GRANT OF EASEMENT FOR RIGHT-OF-WAY

That the United States, Acting by and through Supt. James L. Claymore, Bureau of Indian Affairs, Department of the Interior, of Eagle Butte, S. Dak., hereinafter referred to as "Grantor", under authority contained in order No. 2568 of Sec. of Int. (14 FR 2222) and pursuant to the provisions of the Act of Feb. 5, 1910 (36 Stat. 1116; 35 U.S.C. 233-238) and Part 161, Title 25, Code of Federal Regulations in consideration of Just Compensation, the receipt of which is acknowledged, does hereby grant to the State of South Dakota, its successors and assigns, hereinafter referred to as "Grantee", an easement for right-of-way for the following purposes, namely: an easement for a right-of-way for public highway purposes, on and over, under, and across the land embraced within the right-of-way situated on the following described lands located within the Cheyenne (Cheyenne) River Reservation, County of Ziebach, State of South Dakota to wit: Lots 1, 2, Sec. 31 (159.56 ac); SW 1/4 Sec. 32 (10.0 acres); T. 17 N., R. 20 E.; Lots 1, 2, Sec. 33 (79.70 ac); T. 16 N., R. 20 E.; Lots 1, 2, Sec. 34 (160.36); and Lot 4, Sec. 35 (80.09 acres); T. 16 N., R. 21 E.,

This easement is subject to any prior valid existing right or adverse claim and is without limitation as to tenure so long as said easement shall be actually used for the purpose for which it was granted; PROVIDED, that this right-of-way shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days written notice, and failure of the Grantee to correct the basis of termination of 25 CFR 161.46): Within the said notice period:

A. Failure to comply with any term or condition of the grant or the applicable regulations.
B. A nonuse of the right-of-way for a consecutive two year period for the purpose for which it was granted.
C. An abandonment of the right-of-way easement.
D. Failure of the Grantee to file an affidavit of completion upon completion of construction pursuant to 25 CFR 161.16.

The condition of this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the Grantee.

IN WITNESS WHEREOF, GRANTOR has executed this grant of right-of-way easement on this Twenty-First day of August, 1973.

UNITED STATES OF AMERICA

[Signature]
Acting Superintendent, Cheyenne River Agency
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS