Mr. S. W. Gentle
Right of Way Engineer,
Department of Highways
Pierre, South Dakota

Dear Sir:

Attached herewith find certified copies of Tribal Council resolution, Ensements covering Right of Way, signed vouchers and approved map covering the Right of Way requested for the new bridge on the Dewey County side of the Missouri River. This is in compliance with your request of March 26, 1956.

Very truly yours,

Norval Nesset
Superintendent

Attachments
Right of Way Engineer  
State Highway Department  
Pierre, South Dakota

Dear Siri,

This will inform you that the application for Right of Way covering Project WAR 181 (1) Dewey County, South Dakota, has been considered by the Cheyenne River Sioux Tribal Council and they have approved the application and have set the rate of damages at $25.00 per acre. They have further stipulated that a regulation 4 wire fence be placed on the Right of Way and same supported by steel posts 1 rod distance between each post. The damages are as follows:

- NW ¼ Sec. 34-13-31  0.79 acres @ 25$ = 19.75
- NW ¼ Sec. 34-13-31  9.28 acres = 232.00
- NE ¼ Sec. 34-13-31  12.51 acres = 312.75
- NB ¼ Sec. 2-12-31  6.91 acres @ 6.11 = 179.25
- NW ¼ Sec. 1-12-31  20.59 acres = 516.75

Total Damages = 1,237.00

Please forward a check in the amount of $1,237.00 payable to the Bureau of Indian Affairs and this will be held in Special Deposits until all of the documents have been approved, after which this amount will be transferred to the Tribal Account.

The Council did not take action on the SW ¼ Sec. 1 and the NW ¼ Sec. 12 all in T. 12 N., R. 31 E., for the reason that this land is within the Taking Area and it is believed that the War Department would have jurisdiction over these tracts.

The map showing the route of the highway is being sent to you under separate cover and as soon as that is returned completed we will approve it and mail you a copy together with an approved copy of the Statement of Ownership.

Very truly yours,

[Signature]

Abel C. Nessel  
Superintendent
UNITED STATES
DEPARTMENT OF THE INTERIOR
INDIAN AFFAIRS
Cheyenne River Indian Agency
Cheyenne Agency, South Dakota
March 22, 1936

Right of Way Engineer
State Highway Department
Pierre, South Dakota

Dear Sir:

We are returning to you the lay out map showing a portion of WAR 181 (1) which is crossing Indian land in Dewey County, South Dakota. Please have the surveyor sign the maps and return them here so that I can approve same.

Under separate cover we are advising you of the action taken by the Cheyenne River Sioux Tribal Council on Tribal land involved.

Very truly yours,

[Signature]
Naralf Nesset
Superintendent
The following resolution was presented and approved without any discussion:

**RESOLUTION NO. 141-55**

WHEREAS, the State Highway Commission, State of South Dakota, has applied for right of way across certain tribal lands of the Cheyenne River Reservation for relocating and rebuilding that part of U. S. Highway No. 212 between Dupree and Faith, South Dakota, and

WHEREAS, the improvement of this road will be a great benefit to the people of the Cheyenne River Reservation, now

THEREFORE, BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council approves the grant of the desired right of way as shown on the map of definite location, upon payment of damages in accordance with the following schedule of lands and damages and authorizes the Chairman, with the attest of the Secretary, to sign all papers necessary to grant the desired right of way, and

BE IT FURTHER RESOLVED, that the Resolution replaces, cancels, and rescinds, Resolution No. 12-55 passed March 4, 1955, which was erroneously prepared at the cultivated land rate of $40.00 per acre instead of the grazing land rate of $25.00 per acre which is the rate authorized in the foregoing schedule.

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APPROVAL recommended
Land and Forestry Committee

This resolution passed by a vote of 14 for, 0 against, 1 absent and 0 not voting.

DATE: December 15, 1955

/s/ Alice Bowker
Secretary - Tribal Council

CERTIFICATION

I, Alice Bowker, the duly elected, qualified and acting secretary of the Cheyenne River Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Cheyenne River Sioux Tribal Council on December 15, 1955, Special session, by a vote of 14 for, 0 against, 1 absent and 0 not voting and said resolution has not been rescinded or amended in any way.

DATE: 11/15/56

Alice Bowker, Secretary - Tribal Council
The following resolution was presented by Mr. Dillon and approved:

RESOLUTION NO. 52-53

WHEREAS, the State Highway Department has filed an application for additional rights of way over certain tribal lands held under Grant of Exchange Assignment, in connection with the rebuilding and partial relocation of that portion of U.S. Highway 212 which runs from Depre to Eagle Butte, South Dakota;

WHEREAS, it is deemed to be for the best interests of the Cheyenne River Sioux Reservation and its people to widen, straighten, and improve the state and other highways;

NOW, THEREFORE, BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council this 5th day of May, 1951, hereby approves the foregoing application for rights of way across Exchange Assignment No. X-1773, described as SE 1/4 Sec. 5, T. 12 N., R. 22 E., B.M., and across X-1011, described as SE 1/4 Sec. 26 and NW 1/4 Sec. 35, T. 13 N., R. 21 E., B.M., upon payment of the appraised damages to the holders of the respective Grants of Exchange Assignment.

APPROVAL RECOMMENDED. This resolution passed by a vote of 10 for, 0 against and 1 absent.

DATE: May 6, 1951

/s/ Alice Bowker
Secretary - Tribal Council

Minutes of Thunder Butte district council meeting held on April 12th at which a resolution was drawn up requesting the Road Engineer to blade the Thunder Butte and Iron Lightning roads was read for council's information. It also stated that appreciation was given IRS, Downing for visiting their district in regard to health problems.

Adjourned at 1:10 p.m.

This is to certify that the foregoing is a true and correct transcript of the minutes of the Cheyenne River Sioux Tribal Council session held on May 4, 5, 6, 1951, at Cheyenne Agency, S. D.

Alice Bowker
Secretary, C. R. S.T.C.

Phoebe Dowling
Vice Chairman
RESOLUTION NO. 52-53

WHEREAS, the State Highway Department has filed an application for additional Right-of-Way over certain tribal lands in connection with the proposed rebuilding and partial relocation of that portion of U.S. Highway 212 which runs east from Dupree through Lantry to Baglo Butte, and

WHEREAS, it is deemed to be in the best interest of the Cheyenne River Sioux Reservation and its people to widen, straighten and improve the state and other highways.

NOW, THEREFORE, BE IT RESOLVED, by the Cheyenne River Sioux Tribal Council this 27th day of August, 1953, hereby approve the foregoing application upon payment of damages of $130.00 for approximately 0.59 acres in Block 5 and lots 11, 12 and 12 block 6; townsite of Dupree and payment of damages which are satisfactory and acceptable to the allottees and holders of grants of exchange assignments, and the Chairman of the Cheyenne River Sioux Tribal Council is hereby authorized to execute all statements and assignments concerning tribal lots and exchange assignments lands and the Superintendent of the Cheyenne River Indian Agency is authorized to approve the desired rights of way in accordance with applicable laws and regulations.

COMMITTEE RECOMMENDED.

This resolution passed by a vote of 14 for, 0 against and 1 not voting.

DATE: August 27, 1953

/s/ Alice Fawler
Secretary - Tribal Council

8/27/53 - 33-
GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS

That the United States of America, acting by and through the Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, Department of the Interior, Eagle Butte, South Dakota, hereinafter referred to as "GRANTOR", under authority contained in Order No. 2508 of the Secretary of the Interior (14 F.R. 298) and BIAA Supplement 7 and (34 F.R. 637), and pursuant 169. Title 25 Code of Federal Regulations, in consideration of the receipt of which is acknowledged, does hereby grant to the State of South Dakota, Department of Transportation, Pierre, SD 57505 its successors and assigns hereinafter referred to as "GRANTEE", an easement for right-of-way for following purposes specifically:

SEE #1

ALLOT NO. ALLOTTEE DESCRIPTION R/W ACRE

SEE #2

Said easement as shown on the tract map attached hereto may be more particularly described as:

SEE #3

This easement is subject to any prior valid existing right or adverse claim and is WITHOUT LIMITATIONS AS TO TENURE, so long as easement shall be actually used for the purpose above specified: PROVIDED, that this right-of-way may be terminated in whole or in part by the Grantor for any of the following causes upon 30 days written notice, and failure of the Grantee within said notice period to correct the basis of termination (25 CFR 169.20):

A. Failure to comply with any term of 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.

D. Failure to submit an affidavit of completion.

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 easement this 13th day of October 1923.

UNITED STATES OF AMERICA

BY

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
1. THE RIGHT TO ENTER UPON HEREAFTER DESCRIBED LANDS TO GRADE, LEVEL, FILL, DRAIN, PAVE, BUILD, MAINTAIN, REPAIR AND REBUILD A PUBLIC ROAD, INCLUDING INCIDENTAL PURPOSES CONSISTENT HEREWITH, TOGETHER WITH SUCH BRIDGES, CULVERTS, RAMPS AND CUTS AS MAY BE NECESSARY OVER, ACROSS AND THROUGH THE FOLLOWING DESCRIBED LANDS.

2. SEE ATTACHED TYPED LIST.

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)

) ss

COUNTY OF DEWEY)

BEFORE ME, a Notary Public, in and for said County and State, on this 15th day of October, 1992, personally appeared Russell J. McClure, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, and who acknowledged that he is and was at the time of signing the same, Superintendent, Cheyenne River Agency, Bureau of Indian Affairs; and he personally acknowledged to me that he executed the said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the uses and purposes set forth therein.

Charles Anderson
Notary Public

My commission expires: ________________________

Supp. 7, Release 1, 0-23-71
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<td>FLORENCE GAGE</td>
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OFFICE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA

County of Deuel

I hereby certify that the within instrument was
filed in this office for record on the 24th day of
January, A.D. 1975, at 3:45
of clock, and was duly recorded in Book
1125 of Deeds on Page 77.

[Signature]

Register of Deeds

Fee $11.00

Indexed

Recorded

Compared
ADDENDUM RIGHT OF WAY APPLICATION for P 0212 (42) 154 Dewey County

COMES NOW THE APPLICANT, South Dakota Department of Transportation

of Pierre, South Dakota. This 21st day of October, 1991, who hereby petition(s) the Bureau of Indian Affairs and Department of Transportation, 25 CFR 169, an application for an unlimited right of way for the following purposes and reasons:

Across the following described land (Easement description):
Lot 0-2 SE1/4 SW1/4 and SW1/4 SE1/4 Section 8, Township 12 North, Range 24 East and Lots N, N-1, 0, 0-1 SE1/4 SW1/4 and SW1/4 SE1/4 Section 8, Township 12 North, Range 24 East, all in Dewey County, South Dakota.

Said right of way to be 1/4 mile in length, 75 feet in width, and 0.03 acre in size (or acres), as shown on the attached map of definite location.

SAID APPLICANT DOES HEREBY UNDERSTAND AND EXPRESSLY AGREE AS FOLLOWS:

(a) To construct and maintain the right-of-way in a workmanlike manner.

(b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 169.4, determined by the Secretary to be due the landowners and authorized users and users of the land on account of the survey, granting, construction and maintenance of the right-of-way.

(c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.

(d) To restore the land as nearly as may be possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted.

(e) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way, and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.

(f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.

(g) To do everything reasonably within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.

(h) To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.

(j) To at all times keep the Secretary informed of its address, and in case of corporations, the address of its principal place of business and the names and addresses of its principal officers.

(k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.

SAID APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform to and abide by all applicable requirements with respect to the right-of-way herein applied for. Applicant agrees to conform to and abide by the rules, regulations, and requirements contained in Code of Federal Regulations, Title 25 Indians, Part 169, as amended, and by reference includes such rules and regulations and requirements as a part of this application to the same effect as if the same were herein set out in full.

DATE: October 23, 1991
APPLICANT

ATTEST:
Supporting Documents:
1. Written consent of landowners (One copy)
2. Maps of definite location (Tracings, 1 print copies.
   See 25 CFR 161.6, 161.7, 161.8, 161.9, 161.10, and 161.11.
3. Deposit of damages (see 169.4 and 169.14).
4. Corporate qualifications (see 169.4 and 169.5).
RIGHT OF WAY APPLICATION

COMES NOW THE APPLICANT, South Dakota Department of Transportation,

19 91

June

of Pierre, South Dakota. This day

respectsfully files under the terms and provisions of the Act of February 3, 1948 (62 Stat. 17:25 USCS23-328) and Departmental Regulations 25 CFR 169, an application for an unlimited right of way for the following purposes and reasons:

for highway purposes only

Across the following described land (Easement description):

NW 1/4 Section 17, Township 12 North, Range 4 East; N 1/2 Section 17, Township 12 North, Range 24 East; SE NW 1/4 Section 9, Township 12 North, Range 25 East; NE 1/2 NE 1/4 Section 9, Township 12 North, Range 25 East; SW 1/2 SW 1/4 Section 9, Township 12 North, Range 25 East; SE 1/2 NW 1/4 Section 9, Township 12 North, Range 25 East; SW 1/2 SW 1/4 Section 9, Township 12 North, Range 25 East; NE 1/2 NE 1/4 Section 9, Township 12 North, Range 25 East; SE 1/2 NW 1/4 Section 11, Township 12 North, Range 25 East; SE NW 1/4 Section 11, Township 12 North, Range 25 East; SE 1/2 SW 1/4 Section 11, Township 12 North, Range 25 East; NE 1/2 NE 1/4 Section 11, Township 12 North, Range 25 East; all in the BLM in Dewey County, South Dakota.

Said right of way to be in length, 150 foot in width, and

16 acres in size (acres), as shown on the attached map of definite location.

SAYD APPLICANT DOES HEREBY UNDERSTAND AND EXPRESSLY AGREE AS FOLLOWS:

(a) To construct and maintain the right-of-way in a workmanlike manner.

(b) To pay promptly all damages and compensation, in addition to the deposit made pursuant to 69.4, determined by the Secretary to be due the landowners and authorized users and occupants of the land on account of the survey, granting, construction and maintenance of the right-of-way.

(c) To indemnify the landowners and authorized users and occupants against any liability for loss of life, personal injury and property damage arising from the construction, maintenance, occupancy or use of the lands by the applicant, his employees, contractors and their employees, or subcontractors and their employees.

(d) To restore the lands as nearly as may be possible to their original condition upon the completion of construction to the extent compatible with the purpose for which the right-of-way was granted.

(e) To clear and keep clear the lands within the right-of-way to the extent compatible with the purpose of the right-of-way; and dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project.

(f) To take soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way.

(g) To do everything reasonably within its power to prevent and suppress fires on or near the lands to be occupied under the right-of-way.

(b) To build and repair such roads, fences and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(i) That upon revocation or termination of the right-of-way, the applicant shall, so far as is reasonably possible, restore the land to its original condition.

(j) To at all times keep the Secretary informed of its address, and in case of corporations, of the address of its principal place of business and the names and addresses of its principal officers.

(k) That the applicant will not interfere with the use of the lands by or under the authority of the landowners for any purpose not inconsistent with the primary purpose for which the right-of-way is granted.

SAYD APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:

To conform to and abide by all applicable requirements with respect to the right-of-way herein applied for. Applicant agrees to conform to and abide by the rules, regulations, and requirements contained in Code of Federal Regulations, Title 25 Indians, Part 169, as amended and by reference includes such rules and regulations and requirements as a part of this application to the same extent as if the same were herein set out in full.

DATE: June 29, 1991

APPLICANT - Right of Way Program Manager

ATTEST:

SUPPORTING DOCUMENTS:

1. Written consent of landowners (One copy)
2. Maps of definite location 1 linen tracings, 2 print copies.
3. Deposit of damages (see 169.4 and 169.14).
4. Corporate qualifications (see 169.4 and 169.5).
Tribal Owned Acres: 0
Individually Owned Acres: 26.1
Government Owned Acres: 0

File No. SD Dept. of Transportation:
FO 217 (49) 166 Dewey County

GRANT OF EASEMENT FOR RIGHT-OF-WAY
KNOWN BY THESE PRESENTS

The United States of America, acting by and through the Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, Department of the Interior, Eagle Butte, South Dakota, hereinafter referred to as "GRANTOR", under authority contained in Order No. 2568 of the Secretary of the Interior (14 F.R. 258) and BIA Order 1664, and pursuant to the decisions of the Act of February 5, 1948 (82 Stat. 17; 25 U.S.C. 323-328), and Part 169, Title 25 Code of Federal Regulations, in consideration of the receipt of which is acknowledged, does hereby grant to the State of South Dakota Department of Transportation, Pierre, SD 57591

its successors and assigns hereinafter referred to as "GRANTEE", an easement for right-of-way for following purposes specifically:

SEE #1

<table>
<thead>
<tr>
<th>ALLOT. NO.</th>
<th>ALLOTTEE</th>
<th>DESCRIPTION</th>
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<td>SEE #2</td>
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Said easement as shown on the tract map attached hereto may be more particularly described as:

SEE #3

This easement is subject to any prior valid existing right or adverse claim and is without limitations as to tenure, so long as easement shall be actually used for the purpose above specified: PROVIDED, that this right-of-way may be terminated in whole or in part by the Grantor for any of the following reasons upon 30 days written notice, and failure of the Grantee within said notice period to correct the basis of termination (25 CFR 169.20):

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.
D. Failure to submit an affidavit of completion.

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 easement this 15th day of June, 1988.

UNITED STATES OF AMERICA

by

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
1. The right to enter upon hereinafter described lands to grade, level, fill, drain, pave, build, maintain, repair and rebuild a public road, including incidental purposes consistent herewith, together with such bridges, culverts, ramps and cuts as may be necessary over, across and through the following described lands.

2. SEE ATTACHED TYPED LIST.

3. Said easement as shown on the tract map and plat attached hereto and made a permanent part hereof is for trust properties only, and may be more particularly described as, a hard surfaced road, 150 feet wide, 75 feet either side of the centerline commencing from the NW corner of the NW¼ of Section 6, T. 12 N., R. 27 E., of the Black Hills Meridian, Dewey County, South Dakota, crossing over the Southwest corner of the SW¼ of Section 36, T. 13 N., R. 26 E., the interior one-quarter corner of Section 36, T. 13 N., R. 26 E., along the east line of said SW¼ of Section 36, along the Northwest corner of the NW¼ of Section 36, T. 13 N., R. 26 E., the East Section line of said NE¼ of Section 36, to the Northeast corner of NE¼ of Section 29, T. 13 N., R. 27 E., along the North Section line of said NE¼ of Section 29 of the Black Hills Meridian, Dewey County, South Dakota, taking 29.11 acres, more or less.
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<td>Donald P. Mathieson</td>
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<td>CR-620</td>
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ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA

) ss

COUNTY OF Dewey

BEFORE ME, a Notary Public, in and for said County and State, on this 15th day of June, 1988, personally appeared Russell J. McClure, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, and who acknowledged that he is and was at the time of signing the same, Superintendent, Cheyenne River Agency, Bureau of Indian Affairs; and he personally acknowledged to me that he executed the said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the uses and purposes set forth therein.

Gladys M. LeBeau
Notary Public

My commission expires: March 8, 1996.
GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS

That the United States of America, acting by and through the Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, Department of the Interior, Eagle Butte, South Dakota, hereinafter referred to as "GRANTOR", under authority contained in Order No. 2508 of the Secretary of the Interior (49 F.R. 258) and OMB Supplement 7 and (54 F.R. 837), and pursuant to the provisions of the Act of February 5, 1948 (42 Stat. 17; 25 U.S.C. 323-325), and Part 181, Title 25 Code of Federal Regulations, in consideration of the receipt of which is acknowledged, does hereby grant to the

State of South Dakota, Department

of Transportation, thereinafter referred to as "GRANTEE", an easement for right-of-way for the following purposes specifically: "The right to enter upon the hereinbefore described lands to grade, level, fill, drain, pave, build, maintain, repair and rebuild a public road, including incidental purposes consistent therewith, together with such bridges, culverts, ramps and outfalls as may be necessary over, across and through the following described lands.

Said easement is subject to any prior valid existing right or adverse claim and is

so long as easement shall

be used for the purposes above specified. PRECEDING, that this right-of-way may be terminated in whole or in part by the Grantor for any of the following causes upon 30 days written notice, and failure of the Grantee within said notice period to correct the basis of termination (25 CFR 186.20):

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.

D. Failure to submit an affidavit of completion.

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, the Grantor has executed this grant of easement this 16th day of July, 1977.

[Signature]

UNITED STATES OF AMERICA

U. S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
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ACKNOWLEDGMENT

STATE OF: South Dakota

COUNTY OF: Dewey

BEFORE ME, a Notary Public, in and for said County and State,
on this 16th day of July, 1967, personally
appeared Frank A. Joseph, whose name
is subscribed to the foregoing Grant of Easement for Right-of-Way as
Acting Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, and
who acknowledged that he is and was at the time of signing the same
Acting Superintendent, Cheyenne River Agency, Bureau of Indian Affairs;
and he personally acknowledged to me that he executed the said Grant of
Easement for Right-of-Way as his free and voluntary act and deed for the
uses and purposes set forth therein.

[Signature]
Notary Public

March 3, 1968
My Commission Expires
That the United States of America, by and through the Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, Department of the Interior, Eagle Butte, South Dakota, hereinafter referred to as "GRANTOR", under authority contained in Order No. 2508 of the Secretary of the Interior (14 F.R. 256) and BLM Supplement 7 and (34 F.R. 637), and pursuant 169. Title 25 Code of Federal Regulations, in consideration of the receipt of which is acknowledged, does hereby grant to the State of South Dakota, Department of Transportation, Pierre, South Dakota, $750.1 its successors and assigns hereinafter referred to as "GRANTEE", an easement for right-of-way for following purposes specifically:

"The right to enter upon the hereinafter described lands to grade, level, fill, drain, pave, build, maintain, repair and rebuild a public road, including incidental purposes consistent therewith, together with such bridges, culverts, ramps and cuts as may be necessary over, across and through the following described lands."

SEE ATTACHED TYPED LIST.

Said easement as shown on the tract map attached hereto may be more particularly described as:

Said easement as shown on the tract map and plats attached hereto and made a permanent part hereof is for the trust properties only, and may be more particularly described as, a hard surfaced road, 150 ft. wide, 75 ft. either side of centerline commencing 328.47 south of the west one quarter corner of Section 12, Township 13 N., R. 27 E., of the Black Hills Meridian, Dewey County, South Dakota, thence east-southeast a distance of 6.74 miles and ending 557.61 feet west of the east quarter corner of Section 26, Township 14 N., R. 28 E., of the Black Hills Meridian, Dewey County, South Dakota, all taking 9.31 acres, more or less. This easement is subject to any prior valid existing right or adverse claim and is without limitation as to tenure, so long as easement shall be actually used for the purpose above specified: PROVIDED, that this right-of-way may be terminated in whole or in part by the Grantor for any of the following causes upon 30 days written notice, and failure of the Grantee within said notice period to correct the basis of termination (25 CFR 169.20):

A. Failure to comply with any term of 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.

D. Failure to submit an affidavit of completion.

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 easement this 26th day of July 1988.

UNITED STATES OF AMERICA

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

[Signature]
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ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA )
) ss
COUNTY OF Dewey )

BEFORE ME, a Notary Public, in and for said County and State, on this 26th day of July, 1988, personally appeared Russell J. McClure, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Cheyenne River Agency, Bureau of Indian Affairs, and who acknowledged that he is and was at the time of signing the same, Superintendent, Cheyenne River Agency, Bureau of Indian Affairs; and he personally acknowledged to me that he executed the said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the uses and purposes set forth therein.

Gladys M. LeBeau
Notary Public

My commission expires: 3/08/96

Supp. 7, Roll no. 1, 0-23-71
OFFICE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA

County of Dewey

I hereby certify that the within instrument was
filed in this office and recorded on the 16th day of
August, 1986 at 8:50 o'clock A.M. and was duly recorded in Book
161, at page 193, on page 311.

John Goldsby
Register of Deeds

By: Deputy

Fee $7.00

INDEXED

RECORDED

COMPARED
CHEYENNE RIVER SIOUX TRIBAL COUNCIL

Tribal Memorandum:

TO: SUPERINTENDENT, Cheyenne River Agency
FROM: Arlene Thompson, Tribal Secretary
DATE 11/10/86

SUBJECT: RESOLUTION NO. 256-86-CR: Resolution granting consent to the South Dakota Department of Transportation to conduct a survey of this stretch of road to determine the necessary repairs needed to bring this road up to Federal Highway standards and that the Tribe be furnished with a copy of the South Dakota State Department of Transportation’s survey report.

Transmitted herewith is one (1) original and five (5) copies of Resolution No. 256-86-CR, which was adopted by the Cheyenne River Sioux Tribal Council during its Regular Session held on November 7, 1986.

cc: Chairman
Treasurer
Administrative Officer
Central Records
Councilmembers
South Dakota Department of Transportation
BIA Land Operations
Land Director
BIA Realty
File/2
RESOLUTION NO. 256-86-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the Tribe, in order to establish its tribal organization, to conserve its tribal property; to develop its common resources; and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws, and

WHEREAS, the Tribe is instrumental in initiating and overseeing the development of an adequate road system throughout the reservation for use and benefit of all, and

WHEREAS, the Tribe realizes that the South Dakota State Department of Transportation is in large part responsible for building the 9312 Highway which runs through the Cheyenne River Reservation East/West, and

WHEREAS, the section of Highway #212 between Ridgeview and the Missouri River Bridge is in deplorable condition and is in dire need of repairs, and

WHEREAS, the Tribe is deeply concerned about driving hazards that exist due to the deplorable condition of this section of the Highway #212 and jeopardizes the safety of all motorists traveling on this road, now

THEREFORE BE IT RESOLVED, the Cheyenne River Sioux Tribal Council does hereby grant consent to the South Dakota Department of Transportation to conduct a survey of this stretch of road to determine the necessary repairs needed to bring this road up to Federal Highway standards and that the Tribe be furnished with a copy of the South Dakota State Department of Transportation’s survey report.

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 13, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 7th day of November, 1986, Regular Session; and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 13 for, 0 against, 0 not voting and 2 absent.

Arlene Thompson, Secretary
Cheyenne River Sioux Tribe
CHEYENNE RIVER SIOUX TRIBAL COUNCIL

Tribal Memorandum:

TO: SUPERINTENDENT, Cheyenne River Agency
FROM: Arlene Thompson, Tribal Secretary

DATE: 11/10/86

SUBJECT: RESOLUTION NO. 244-86-CR: Requesting S. D. Department of Transportation construct a right-of-way fence on South boundary of tribal land described within the NW1/4 Sec. 12, T. 13 N., R. 28 E.

Transmitted herewith is one (1) original and five (5) copies of Resolution No. 244-86-CR, which was adopted by the Cheyenne River Sioux Tribal Council, during its Regular Session held on November 7, 1986.

cc: Chairman
    Treasurer
    Administrative Officer
    Central Records
    Tribal Land Office
    Diane Booth
    B.I.A. Land Operations
    B.I.A. Realty
    S. D. Dept. of Transportation
    File/2
RESOLUTION NO. 244-86-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the Tribe, in order to establish its tribal organization; to conserve its tribal property; to develop its common resources; and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws, and

WHEREAS, the South Dakota Department of Transportation is in the process of acquiring a right-of-way for reconstruction of U. S. Highway 212 from the Missouri River west to Eagle Butte, and

WHEREAS, Diane LeBeau Booth has requested the placement of a right-of-way fence under Project No. P 0212 (30) 178, on the south boundary of Tribal Land situated within the NW\1 Sec. 12, T. 13 N., R. 28 E., BHM, now

THEREFORE BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council does hereby concur with and approve the Land and Natural Resources Committee's recommendation, requesting the South Dakota Department of Transportation construct a right-of-way fence on the South boundary of tribal land described above.

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 13, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 7th day of November, 1986, Regular Session; and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 13 for, 0 against, 0 not voting and 2 absent.

Arlene Thompson, Secretary
Cheyenne River Sioux Tribe
CHEYENNE RIVER SIOUX TRIBAL COUNCIL

Tribal Memorandum:

TO: SUPERINTENDENT, Cheyenne River Agency
FROM: Arlene Thompson, Tribal Secretary
DATE: 11/10/86

SUBJECT: RESOLUTION NO. 257-86-CR: Granting approval to S. D. Dept. of Transportation for Right-of-Ways/Easements and authorizing Tribal Chairman and Secretary to execute and sign all necessary documents.

Transmitted herewith is one (1) original and five (5) copies of Resolution No. 257-86-CR, which was adopted by the Cheyenne River Sioux Tribal Council, during its Regular Session held on November 7, 1986.

cc: Chairman
Treasurer
Administrative Officer
Central Records
Tribal Land Office
Assistant Treasurer
S. D. Dept. of Transportation
B.I.A. Land Operations
B.I.A. Realty
File/2
RESOLUTION NO. 257-86-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the Tribe, in order to establish its tribal organization; to conserve its tribal property; to develop its common resources; and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws, and

WHEREAS, the South Dakota Department of Transportation Highway Project No. P0212 (39) 178, will widen and improve Highway 212 from Ridgeview to LaPlant, SD, and

WHEREAS, tribal lands involved for right-of-way/easements are described as:

Tribal lands within W4, Sec. 12, T. 13 N., R. 27 E., SE1/4, Sec. 28; NE1/4SE1/4, Sec. 32; NW1/4, Sec. 33, T. 14 N., R. 28 E., BHM, and

(Total Right-of-Ways acres = 11.38
(2 acres @ $225.00 per acre - 9.38 acres @ $100.00 per acre)

(Total Temporary easement - 10.20 acres @ $75.00 per acre)

(Total payment - $2,153.00), now

THEREFORE BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council does hereby grant approval to the South Dakota Department of Transportation for Right-of-Ways/Easements across tribal land described above, and

BE IT FURTHER RESOLVED, that the Tribal Chairman and Secretary of the Cheyenne River Sioux Tribe, are hereby authorized to execute and sign all necessary documents and that this Resolution constitutes the consent and affirmation of the Cheyenne River Sioux Tribe.

CERTIFICATION

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 13, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 7th day of November, 1986, Regular Session; and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 12 for, 0 against, 1 not voting and 2 absent.

Arlene Thompson, Secretary
Cheyenne River Sioux Tribe
CHEYENNE RIVER SIOUX TRIBAL COUNCIL

Tribal Memorandum:

TO: SUPERINTENDENT, Cheyenne River Agency
FROM: Eleanor Dupree, Acting Secretary
DATE: 9/5/86

SUBJECT: RESOLUTION NO. 191-86-CR: Requesting South Dakota State Highway Department to construct a fence on tribal land along the south side of Highway 212 described as NW¼ and SW¼, Sec. 12, T. 13 N., R. 27 E.

Transmitted herewith are two (2) originals and five (5) copies of Resolution No. 191-86-CR, which was adopted by the Cheyenne River Sioux Tribal Council, during its Regular Session held on September 5, 1986. Please return one (1) original to the Tribal Secretary's Office upon appropriate action by your office.

cc: Chairman
   Treasurer
   Administrative Officer
   Central Records
   BIA Realty
   BIA Roads
   South Dakota State Highway Department
   Roads Committee Chairman
   File/2
RESOLUTION NO. 191-86-CR

WHEREAS, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the Tribe, in order to establish its tribal organization; to conserve its tribal property; to develop its common resources; and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws, and

WHEREAS, a construction of Highway 212, east of Ridgeview is being proposed by the State of South Dakota, and

WHEREAS, the Tribe owns land along this highway described as:

NW ¼ and SW ¼, Sec. 12, T. 13 N., R. 27 E., BHM, and

WHEREAS, it is in the best interest of the Tribe to have a fence along the south side right of way line on this highway on the above described tribal land, and

WHEREAS, the Tribe, as owner of this property, must request this fence, now

THEREFORE BE IT RESOLVED, that the Cheyenne River Sioux Tribe requests the State of South Dakota Highway Department to construct a fence along the south side of the Highway 212 right of way line on the tribal land described above.

CERTIFICATION

I, the undersigned, as Acting Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 14, constituting a quorum, were present at a meeting, duly and regularly called, noticed, convened and held this 5th day of September, 1986, Regular Session; and that the foregoing resolution was duly adopted at such meeting by an affirmative vote of 11 for, 0 against, 3 not voting and 1 absent.

Eleanor Dupree
Acting Secretary
Cheyenne River Sioux Tribe
The following resolution was presented and approved without any discussion:

RESOLUTION NO. 141-55

WHEREAS, the State Highway Commission, State of South Dakota, has applied for right of way across certain tribal lands of the Cheyenne River Reservation for relocating and rebuilding that part of U. S. Highway No. 212 between Dupree and Faith, South Dakota, and

WHEREAS, the improvement of this road will be a great benefit to the people of the Cheyenne River Reservation, now

THEREFORE, BE IT RESOLVED, that the Cheyenne River Sioux Tribal Council approves the grant of the desired right of way as shown on the map of definite location, upon payment of damages in accordance with the following schedule of lands and damages and authorizes the Chairman, with the attest of the Secretary, to sign all papers necessary to grant the desired right of way, and

BE IT FURTHER RESOLVED, that this Resolution replaces, cancels, and rescinds, Resolution No. 12-55 passed March 4, 1955, which was erroneously prepared at the cultivated land rate of $40.00 per acre instead of the grazing land rate of $25.00 per acre which is the rate authorized in the foregoing schedule.

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Total: $767.25

APPROVAL recommended
Land and Forestry Committee

This resolution passed by a vote of 14 for, 0 against, 1 absent and 0 not voting.
DATE: December 15, 1955

/s/ Alice Bowker
Secretary - Tribal Council

CERTIFICATION

I, Alice Bowker, the duly elected, qualified and acting secretary of the Cheyenne River Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Cheyenne River Sioux Tribal Council on December 15, 1955, Special session, by a vote of 14 for, 0 against, 1 absent and 0 not voting and said resolution has not been rescinded or amended in any way.

DATE: 11/15/55

/s/ Alice Bowker
Alice Bowker, Secretary - Tribal Council