No. 203-23Water Division No. 23 District Missouri River
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Robert L. Colach
 Postoffice address Geddes, County Charles Mix, 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 and direct labor

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work _____
 3. Amount of water claimed 2.0 cubic feet per second equivalent will be used
 4. Source of water supply Fort Randall Reservoir
 5. Location of point of diversion A point lying in easterly direction at
angle of 23° 54' from the Section line bank Charles Mix County
a distance of 2970 feet from Section corner, corner 16, 12, 13 & 14, 1964, 1966
 6. Annual period or periods during which water is to be used April 1 to Nov. 1
 7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- Sprinkler

- (a) Number of acres to be irrigated
- 2.41
- acres.

- (b) Legal subdivisions to be irrigated
- SW 1/4-96-67 and approx 81 ac above Gov't take

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acre to thereof, should be written here, or may be in an appendix as a part of this application. Same must also be shown on accompanying map.) SW 1/4-96-67

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

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

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

Map No. 157-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

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 Five years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Charles Mix News
Leadville, South Dakota

STATE OF SOUTH DAKOTA

County of Charles Mix } ss.

I, Robert L. Crouch

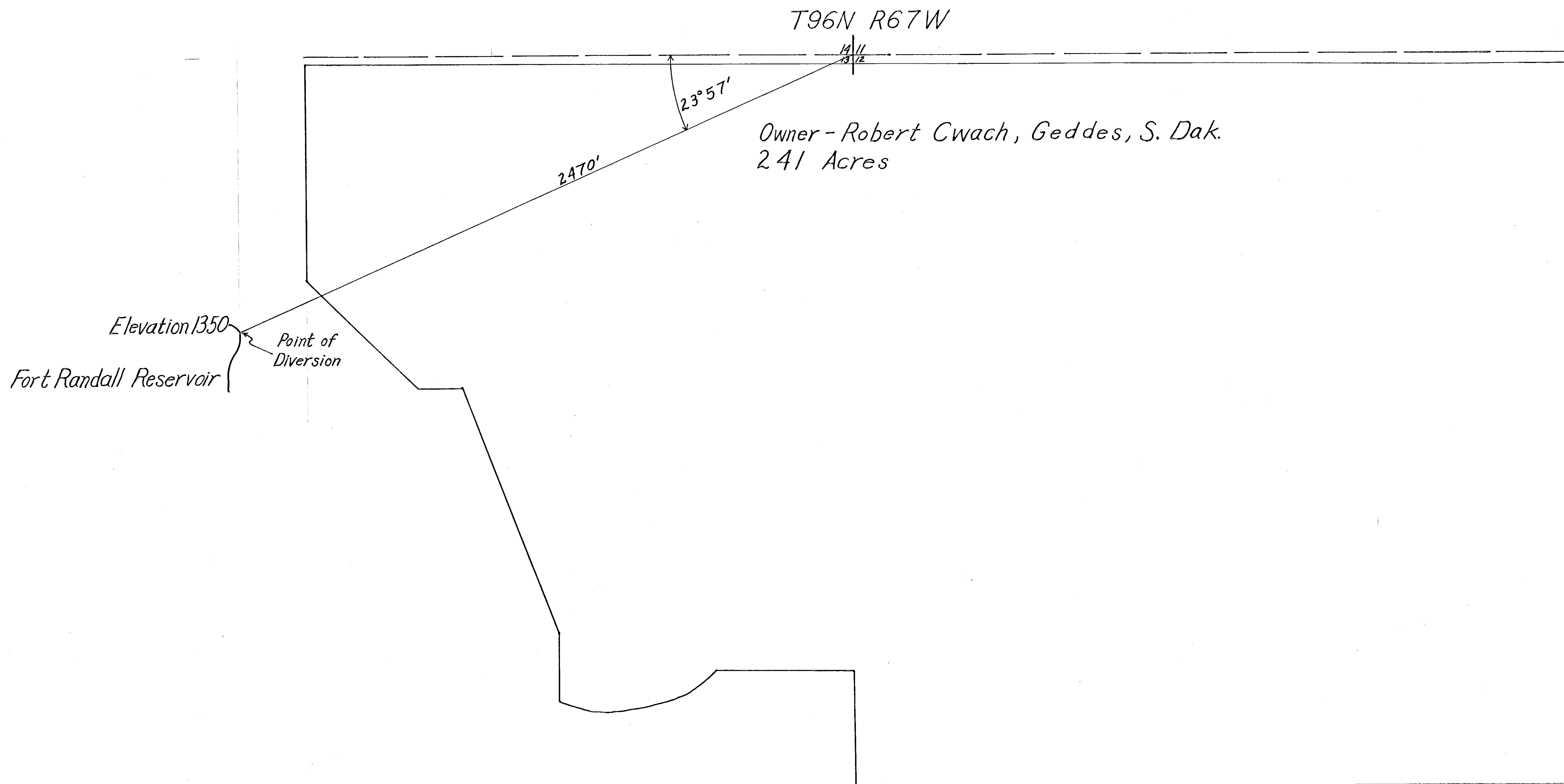
, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Robert L. Crouch

Subscribed and sworn to before me this 7 day of May 1956

Joseph W. Brown
 Notary Public (or other qualified officer.)

Clerk of Courts
 Charles Mix County
 Lake Andes, S. Dak.



Scale: 1"=200'



I, Ray C. Gill, a duly Registered Land Surveyor
do hereby certify that I have, at the request of Robert Cwach
surveyed the location of the point of diversion
for water right purposes lying in the NW 1/4 Sec 13
T96N R67W of The 5th PM. as shown on above plat
In witness whereof I set my hand and seal this
2nd day of June 1956.

Ray C. Gill
Registered Land Surveyor

State of South Dakota } S S
County of Charles Mix }

Subscribed and sworn before me
This 2nd day of June 1956

Wayne J. Emery
Notary Public
My Commission expires 6/29/56

Map No. 164-3
(Appl. No. 203-3)

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

June 11

1956

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock

7 m. upon the 6 day of June, 1956

State Water Resources Commission

By:

Geo. Krimer

Chief Engineer, Executive Officer

Number of permit 203-3

Date of first receipt of application June 6, 1956

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 June 6, 1956

Approved July 9, 1956, Recorded in Book 3 Page 156

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 _____

February 10, 1959

2nd. The whole of said work is to be completed on or before August 10, 1961

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

August 10, 1965

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 2.0 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 August 10, 1965; said water to be used during the following described annual period:

April 1 to October inclusive

Witness my hand this 10 day of August, 1956

State Water Resources Commission

By:

Geo. Krimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

August 23, 1963

Water License Issued

August 23, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 203-3

WHEREAS, On the 6th day of June A. D. 1956
Robert L. Cwach

of Geddes County of Charles Mix and State of
South Dakota duly made application (No. 203-3) to us for a permit to use 2.0
cubic feet per second of the waters of the Missouri River
County of Charles Mix, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 10th day of August A. D. 1956
Permit No. 203-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 10th
August A. D. 1961 and for the application to beneficial use of said
water on or before the 10th day of August A. D. 1965
and,

WHEREAS, On the 31st day of July A. D. 1963
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.2
cubic feet per second of said waters, as evidenced by our Certificate No. 203-3
dated August 23, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.2 cubic feet per second of water, with date of
priority of June 6, 1956 and,

WHEREAS, On the 31st day of July A. D. 1963
proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water;
for irrigating 241 acres in Sections 12 and 13, T96N, R76W

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 Robert L. Cwach
of Geddes the holder and owner of said permit No. 203-3
a water right, dating from June 6, 1956 to the use of 2.0
cubic feet per second of the waters of the Missouri River
in the County of Charles Mix and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point S23°57' E, 2470' from the
NW corner, Section 13, T96N, R67W
and conducted to and upon 241 acres in Sections 13, T96N, R67W, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 23rd day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 203-3Water Division No. 3 Missouri River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Robert L. Cwachof Geddes, County of Charles Mix, and State of South Dakotathe holder of Permit No. 203-3, issued upon Application No. 203-3, bearing date of priority of June 6, 1956, authorizing the diversion of2.0 cu. ft. per second of the waters of the Missouri RiverCounty of Charles Mix, State of South Dakota, at a point S23°57'E 2470'

from the NW corner, Section 13, T96N, R67W

for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.2 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T96N, R67WSection 12 NW 1/4 160 acresSection 13 NW 1/4 81 " (Above Government Take Line)Total - 241 "Witness my hand this 23rd day of August A. D. 1963

State Water Resources Commission

By:

J. W. CRIMES
Chief Engineer, Executive Officer

(First Publication before June 15, 1954.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 11, 1954

Notice is hereby given that Robert L. Cwach whose postoffice address is Geddes 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 2.0 cubic feet of water per second of time from the Missouri River through the sprinkler system, the point of diversion of which is to be located on the left (northerly) bank of said stream in the SE 1/4 of the NW 1/4 of Section 13 Twp. 25N Range 62W. Said water to be used for the purpose of providing irrigation on the following described land:

XXXXXX For purposes XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1954, 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:

J. W. Grimes, Chief Engineer, Executive Officer

cc: Mr. Harold C. Williams, Publisher
The Charles Mix News
Geddes, South Dakota

Permit No. 223-3

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) _____

Geddes, S.D.

(Date) _____

March 30, 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.00

cu. ft. per second of the waters of the state from the Missouri R.

through the _____

for irrigation purposes

_____ in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Robert L. Cwack

2. The postoffice address of such person or the place of business of such corporation is Geddes
County of Charles Mix State of South Dakota

3. The number of such permit is 203-3 and the date set for the completion of such work is August 10, 1961

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.00 cubic feet per second.

6. The amount of land for which said water is available is 251 acres,
particularly described as follows: SW 1/4, SW 12 and NW 1/4 Sec 13,
T96N R67W

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) _____

Robert L. Cwack

Permit No. 203-3

Water Division No. _____ Water District _____

Notice of Application of Water to Beneficial Use

(This form must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. C.)

GeddesMarch 30, 1961

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the any time after 30th day of March19 61, at Geddes County of Charles M. State of South Dakota,before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)of 2.00 cubic feet per second of the waters of the Missouri River(H. Lundell Reservoir) in accordance with the terms and conditions of Permit No. 203-3

heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

2. The use to which said water has been applied is irrigation3. The amount applied to beneficial use is 2.004. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) as noted in Permit 203-3

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 203-37. The source of supply from which such water is diverted is Missouri River8. The date of priority which said user is prepared to establish is June 6, 1956

(Sign)

Robert L. Cwack

Permit No. 203-3Water Division No. 3 Missouri Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

1956, I have this day made a thorough examination of the diversion works constructed by _____Robert L. Cwack, of _____Charles Mix County, South Dakota, holder of Permit No. 203-3, issuedupon Application No. 203-3, bearing date of priority of June 6, 1956, authorizing thediversion of 2.0 cu. ft. per second of the waters of Missouri River for Irrigation

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

The diversion works comprise: 5000' of 8" (90 steel) ; 2390' of 5" sprinkler pipe 72 Rainbird W30 sprinklers and 1520' of 4" sprinkler line w/ 54 Rainbird W30 sprinklers. Cornell pump Mod. # 5H w/ a 8" inlet & 5" outlet run by a D-13000 Cat (D-8 motor). 135' Avg. Lift.

and the system is in the following condition: Good.

The point of diversion is located 2470' S23°57'E From Sec. Cor. Corner to Sec's 11, 12, 13 & 14 T96N R67W

The works are capable of diverting and conveying to the place of use 3.4 cu. ft. per second of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: SW 1/4 Sec. 12 T96N R67Wand 81 acres above Gov't. take line inNN 1/4 Sec. 13 T96N R67W.comprising a total of 241 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 31 day of July, A. D. 1963

--SEAL--

William H. Miller
Examining Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Charles Mix } st.

Harold Williams being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
Charles Mix 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 _____ County of _____
Charles Mix and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 14, 1956

June 21, 1956

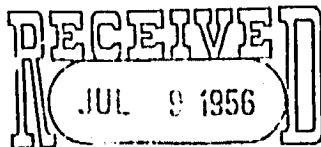
June 28, 1956

July 5, 1956

in each and every issue of the full number thereof, the first publication being made on the 14th day of June 1956 and the last publication on the 5th day of July 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Harold Williams

Subscribed and sworn to before me this 5th day of July A. D. 1956



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

T. F. Wilson

Notary Public _____ County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources

Commission,
 Pierre, S. D. - June 14, 1956

Notice is hereby given that Robert L. Cwach, whose post-office address is Geddes (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 2.0 cubic feet of water per second of time from the Missouri River through a sprinkler system, the point of diversion of which is to be located on the left (northerly) bank of said stream in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Twp. 96 N, Range 67 W. Said water to be used for the purpose of irrigation on the following described land: SW $\frac{1}{4}$ of Section 12, NW $\frac{1}{4}$ Section 13, Twp. 96N, Range 67 W. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1956, 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

J. W. Grimes, Chief Eng.
 Executive Officer
 June 14-21-28-July 5, 1956

203-3

RECEIVED
JUN 14 1967
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

MEMO

9 June 1967

Mr. Robert L. Cwach
Geddes, South Dakota

Dear Mr. Cwach:

Inclosed for your information and files is a fully executed copy of Easement No. DACW45-2-67-5193 granting right of way for use, maintenance and operation of a portable irrigation water line and/or port, pump unit over, across, in and upon Government-owned lands of the Fort Randall Dam and Lake Francis Case Project, South Dakota.

It is requested that you forward to this office your check in the amount of \$50.00 as evidenced by the inclosed Bill for Collection.

Sincerely yours,

- 2 Incls
1. Easmt #67-5193
2. Bill for Collection

DALE KENT
Chief, Real Estate Division

cc: Bur Rec, Billings
Water Res Comm, Pierre
(ea w/cy incl 1)

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

ON FORT RANDALL DAM AND LAKE FRANCIS CASE PROJECT, SOUTH DAKOTA
NO. DACW45-2-67-5193

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
Robert L. Cwach

Ceddes, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{coextensive with State} Water Permit No. 203-3,
~~to operate a portable irrigation water line and/or portable pump unit~~ in easement for a right of way for use, maintenance
and operation of a portable irrigation water line and/or 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 "C", Fort Randall Reservoir attached hereto and made a part hereof, and described as follows:

A strip of land in the S $\frac{1}{4}$ of Section 13, Township 96 North, Range 67 West of the 5th Principal Meridian, Charles Mix County, South Dakota, lying 25' on each side of the following described centerline. Beginning at the Southeast corner of the N $\frac{1}{4}$ E $\frac{1}{4}$ SW $\frac{1}{4}$, thence South 23° 57' East to the shoreline of Lake Francis Case, containing 0.34 acre, 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)
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,
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 a 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 easement.

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

IN WITNESS WHEREOF I have hereunto set my hand this 2nd
day of June 19 67

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

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

**South Dakota Department of
Water & Natural Resources**

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

April 15, 1985

Robert L. Owach
RR 2 Box 24
Geddes SD 57342

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 203-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 203-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 575-1-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Robert L. Owach
RR #2, Box 24
Geddes, Sd 57342

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 203-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 203-3 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 203-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 203-3 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

203-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 1995

203-3

Marvin J Cwach
RR 2 Box 25
Geddes, SD 57342

Dear Mr. Cwach:

Thank you for the prompt return of your 1995 irrigation questionnaire. You indicated on the form that you would like the water right placed in your name. I have enclosed a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change.

Please review the form and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to office with a required filing fee of \$2.50. As soon as the form and filing fee are received in our office, the water right will be transferred from Robert's name to your name.

Thank you for contacting us concerning this matter. Let me know if you have any questions concerning the water right or completion of the transfer form.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP



No. 203-3

Date: 12-12-95

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

I/We request that Water Right No. 203-3

formerly owned by: Robert L Cwach

be transferred to: (name & address) Marvin J Cwach, RR 2 Box 25, Geddes, SD 57342

Telephone No. (605) 337-2229

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

241 acres in the SW 1/4 Section 12 and the NW 1/4 Section 13, T96N, R67W

I/We understand that the validity of Water Right No. 203-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Charles Mix

I/We MARVIN J. Cwach 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.

Marvin J Cwach

(Signed)

Subscribed and sworn to before me this 12 day of December, 19 95.

Randy B. Kueh
(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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414715

Pierre, _____ December 15, 19 95

RECEIVED OF Marvin J. Cwach, RR 2, Box 25, Geddes, SD 57342-9115

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. 203-3</u>	SD	25
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

203-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1996

No. 203-3

Marvin J Cwach
RR 2, Box 25
Geddes, SD 57342

Dear Mr. Cwach:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 203-3.

Our records now show you as the owner of Water Right No. 203-3.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



October 18, 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

203-3

Marvin J Cwach
29267 373rd Ave
Geddes, SD 57342

Dear Mr. Cwach:

Thank you for the prompt return of your "2001 irrigation questionnaire".

On your questionnaire, you indicated you also irrigate 40 acres in Section 11. Enclosed is a copy of Water Right No. 203-3. As you will note, the only land authorized for irrigation under No. 203-3 is the SW ¼ Section 12 and the NW ¼ Section 13, T96N, R67W.

Do you farm the land in Section 11 for another land owner? It is possible that the land in Section 11 is covered under a different water right.

Please get in touch with me so we can determine if changes need to be made to your water right. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

McMath, Genny

From: Charles Mix County Assessor [cmcdoe@charles-
Sent: Tuesday, June 04, 2002 10:10 AM
To: genny.mcmath@state.sd.us
Subject: land ownership

Genny,

Sorry for the delay in responding to your notices, I have been gone on maternity leave.

The land ownership for all of the land that is described with Marvin J Cwach is owned by Marvin himself.

The land that is described for CF Wynia with the exception of NW1/4-SE1/4 16-98-69 that is owned by the USA, is all owned by Wynia Ranch Inc, with the address of 28089 Wynia Ranch Road, Platte SD 57369.

Any further questions please contact us

Thank You,

Stephanie A Hubers, CAA
Field Appraiser
Charles Mix County
Director of Equalization Office