworn to before me this 2 day of Oct, 19 70

V. L. KLEIN, Notary Public
 Potter County, S.D.
 My commission expires Dec 10, 1971

[Signature]
 (Notary Public)



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date December 4, 1973

Dear Sirs:

In Water Right Permit No. 1628-3 it is specified that the water diversion system is to be completed by December 4, 1973 and that the water is to be put to the limit of beneficial use by December 4, 1975.

I hereby request that the date for completing the diversion system be extended to -----, 19--- and that the date for putting the water to the limit of beneficial use be extended to December 4, 1977.

The extension of time for the completion of these works is requested for the following reasons: -----
Should have asked for total allowable time in original application No. 1628-3

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

Fred Menck
 (Signed) 1628-3
 Holder of Permit No. -----

APPROVED:

1-16-74

WATER RESOURCES COMMISSION

By

Burton Jones

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**State Office Building No. 2
Pierre, South Dakota 57501Date January 28, 1975

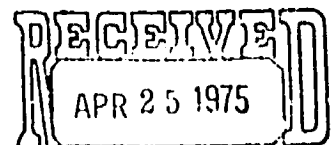
This is to notify you that title to the lands described as follows:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10; S $\frac{1}{2}$ Section 11; all of Section 13;
NE $\frac{1}{4}$ & E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 14, and N $\frac{1}{2}$ Section 24, T119 N R78Wformerly owned by Fred and Arthur Genzlerhas been transferred to GLEN KUETHERtogether with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
1628-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Potter) ss.I, Glen Kuether being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.Glen Kuether
(Signed)Subscribed and sworn to before me this 30th day of April, 1975Robert McQuibb
(Notary Public)STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date March 10, 1976

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

Portions of SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10; S $\frac{1}{2}$, Section 11;

All of Section 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 14; N $\frac{1}{2}$, Section 24;

T119N, R78W, described in Permit No. 1628-3

formerly owned by Glen Kuether

has been transferred to Dr. C.L. Swanson and Bill Zimmerman, a partnership,
310 E. Wynoka, Pierre, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1628-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
 County of Hughes) ss.

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

C.L. Swanson, M.D.
 (Signed)

Subscribed and sworn to before me this 12th day of March, 1976

B. H. Brady
 (Notary Public)

My Commission Expires 10/15/78



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
 Foss Building
 Pierre, South Dakota 57501

Date: November 9, 1977

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

Portions of Sections 10, 11, 13, 14 & 24,
T114N, R78W, described in Permit No 1628-3
 formerly owned by C.L. SWANSON & Bill ZIMMERMAN
ET AL, Box 43
 has been transferred to JAMES C. BROLLIER, GETTYSBURG, S.D

together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. 1628-3 as provided for in Section 61.0127 of the 1960
 Supplement to the South Dakota Code of 1939.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
 filing fees as required under Section 61.0159 of the 1960 Supplement to the South
 Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
 County of Hughes)

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

Subscribed and sworn to before me this 9th day of November 1977

19 77

[Signature]
 (Signed)
[Signature]
 (Notary Public)
[Signature]

31978

ASSIGNMENT

For One Dollar, and other valuable considerations, the receipt of which is hereby acknowledged, the undersigned, FRED GIZLER, Gettysburg, South Dakota 57442, assigns and transfers unto JAMES C. TROLLIER, R.R., Moscow, Kansas 67952, all of assignors interest in a certain Easement located in Potter County, South Dakota, given by the United States Corps of Engineers, identified as Lake Caho Easement No. DACW45-2-71-002.

Dated this 20th day of December 1977.

Fred Gizler
FRED GIZLER

Subscribed and sworn to me this 20th day of December 1977.

Joe W. Heunig
Notary Public

This Assignment, including all the provisions and conditions thereof, is hereby accepted this 20 day of December 19 77.

James C. Trollier
JAMES C. TROLLIER

Approved this 31st day of January 1978.

/s/ Kenneth W. Chelf

KENNETH W. CHELF, Chief
Real Estate Division
Cinema District, Corps of Engineers

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8025

PIERRE, March 2, 1921

RECEIVED OF Margery A. Houch and Eugene D. Herrell, P. O. Box 261 Gettysburg, SD

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

57442

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)

Fee for inspecting Construction, and issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and issuing Water License No.

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filling transfer of WR # 1628-5

2. 50

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for

(any other work as provided by law)

TOTAL

2. 50

WATER RIGHTS COMMISSION

By J. H. Houch / J. E. Herrell

Chief Engineer, Executive Officer

JUNE 10, 1921

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That EUGENE D. HORRELL of Detroit, Michigan, a single person, has made, constituted and appointed and by these presents does make, constitute and appoint ROBERT D. HOUCK of Box 261, Gettysburg, Potter County, South Dakota, his true and lawful attorney for him and in his name, place and stead to represent him in all management decisions concerning the real property purchased by EUGENE D. HORRELL and MARGERY A. HOUCK on November 7, 1980, commonly known in Potter County, South Dakota as the SWANSON-ZIMMERMAN farm in northwest Potter County, South Dakota, and will have the power to do the following:

(1) Exercise exclusive control over the management and conduct of the business transacted concerning the farmland.

(2) Contract and incur liabilities for and on behalf of the management of the farm.

(3) Make all contracts for and on behalf of the management in the conduct of all of its business.

(4) Employ and discharge employees in respect to the transaction of the business and affairs of operation of the farm.

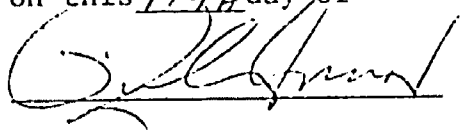
(5) Carry on and transact or supervise and control all of the other business of the farm.

(6) Determine whether or not at any accounting period the profits of the management shall be apportioned and distributed in whole or in part to the owners.

This power of attorney shall remain in full force and effect until written notice of its revocation has been duly served upon Robert D. Houck at his address in Gettysburg, South Dakota.


EUGENE D. HORRELL

Subscribed and sworn to before me on this 17TH day of
December, 1980.


Notary Public

My Commission expires:

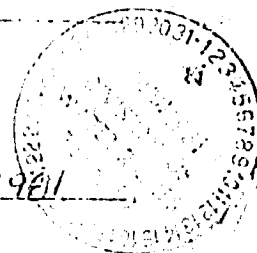
RONALD W. JOHNSON
Notary Public, S.D.
My Comm. Expires Dec. 17, 1982

Form 20.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Poss Building
Pierre, South Dakota 57501

Date: Feb 27, 1981



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

Lands in Sections 10, 11, 13, 14 and 24 in Township 119 North;
Range 78 West; Potter County, South Dakota

formerly owned by James Brollier

has been transferred to Margery A. Houck and Eugene D. Horrell

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1628 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Potter) ss.

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

Margery A. Houck
(Signed)

Subscribed and sworn to before me this 27th day of February
1981.

Robert D. Houck
(Notary Public)

Robert D. Houck, Notary Public
Potter County, South Dakota
My Commission Expires Jan. 19, 1984

STATE OF ^{South Dakota} MICHIGAN)
County of Potter) SS

Eugene D. Hotrell by

I, Robert D. Houck ^{Attorney in fact} being first duly sworn on my oath
despose and say: That my relation to the above described undertaking
is that of Owner, that I have read the above foregoing statement,
and I know of my own personal knowledge that the information
herein stated is true.

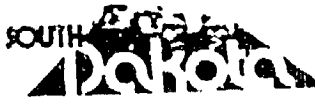
Eugene D. Hotrell by

Robert D. Houck ^{Attorney in fact}
(Signed)

Subscribed and sworn to before me this 27th day of
February 1981.

Margery A. Houck
(Notary Public)

Margery A. Houck, Notary Public
Potter County, South Dakota
My Commission Expires Nov. 16, 1987



Department of Water & Natural Resources

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

February 17, 1989

M.A. Houck & Eugene Horrell
Box 203
Gettysburg, SD 57442

Dear Sirs:

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;

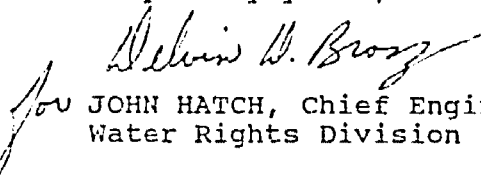


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 Eowar, Water Rights Engineer (605-773-3352).

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division



1628-3

NOV 14 1994

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

5765-3

Margery A. Houck and
Eugene D. Horrell
P.O. Box 203
Gettysburg, SD 57442

Dear Ms. Houck and Mr. Horrell:

Enclosed is Water License No. 5765-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413903 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5765-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Nos. 1628-3 and 4208-3 have been incorporated into this Water License No. 5765-3.