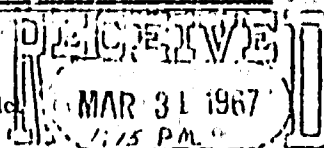


307-3A

1. Considered May 12, 19 67
2. Name of Applicant DeHearn Livestock & Grain Farm, Inc.
3. Post Office Address Platte
4. Amount of water claimed - Change of Div Point
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 328.30
7. Water to be diverted and used in Chas Mix County
about 65 miles 6W of Beddes.
8. Proof of Publication
Received May 5
Not Received 0
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 307-3AWater Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant De Haan Livestock and Grain Farms, Inc.
 Postoffice address Platte, County Charles Mix, State S. Dak.

I. If a corporation NOTE: This application is for a change in the diversion point
 listed in Water License 307-3.

- (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 Jessie De Haan, Andrew De Haan, Lyle De Haan,
Kenneth De Haan, of Platte, S. Dak.

(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 or direct labor

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

2. Name of diversion work De Haan Irrigation Project #1
 3. Amount of water claimed No additional cubic feet per second
 4. Source of water supply Missouri river
 New diversion point to be between a point 420' south and 820' east of the NW
 5. Location of point of diversion corner Sec.1, T96N, R68W & a point 2500' south and 1900' east of the NW Cor., Sec.1,
T96N, R68W of the left bank Charles Mix County.
 6. Annual period or periods during which water is to be used April 1st to September 30th
 7. To be used for:

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

(a) Number of acres to be irrigated 328.38 acres.

(b) Legal subdivisions to be irrigated See Water License 307-3

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

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

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

(a) Nature of use _____
 Name any of the above uses claimed

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet length at topfeet; thickness at bottomfeet; thickness topfeet; slope at front water face; slope at back face material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5.....years.
 11. Time required for complete application of water to the proposed beneficial use5..... years.
 12. Choice of newspaper for publication of notice of intention to appropriate
 Platte Enterprise, Platte, S.D.

STATE OF SOUTH DAKOTA
 County of } ss.

I, 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
 Subscribed and sworn to before me this 31st day of 1967

 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

This permit is for a change in the diversion point for water license #307-3 only.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 22, 1967

This is to certify that the foregoing application was received by the Commission at 1:15 o'clock P.m. upon the 31st day of March, 1967

State Water Resources Commission

By:

Richard D Schuyler
For Chief Engineer, Executive Officer

Number of permit 307-3A

Date of first receipt of application March 31, 1967

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right September 24, 1956

Approved May 17, 1967, Recorded in Book 3 Page 243A

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 17, 1969

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

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 17, 1972

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

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

6th. The amount of the appropriation herein granted shall not exceed No additional from #307-3 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before May 17, 1972; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 22nd day of May, 1967

State Water Resources Commission

By:

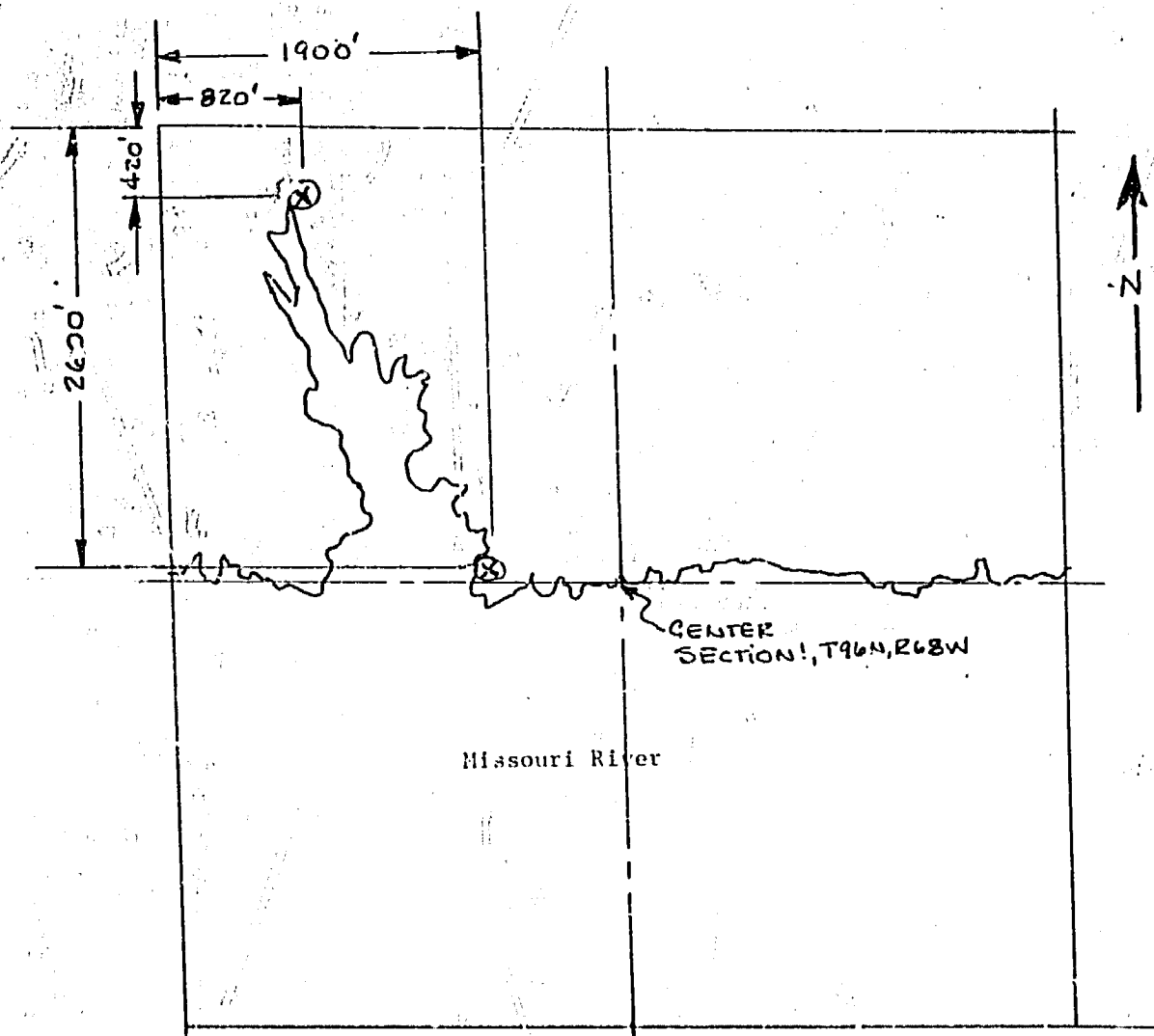
Richard D Schuyler
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 1, 1973

Water License Issued OCTOBER 1, 1973

Change of diversion point for water license 307-3

The new diversion point for permit 307-3 is to be between a point 420' south and 820' east of the NW corner of Section 1, T96N, R68W and a point 2600' south and 1900' east of the NW corner of Section 1, T96N, R68W



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 307-3A

(1) WHEREAS, On the 31st day of March A. D. 19 67
James C. Livestock and Grain Farm, Inc., of Platte, South Dakota

made Water Right Application No. 307-3A for a permit to ~~XX~~
 X add an additional point of diversion for lands irrigated under Water License No. 307-3
 County of Charles Mix, State of South Dakota. ~~OK~~

~~XXXXXXXXXX~~
 (2) WHEREAS, On the 22nd day of May A. D. 19 67
 Permit No. 307-3A, with a date of priority of September 24, 1956
 was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 17th day of May A. D. 19 72 and for the
 application to beneficial use of said water on or before the 17th day of May A. D. 19 72

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 4.69 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent.

The additional diversion point has been constructed to irrigate lands authorized
to be irrigated in Water License No. 307-3A being 328.38 acres located in the

(W $\frac{1}{2}$ and NE $\frac{1}{4}$) NE $\frac{1}{4}$, Section 1, T96N, R68W; W $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 36, T97N, R68W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to De Haan Livestock and Grain Farms, Inc.

Platte, South Dakota

the holder _____ and owner _____ of said permit No. 307-3A a water right, dating from September 24, 1956 to the effect of 4.69 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 location between a point 420 ft. South and 820 ft. East and a point 2600 ft. South and 1900 ft. East, both from the NW Corner of Section 1, T97N, R68W

and conduct to and upon (W $\frac{1}{2}$ and NE $\frac{1}{2}$) NE $\frac{1}{2}$ Section 1, T96N, R68W; W $\frac{1}{2}$ SE $\frac{1}{2}$, S $\frac{1}{2}$ NW $\frac{1}{2}$ and SW $\frac{1}{2}$, Section 36, T97N, R68W

for the purpose of irrigation with the total diversion rates under Water Licenses 307-3 and 307-3A not to exceed 4.69 c.f.s.

Subject to any limitations listed in Water Right Permit No. 307-3A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1st day of October A. D.

Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Form 15.

Permit No. 307-3A

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That De Haan Livestock and Grain Farms, Inc. of Platte,
South Dakota

_____ the holder _____ of
Permit No. 307-3A, issued upon Application No. 307-3A, bearing date of priority of September 24, 1956
_____ authorizing the diversion of 4.69 cu. ft. per second of the waters of _____
the Missouri River County of Charles Mix, State of South Dakota at a
location between a point 420 ft. South and 820 ft. East and a point 2600 feet
South and 1900 ft. East, both from the NW Corner, Section 1, T96N, R68W
_____, for irrigation

purposes, has ⁸ 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 4.69 cu. ft. per second of water.

Date October 1, 1973

~~WATER RIGHTS COMMISSION~~
By: WATER RIGHTS COMMISSION

DONALD TRISCOLL, Chief Engineer

THE PLATTE ENTERPRISE

Platte, South Dakota

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF CHARLES MIX

Ralph Naethel

being duly sworn, deposes and says: That he is a resident of Charles Mix County, and State of South Dakota; that The Platte Enterprise is a weekly newspaper of general circulation, printed and published in the City of Platte, in said County and State, published once a week, printed in the English language, and has a bona fide circulation of 200 copies weekly, has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that said newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said notice, and is a legal newspaper.

That the affiant is the publisher of said newspaper, in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit; and that the notice and advertisement headed Appropriation of

Water

is a printed copy of which is herewith attached, was printed and published in The Platte Enterprise for

Four

issues, the first publication being made on

Thursday, the 29th day of April, A. D. 1967

and the succeeding publications were made severally on

Thursday, the 27th day of April, A. D. 1967

Thursday, the 4th day of May, A. D. 1967

Thursday, the 11th day of May, A. D. 1967

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

and the last publication being made on

Thursday, the _____ day of _____, A. D. 19____

That the publication fee for publishing said notice is the sum of \$_____

Ralph Naethel

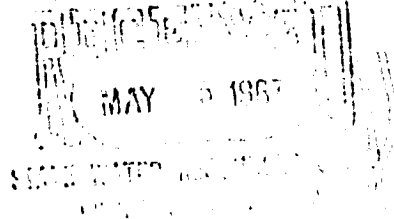
Subscribed and sworn to before me this 29th day of April, A. D. 1967

Lytle Schipper

Notary Public in and for
Charles Mix County, South Dakota

My commission expires March 7, A. D. 1967

As required by Chapter 455, 1949 Session Laws of the State of South Dakota.



APPROPRIATION OF WATER

Notice of Intention to appropriate
Water No. 307-3A

Office of State Water
Resources Commission
Pierre, S. Dak., April 3, 1967.

Notice is hereby given that the De Haan Livestock and Grain Farms, Inc., whose postoffice address is Platte, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change diversion points on the Missouri River for an existing irrigation project. The new point of diversion is to be located on the left bank of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T96N, R68W. The water to be diverted is authorized by an existing permit and is to be used for purposes of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T96N, R68W; W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T97N, R69W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 P.M. All interested persons may appear and be heard.

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

information presented.

State Water Resources Commission

By: RICHARD D. SCHMOYER
Water Right Specialist

(April 20, 27, May 4, 11)

On or before
(First Publication.....April 20, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak. April 5, 1967.

Notice is hereby given that the De Haan Livestock and Grain Farms, Inc., whose postoffice address is Platte, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change diversion points on the Missouri River for an existing irrigation project. The new point of diversion is to be located on the left bank of said stream between a point in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T96N, R68W. The water to be diverted is authorized by an existing permit and is to be used for purposes of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T96N, R68W; W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 36, T97N, R68W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 PM. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

RICHARD D. SCHMOYER
Water Right Specialist

CC: Mr. Ralph Nachtigal, Publisher
Platte Enterprise
Platte, S. Dak.

May 9, 1967

Mr. K. L. Ehrenfelt
Real Estate Project Office
Box 670
Pierre, S.D.

Dear Mr. Ehrenfelt:

Enclosed are copies of Application 307-3A and a transfer of ownership for the De Haan Livestock and Grain Farms, Inc. per telephone request from your office.

Perhaps a word of explanation would be in order about these documents. The transfer of Water Permit transferred water permit 307-3 from John De Haan to De Haan Livestock and Grain Farms, Inc. At the same time the De Haan's wished to change the diversion point for permit 307-3. Since the proposed new diversion point was some distance from that granted under permit 307-3, we required them to make a formal application for the change. This application has been given the number of 307-3A. This application for a change in diversion points has been advertised and will be considered at the Commission meeting on May 17th. Until the Commission takes action, 307-3A is in an application status.

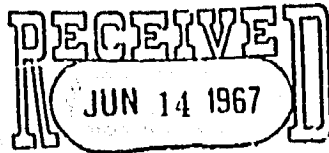
Sincerely,

RICHARD D. SCHMOYER
Water Right Specialist

RDS:mf

Encls: Transfer

Copy of Application 307-3A



NRORM

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

3 June 1967

Dellaan Livestock & Grain Farms, Inc.

Platte, South Dakota

Dear Sirs:

Inclosed for your information and files are fully executed copies of Easement No. DACW45-2-67-5191 and Consent No. DACW45-3-67-5192 granting right of way for the use, maintenance and operation of a portable irrigation water pipeline and/or portable 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,

3 Incis

1. Esmt #67-5191
2. Consent #67-5192
3. Bill for Collection

DALE KENT
Chief, Real Estate Division

CC: Bur' Rec, Billings
St Water Res Comm, Pierre
(Ea w/cy incs 1&2)

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

ON FORT RANDALL DAM AND LAKE FRANCIS CASE PROJECT, SOUTH DAKOTA
NO. DACW45-2-67-5191

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

Delkhan Livestock and Grain Farms, Inc., a corporation, duly organized and existing under and by virtue of the laws of the State of South Dakota, with its principal office at Platte, South Dakota,

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{Water Permit No. 307-3A,} ~~coextensive with State/~~
~~xxxxxx years from the date hereof,~~ an easement for a right of way for use, maintenance and operation of a portable irrigation water pipeline 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, attached hereto and made a part hereof, and described as follows:

A strip of land 50' in width in the NW $\frac{1}{4}$ of Section 1, Township 96 North, Range 68 West of the 5th Principal Meridian, lying 25' on either side of the following described line; commencing at the NE corner of said NW $\frac{1}{4}$, thence South along the East line of said NW $\frac{1}{4}$ for a distance of 165'; thence West parallel to the North line of said NW $\frac{1}{4}$ for a distance of 25' to the point of beginning; thence South parallel to the East line of said NW $\frac{1}{4}$ for a distance of 285'; thence South 45° 00' West to the shoreline of the reservoir, containing 0.90 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, Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse, Omaha, Nebraska 68102.

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

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

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

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

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

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

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

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

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

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

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

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

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

15. That this easement and right of way is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

16. That the grantee shall not discharge waste or effluent from the granted property in such 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 31st
day of May 19 67

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

Journal of Management Inquiry 18(6)

Acting Chief, Road Patrol Division
Boiler District, Camp at Engineers

Fort Randall Dam and
Lake Francis Case Project
Tract No. D-15E

NO. DACW-3-67-5192

CONSENT TO EASEMENT STRUCTURES

WHEREAS, the Government has acquired, by virtue of Final Judgment, dated 14 June 1957, a flowage easement over the above numbered tract of land, which flowage easement, by its terms, reserves to the Government the right of prior approval of any structures that may be constructed on the land;

WHEREAS, Deitman Livestock and Grain Farms, Incorporated, has, or is in the process of acquiring from the landowner, an easement for the use, operation and maintenance of a portable irrigation water pipeline and/or portable pump unit over and across the said land, described as follows:

A strip of land 25 feet in width lying parallel with and adjacent to the East line of the North 165 feet of the NW $\frac{1}{4}$ of Section 1, Township 26 North, Range 68 West of the 5th Principal Meridian, Charles Mix County, South Dakota, containing 0.09 acre, more or less. Said strip of land is lined in red on the attached map, Exhibit A; and

WHEREAS, the said portable irrigation water pipeline and/or portable pump unit will require construction on the land which must be approved by the Government in writing;

NOW THEREFORE, by virtue of the authority vested in the Government under the terms of the flowage easement, consent is hereby given to the placement of said portable irrigation water pipeline and/or portable pump unit in, upon, over and across the said tract of land.

Omaha, Nebraska

1 June 1967

By: /s/ L. Y. Lawton

L. Y. LAWTON

Acting Chief, Real Estate Division
Omaha District, Corps of Engineers

STATE OF SOUTH DAKOTA



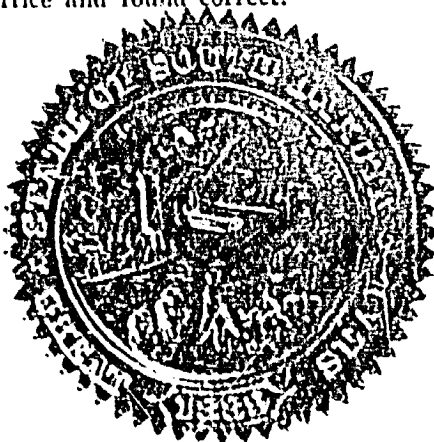
OFFICE OF THE SECRETARY OF STATE

Department of State

United States of America, }
State of South Dakota, } SECRETARY'S OFFICE

This is to certify that the attached instrument of writing is a true, correct and examined copy of Articles of Incorporation of DeHAAN LIVESTOCK AND GRAIN FARMS, INC., as filed for record on the 24th day of November, 1959;

and the whole thereof, and has been carefully compared with the original now on file in this office and found correct.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota at the City of Pierre, the Capital, on this ..31st.... day of March,, 19..67....
Alvin C. Loefer
Secretary of State

FEES \$..6.50.....

By
Assistant Secretary of State

ARTICLES OF INCORPORATION

OF

DeHaan Livestock and Grain Farms, Inc.

Know All Men By These Presents:

That we, the undersigned John I. Haan, Andrew DeHaan, Lyle DeHaan, and
Kenneth DeHaan

for ourselves, our associates and successors, have associated ourselves together for the purpose of forming a corporation under and by virtue of the statutes and laws of the State of South Dakota, and we do hereby certify and declare as follows, viz:

FIRST

The name of this corporation shall be DeHaan Livestock and Grain Farms, Inc.

SECOND

The purpose for which this organization is formed is:

To carry on all or any of the businesses of farming and ranching, including the growing of crops, livestock, and related products, and the buying or selling thereof; and to purchase or otherwise acquire real estate, personal property, and to do any and all things necessary to the proper conduct of its business, including the disposition of any such property.

To make such contracts, conduct such suits or actions, and to have such rights as are necessary for conduct of the business.

THIRD

The place where the principal business of this Corporation shall be transacted is farm five miles south of City of Platte in the County of Charles Mix State of South Dakota, ~~but a business office may be located at~~ where meetings of the directors and stockholders may be held for the transaction of business.

FOURTH

The term for which this Corporation shall exist shall be perpetual years.

FIFTH

The number of directors of this Corporation shall be four and the names and residences of such who are to serve until the election of their successors are as follows:

NAMES

RESIDENCES

John DeHaan

Platte, South Dakota

Andrew DeHaan

Platte, South Dakota

Lyle DeHaan

Geddes, South Dakota

Kenneth DeHaan

Geddes, South Dakota

SIXTH

The amount of Capital Stock of this Corporation shall be and is Eighty Thousand and No/100 DOLLARS
Divided into Eight Hundred shares
of the par value of One Hundred and no/100 DOLLARS
each, fully paid and nonassessable.

SEVENTH

The resident agent of this Corporation upon whom service of process may be made, shall be John DeHaan of Platte, South Dakota, and service upon him shall be taken and held as due and personal service upon this Corporation.

NOTE: (The above article applies only to Corporations of this State not doing or carrying on business within this State.)

No Stockholder shall be liable for the debts of the Corporation in any amount greater than his unpaid subscription.

IN TESTIMONY WHEREOF, We have hereunto set our hands this eighteenth day of November, 1952.

John DeHaan

Andrew DeHaan

Lyle DeHaan

Kenneth DeHaan

John DeHaan
Andrew DeHaan
Lyle DeHaan
Kenneth DeHaan

STATE OF South Dakota }
County of Lyon } ss.

BE IT REMEMBERED, That on this eighteenth day of November
A. D., 1959, before the undersigned personally appeared the above named John DeHaan,
Andrew DeHaan, Lyle DeHaan and Kenneth DeHaan

well and personally known to me to be the same persons described in and who executed the fore-
going instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
at said County the day and year last above written.

Notarial Seal.

John W. Larson

Notary Public.

STATE OF SOUTH DAKOTA }
County of _____ } ss.

BE IT REMEMBEED, That on this _____ day of _____
A. D., 19____, before the undersigned personally appeared the above named _____

well and personally known to me to be the same person described in and who executed the fore-
going instrument and he duly acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
at said County the day and year last above written.

Notarial Seal.

Notary Public.

STATE OF South Dakota }
County of Lyon } ss.

John DeHaan and Andrew DeHaan
BEING DULY SWORN, each for himself deposes and says: That he is one of the persons described
in and who signed the foregoing Articles of Incorporation as an incorporator therein; that he has
read said Articles and knows the contents thereof; that the incorporators intend in good faith to
form a corporation for the purpose of the promotion of a lawful business as set forth in said ar-
ticles and not for the purpose of enabling any corporation or corporations to avoid the provisions
of Chapter 13.18 South Dakota Code of 1939, relating to unlawful trusts and combinations, and laws
amendatory thereto.

John DeHaan

Andrew DeHaan

Subscribed and sworn to before me this eighteenth

Notarial Seal.

John W. Larson

Notary Public.

State of South Dakota)
Office of Secretary of State) ce.

I hereby certify that the within instrument
was filed for record on the 24th
day of November A. D. 1957
at 10 o'clock A. M., and recorded in
Vol. 151 on Page 379 Record
Domestic Corporations of this office.

Edmund Sandness
Secretary of State.

.....
Assistant Secretary of State.

March 13, 1967

Mr. Andy De Haan
Platte, S.D.

Dear Mr. De Haan:

This is to acknowledge receipt of your letter requesting a change of diversion point for water license 307-3.

Your letter stated you wanted to pump out of the river at the first bay west of the diversion point listed in water license 307-3. Our maps indicate that this bay is in the NW $\frac{1}{4}$ of Section 1, T96N, R68W. Since the law now provides for the diversion of water between two fixed points along a water course, we have designated the east side of this bay as your point of withdrawal. This new diversion point would be described as follows:

"Location of the new point of diversion will be between a point 420' south and 820' east of the NW corner of Section 1, T96N, R68W, and a point 2600' south and 1900' east of the NW corner of Section 1, T96N, R68W."

See the enclosed map for the location of the points.

If this description covers the location of the pumping stations you plan to use, please sign and notarize the enclosed forms.

If this description is not correct or if you propose to pump from a different bay, please so notify us and send us a description of the desired diversion point.

An \$8.00 filing fee will be required for the processing of your application to change diversion points. Please send it with the completed forms.

We will notify you at the proper time of the advertising requirements for this application. After the advertising has been completed, the Water Resources Commission will take action on the application.

This change of diversion point will not affect the amount of water or the priority date granted under water license 307-3. Also, water license 307-3 has been transferred to the DeHaan Livestock and Grain Farms, Inc. A receipt for the \$1.00 recording fee is enclosed.

Please call on us if this office can be of any further assistance.

Sincerely,

RICHARD D. SCHMOYER
Water Right Specialist

RDS:mef
Encls: Form 2 (2)
Map
Receipt #4366

Permit No. 307-3AWater Division 3 Missouri River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

WATER RIGHTS COMMISSIONTO: Water ~~Division~~ Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by De Haan Livestock
and Grain Farms, Inc. of Platte, South Dakota holder _____

of Permit No. 307-3A, bearing date of priority of Platte, 19____
authorizing an additional diversion point
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX of the waters of Missouri River
for irrigation purposes, in Charles Mix County.

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

The Water Use System consists of,

A. Works used to divert the water:

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

C. Works used to apply water to beneficial use.

The system is in the following condition: Excellent
additional
The point of diversion is located between a point 420 ft. South and 820 ft. East and a point
2600 ft. South and 1900 ft. East, both from the NW Corner, Sec. 1, T96N, R68W

The works are capable of diverting and conveying to the place of use 4.69
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:
Same lands are irrigated as authorized in Water License No. 307-3 with the combined
diversion rate not to exceed 4.69 c.f.s.

comprising a total of 328.38 acres of land.

Date September 18, 1973

Donald Driscoll
(Signature)

DONALD DRISCOLL, Chief Engineer, W.R.C.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

March 23, 1987

DEHAAN LIVESTOCK & GRAIN CO, Andy Dehaan
RR 2 BOX 59
PLATTE, SD 57369

NOTICE

Re: Violation of Water Permit(s). 4630-3, 307-3B and 1986
Irrigation

Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 4630-3, 307-3B. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4630-3, 307-3B qualification:

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

The hearing will also be to determine if Permit No(s). 2999-3, 2326-3, 307-3, and 307-3A should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

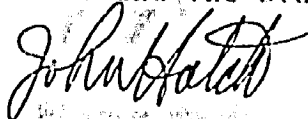
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 4630-3, 307-3B until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 2999-3, 2326-3, 307-3, and 307-3A to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

179

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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 13, 1987

307-3
307-3A
307-3B
2326-3
2999-3
4630-3

Dehaan Livestock & Grain Co
RR #2 Box 59
Platte, SD 57369

Dear Sir:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 307-3, 307-3A, 307-3B, 2326-3, 2999-3 and 4630-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



DEHAAN LIVESTOCK & GRAIN FARM
RR 2 BOX 59
PLATTE SD 57369

307-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3121

NOTICE

RE: Violation of Water Permit Nos 307-3, (307-3A), 2326-3 & 2999-3, 307-3B & 4630-3 and
1991 Irrigation Questionnaire Requirements

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit Nos 307-3, 307-3A, 2326-3 & 2999-3, 307-3B & 4630-3. The request for the Questionnaires was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 307-3, 307-3A, 2326-3 & 2999-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 307-3B & 4630-3 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 307-3B & 4630-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 307-3, 307-3A, 2326-3 & 2999-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



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

February 10, 1992

Dennis DeHaan
DeHaan Livestock & Grain Farm
RR #2 Box 59
Platte, SD 57369

RE: Irrigation Questionnaires for Water Permit Nos. 307-3,
307-3A, 307-3B, 2326-3, 2999-3 and 4630-3

Dear Mr. DeHaan:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 307-3, 307-3A, 307-3B, 2326-3, 2999-3 and 4630-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed after your telephone conversation with Ron Duvall of this office. You indicated you irrigated the "same as last year". Since they were received prior to the Water Management Board meeting, your name was deleted from the agenda.

The 1992 irrigation questionnaires will be mailed out in October, 1992. It will not be acceptable to call in and request them to be filled out "the same as last's years".

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division



307-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

5795-3

DeHaan Livestock and Grain Farms, Inc.
%Dennis DeHaan
RR 2, Box 60
Platte, SD 57369-9343

Dear Mr. DeHaan:

Enclosed is Water License No. 5795-3 and Receipt No. 414454 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5795-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

NOTE: The applicable portions of Water Right Nos. 307-3, 307-3A and Water Permit Nos. 307-3B, 2326-3, 2999-3 and 4630-3 have been incorporated into this Water License No. 5795-3.