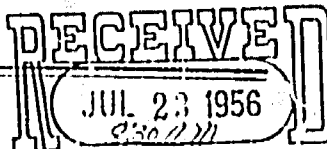


1. Considered September 17, 1956
2. Name of Applicant Lee Scott 227-3
3. Post Office Address Geddes, S. Dak
4. Amount of water claimed 3.0 cfs
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 300
7. Water to be diverted and used in Charles Mix County about
9 miles South of Geddes
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 227-3Water 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.)

1. Name of applicant Joe Smith
Postoffice address Healdsburg, 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)
Direct labor
(b) Cash on hand, \$ Plenty to do sufficient work (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Left on3. Amount of water claimed Three cubic feet per second4. Source of water supply Fort R. 14 miles5. Location of point of diversion Section 19, Township 96, Range 66 and part ofSections 24, 25 and 26, Twp 96, Range 67 on north bank of Missouri River County.6. Annual period or periods during which water is to be used April 1 to Oct 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated See 182 acres.(b) Legal subdivisions to be irrigated See appendix

(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 No. 179-3

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$-----
 (e) Other structures \$-----
 (b) Pumping plant, \$3000
 Rock, \$-----
 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	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-----3-----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-----Charles Mix County News

STATE OF SOUTH DAKOTA
 County of-----Charles Mix-----} ss.

I, Lee Scott, 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-----Lee Scott

Subscribed and sworn to before me this-----20th-----day of-----July-----1954

-----J. R. Scott-----
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission

STATE OF SOUTH DAKOTA
County of Ingles } ss.

Pierre, South Dakota, August 3, 1956

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 23 day of July, 1956

State Water Resources Commission

By:

Geo. H. Rine

Chief Engineer, Executive Officer

Number of permit 227-3

Date of first receipt of application July 23, 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 July 23, 1956

Approved September 17, 1956, Recorded in Book 3 Page 177

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 _____

March 18, 1960

2nd. The whole of said work is to be completed on or before September 18, 1959

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

September 18, 1961

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 3.00 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 September 18, 1961; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 18 day of September, 1956

State Water Resources Commission

By:

Geo. H. Rine
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 27, 1963

Water License Issued AUGUST 27, 1963

The SW 1/4 of SW 1/4 of Sec. 19 Twp. 96 N., Range 66 West 5th P. M.
 The SE 1/4 of SE 1/4 of Sec. 24, Twp. 96 N., R. 67; The North 165
 feet of the East 330 feet of Lot 1, Sec. 36 Twp. 96 N., Range 67;
 the SW 1/4 of SE 1/4 EXCEPT E 1/2 of SE 1/4 of SW 1/4 of SE 1/4,
 (5 acres) of Section 24;
 The S 1/2 of NE 1/4 and NE 1/4 of SE 1/4 of Section 25; and the NE 1/4
 of NE 1/4 EXCEPT S 1/2 of SW 1/4 of NE 1/4 of NE 1/4 and except
 SW 1/4 of SE 1/4 of NE 1/4 of NE 1/4 (7 1/2 acres) of Section 25
 and that part of Lot 3 of Sec. 25 : Beginning at the SE cor. of
 said Lot 3 and running thence west 165 feet, thence northwesterly
 to a point in the north line of said lot 3 which lies 990 feet
 west of the NE corner of said lot, thence east on said north line
 990 feet to the NE corner of said lot 3, thence south on the east
 line of Lot 3 to the place of beginning.

Also, that part of the E 1/2 of Lot 1 of Section 25, beginning at
 at the SE cor. of said lot 1, thence west 330 feet; thence north 330
 feet; ~~thence~~ thence east 165 feet; thence north 330 feet, then
 northwesterly to a point in the north line of said lot 1 which
 lies 660 feet. west of NE cor. there of, thence east on said north
 line 660 feet to the NE cor. of Lot 1, thence south 1650 feet
 to the place of beginning, all in Township 96 North, Range 67
 W. 5th P.M., in Charles Mix County, South Dakota, containing
 in all approximately 300 Acres.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 227-3

WHEREAS, On the 23rd day of July A. D. 1956
Lee Scott

of Geddes County of Charles Mix and State of
South Dakota duly made application (No. 227-3) to us for a permit to use 3.00
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 18th day of September A. D. 1956
Permit No. 227-3 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 18th day of
September A. D. 1956 and for the application to beneficial use of said
water on or before the 18th day of September A. D. 1961
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 3.0
cubic feet per second of said waters, as evidenced by our Certificate No. 227-3
dated August 27, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.0 cubic feet per second of water, with date of
priority of July 23, 1956 and,

WHEREAS, On the 31st day of July A. D. 1963
proof was duly made of the application to beneficial use of 3.0 cubic feet per second of said water;
for irrigating 182 acres in Sections 24 and 25, T96N, R67W

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 Lee Scott
of Goddes the holder and owner of said permit No. 227-3
a water right, dating from July 23, 1956 to the use of 3.0
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 ~~xxx~~ between a point S25°45'W, 2371'
and a point S25°45'W, 3440' from the E $\frac{1}{2}$ corner, Section 25, T96N, R67W
and conducted to and upon 16.2 acres in portions of Sections 24 and 25, 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 27th day of August A. D. Nineteen
Hundred and Sixty-three

State Water Resource 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. 227-3Water Division No. 3 Missouri River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Lee Scott

of Geddes, County of Lake Andes, and State of South Dakota, the holder of Permit No. 227-3, issued upon Application No. 227-3, bearing date of priority of July 23, 1956, authorizing the diversion of 3.00 cu. ft. per second of the waters of the Missouri River

County of Charles Mix, State of South Dakota between a point S25°45'W, 2371' and a point N42°15'W 3410' from the E $\frac{1}{4}$ corner, Section 25, T96N, R67W

for irrigation

purposes, 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 3.00 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, R67W

Section 24	SE $\frac{1}{4}$ SE $\frac{1}{4}$	16	acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	16	"
Section 25	Lot 1	10	"
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35	"
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	35	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	"
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22	"
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8	"
Total		182	"

Witness my hand this 27th day of August A. D. 1963

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

(First Publication before August 12, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., August 4, 1956

Notice is hereby given that Lee Scott 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 3.0 cubic feet of water per second of time from the Missouri River through the Scott No. 1 Project, the point of diversion of which is to be located ~~at the intersection of a point~~ at a point 2371 feet S 25°45'W and a point 3440 feet N42°15'W of the east 1/4 Cor., Sec. 25, T 96N, R 67W on the northeasterly bank of said stream. Said water to be used for the purpose of providing irrigation on the following described land:

Sec. 12, T 96N, R 66W and Sections 24, 25, and 36, T 96N, R 67W

~~Section~~ Section

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

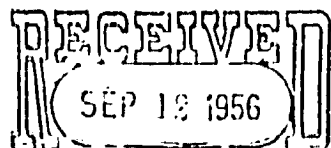
State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Charles Mix } ss.Harold Williams being duly sworn, deposes and says the annexed printed copy of Noticeof 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 theCity of Hedges County of Charles Mix and State of South Dakota; that the said notice was published in said newspaper on the following dates:Aug. 16, 1956Aug. 23, 1956Aug. 30, 1956Sept. 6, 1956in each and every issue of the full number thereof, the first publication being made on the 16th day of August, 1956 and the last publication on the 6th day of Sept., 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 owner the printer and publisher of the said newspaper.Harold WilliamsSubscribed and sworn to before me this 11th day of Sept. A. D. 1956STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPROPRIATION OF
OF WATER

Notice is hereby given that Lee Scott, whose post office address is Geddes, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from the Missouri River through the Scott No. 1 Project, the point of diversion of which is to be located between a point 2371 feet S 25 degrees, 45 minutes W, and a point 3440 feet N 42 degrees, 15 minutes W of the east 1/4 Cor., Sec. 25, T 96N, R 67W on the northeasterly bank of said stream. Said water to be used for the purpose of providing irrigation on the following described land:

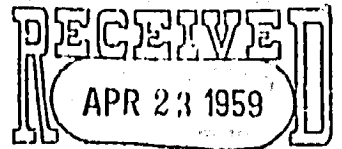
Sec. 19, T 96N, R 66W and Sections 24, 25, and 36, T 96N, R 67W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 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 Engineer, Executive
Officer

Notary Public Charles Mix County, S. D.

Permit No. 227-3Water Division No. 3 ^{Missouri}
River Water DistrictSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank 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. O.) Leiden S. Oak(Date) April 16 - 1959

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
19____, at _____ County of _____ State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)
of 3 cubic feet per second of the waters of _____
_____ in accordance with the terms and conditions of Permit No. 227-3
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 _____

Lee Scott Geddes, S. Dak2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is _____

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) See appendage

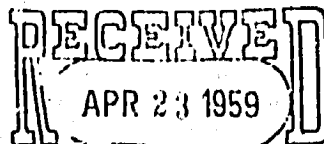
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

Fort Randall Reservoir6. The right to take the water from such works is based upon permit No. 227-3

7. The source of supply from which such water is diverted is _____

8. The date of priority which said user is prepared to establish is _____

(Sign) Lee Scott

Permit No. 227-3Water Division No. 3MissouriRIERWater Dist. STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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.)

Feddes, J. P.

(Date)

Apr. 16, 1959

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

three cu. ft. per second of the waters of the state from

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 Lee Scott

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

3. The number of such permit is 227-3 and the date set for the completion of such work is

September 1959

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 three cubic feet per second.

6. The amount of land for which: 20 acres,
particularly described as follows:

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

Lee Scott

(Signature of Owners)

The SW 1/4 of SW 1/4 of Sec. 19 Twp. 96 N., Range 38 West 5th P. M.
 The SE 1/4 of SE 1/4 of Sec. 24, Twp. 96 N., R. 37; The North 165
 feet of the East 330 feet of Lot 1, Sec. 36, Twp. 96 N., Range 37;
 the SW 1/4 of SE 1/4 EXCEPT E 1/2 of SE 1/4 of SE 1/4 of SE 1/4,
 (5 acres) of Section 24;
 The S 1/2 of NE 1/4 and NE 1/4 of SE 1/4 of Section 25; and the NE 1/4
 of NE 1/4 EXCEPT S 1/2 of NW 1/4. NE 1/4 of NE 1/4 and except
 SW 1/4 of SE 1/4 of NE 1/4 of NE 1/4 (7 1/2 acres) of Section 25
 and that part of Lot 3 of Sec. 26 : Beginning at the SE cor. of
 said Lot 3 and running thence west 165 feet, thence northwesterly
 to a point in the north line of said lot 3 which lies 990 feet
 west of the NE corner of said lot, thence east on said north line
 990 feet to the NE corner of said lot 3, thence south on the east
 line of Lot 3 to the place of beginning.

Also, that part of the E 1/2 of Lot 1 of Section 26, beginning at
 at the SE cor. of said lot 1, thence west 330 feet; thence north 330
 feet; thence east 165 feet; thence north 330 feet, then
 northwesterly to a point in the north line of said lot 1 which
 lies 630 feet west of NE cor. thereof, thence east said north
 line 630 feet to the NE cor. of Lot 1, thence south 1350 feet
 to the place of beginning, all in Township 96 North, Range 37
 W. 5th P.M., in Charles Mix County, South Dakota, containing
 in all approximately 300 Acres.

Permit No. 227-3Water Division No. 3 Missouri R. Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sir: I hereby certify that in accordance with your letter of authorization dated _____
 19____, I have this day made a thorough examination of the diversion works constructed by _____

Lee Scott, of _____
Charles Mix County, South Dakota, holder of Permit No. 227-3, issued
 upon Application No. 227-3, bearing date of priority of July 23, 1956, authorizing the
 diversion of 3.0 cu. ft. per second of the waters of Missouri R. for Irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Berkeley pump 8" in & 6" out 22 hp B.G.T.M.
1500 G.P.M. max. 2700' of 10" of which 2400' is gated.
1000' of 8" gated pipe. 281 International ~~77~~ pump unit.
42 H.P. Avg. Lift of 50'.

and the system is in the following condition: Good

The point of diversion is located Between a point 2371' 7.525° 45' W & a point
3440' N 42° 15' W of the E. 1/4 Sec. 25, T9N R67W.

The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water,
 which is to be used for Irrigation.

The legal sub-divisions to be irrigated are: See Map No. 179-3
outlined in red.

comprising a total of ~~182~~ 182 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.

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

227-3

ON Fort Randall Dam and Lake Francis Case Project

No. DACW45-2-67-5120

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

Lee Scott

P. O. Box 678

Geddes

Reserve, South Dakota 57501

hereinafter designated as the grantee, for a period ~~not exceeding~~ coextensive with valid State ~~(xxxxxx) years from the date hereof~~ an easement for right of way for water rights the construction, maintenance and use of a portable pipeline and portable pumping unit to be used for irrigation purposes

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" Map Fort Randall Reservoir, Segment "C" attached hereto and made a part hereof, and described ~~as follows~~ 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 One hundred fifty and 00/100 - - - - - (\$ 150.00) 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, 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 it is understood that the Government shall not be held responsible for possible damage to any of the lessee's equipment due to erosion, wind and wave action.

16. That this easement and rights of way for water pipeline and pumping units are granted for the exercise of established water rights. It is understood and agreed that no right to use water from the Reservoir is created by this grant.

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

That Conditions Nos. 15, 16 and 17 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 9th
day of March 19 67.



DALE KENT

Chief, Real Estate Division

3 Omaha District, Corps of Engineers

EXHIBITS

Parcel No. 1

A strip of land 33' in width in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying 16 $\frac{1}{2}$ ' on either side of the following described line; commencing at the NW corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ thence East along the North line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 500' to the point of beginning; thence South parallel to the West line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ to the shoreline of Lake Francis Case.

Parcel No. 2

A strip of land 33' in width in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying 16 $\frac{1}{2}$ ' on either side of the following described line; commencing at the SW corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ thence East along the South line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ for a distance of 300' to the point of beginning; thence North parallel to the West line of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ to the shoreline of Lake Francis Case.

Parcel No. 3

A strip of land 33' in width in Lot 3 lying 16 $\frac{1}{2}$ ' on either side of the following described line; commencing at the NE corner of said Lot 3 thence West along the North line of said Lot 3 for a distance of 990' to the point of beginning; thence S45°W to the shoreline of Lake Francis Case.

All the above in Section 25-96-67, Charles Mix County, South Dakota.

EXHIBIT *B* ATTACHED TO AND MADE
A PART OF *Deed to 267-5120*

227-3 and 1246-3

December 9, 1974

Mr. Lee Scott
Geddes
South Dakota 57342

Dear Mr. Scott:

Reference is made to your letter dated December 5, 1974 inquiring if the described irrigation withdrawal trench you propose to take water from lake Francis Case in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, T86N, R67W would result in any violation of applicable South Dakota water quality standards.

In my opinion it should not result in any such violation.

Sincerely,

VERN W. BUTLER
Secretary
Department of Natural
Resource Development

VWB/DD/bw

cc: Mr. E.L. Ehrenfelt, Real Estate Projects Office, Box 670,
Pierre, South Dakota 57501

Original letter from Mr. Scott dated Dec 12/26/74

RECEIVED

SEP 25 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 227-3

Date: 9-21-07

I/We request that Water Right/Permit No. 227-3 formerly owned by:

Lee Scott, 37204 286th St, Geddes SD

be transferred to:

New Owner Name: DAVID SCOTT

Address: 37340 286th St.

City, State, Zip Geddes SD 57342

Telephone No. 605-337-2376

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

182 acres in S $\frac{1}{2}$ SE $\frac{1}{4}$ sec 24 ; Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$,
sec 25 ; all in 96N-67W

☒ I understand that the validity of Water Right/Permit No. 227-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I, DAVID SCOTT, the new owner, certify that the above information is true and correct.

David Scott

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/25, 20⁰⁷

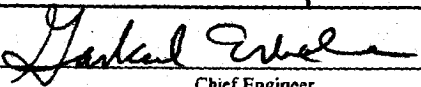
RECEIVED OF DAVID SCOTT 37340 286TH ST GEDDES SD 57342

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	2	50
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>227-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

03169

By 
Chief Engineer

g



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 10, 2007

227-3
1246-3
1396-3

David Scott
37340 286th St
Geddes SD 57342

Dear Mr. Scott:

Thank you for following up on the ownership changes for Water Right Nos. 227-3 and 1246-3. The water rights, formerly held by Lee Scott are now listed in your name.

Enclosed are your Receipt Nos. 03168 and 03169 in the amount of \$2.50 each. You may keep these for your records.

Water Right No. 1396-3 authorizing irrigation of portions of the SE ¼ Section 14, T96N, R67W will be scheduled for cancellation consideration for abandonment and/or forfeiture. The cancellation consideration will be scheduled for the Board's December meeting. You will be notified of the time, date and place of the hearing once it is scheduled.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: DAVID SCOTT, 37340 286TH ST, GEDDES, SD 57342 9539

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 227-3 & 1246-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 227-3 & 1246-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: FEWFBX**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

227-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 3, 2021

227-3
1246-3

David Scott
37340 286th St
Geddes SD 57342-9539

Dear Mr. Scott:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 227-3 & 1246-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us