

No. 0148-1

Office of State Engineer
DOCUMENT FILE

Name: Fran, Eli

County: Butte "174-7

Harding

Date: May 16, 1903

Filed: May 21, 1903

Location: Big Sandy Creek
1000

Pre-Emption of Right of Way and Location of Water.

To Whom These Presents May Concern, Know ye, that I, Eli Green

..... of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Big Lost Creek stream to the part of section 5 & 6 in township 21 N of Range 8 E B H Mer

of section in Township of Range more particularly described as follows: Commencing at

Aix dam located near a point viz one chain south and 5 chains East of the NW corner of the NE 1/4 SE 1/4 of Section 6 in Township 21 N Range 8 East B H Mer and a ditch from said stream to and upon SE 1/4 SE 1/4 Rec 6 and Q 1/2 NW 1/4 and SW 1/4 Rec 5 in said Township 21 N Range 8 E B H Mer

I also claim and have a valid right to the enjoyment and use of 1000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 16 day of May, A. D. 1903
Eli Green

Notice posted on stream May 16 1903

Ditch commenced at stream May 16 1903

State of South Dakota, } ss
County of Butte, }

On this 16 day of May, 1903, before me A U S Commissioner

In and for the County and State aforesaid, personally appeared Eli Green

to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.



John Thompson U.S. Comm
for State of S. D.

COPY.

PREF-EMPTION OF RIGHT OF WAY AND LOCATION OF WATER.

TO WHOM THESE PRESENTS MAY COME, Know ye, that I Eli Green of the County of Butte, in the State of South Dakota, a citizen of the United States, do hereby declare and publish as a legal notice to all the world, that I claim and have a valid right to the occupation, possession and enjoyment of all and singular, all that tract or parcel of land lying and being in the County of Butte, in the State of South Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from Big Nasty Creek stream to the part of section 5 and 6 in township 21 N. of Range 8 E. B.H.Ver more particularly described as follows: Commencing by a bar located near a point viz one chain south and 5 chains East of the NW corner of the SE1/4 SE1/4 of Section 6 in Township 21 N. Range 8 East E.H.Ver. and a ditch from said stream to and upon SE1/4 SE1/4 Sec. 6 and S1/2 SW1/4 and SW1/4 Sec. 5 in said Township 21 N. Range 8 E. B.H.V.

I also claim and have a valid right to the enjoyment and use of 1000 inches of water from said stream for irrigating purposes to be conveyed through such flume or water ditch to said tract of land, together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Witness my hand and seal this 16 day of May A.D. 1903.

Eli Green.

Notice posted on stream May 16, 1903.

Ditch commenced at stream May 16, 1903.

State of South Dakota { ss.
County of Butte

On this 16 day of May 1903, before me a U.S. Commissioner in and for the County and State aforesaid, personally appeared Eli Green to me personally known to be the person who executed the foregoing written instrument, and acknowledged that he executed the same for the uses and purposes therein set forth. Witness my hand and official seal, the day and date above written.

John Thompson, U.S. Com for Dist of So.D.

DATE MICROFILMED

located by

No. 0148-1

EUTPE COUNTY.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES.) ss

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done
at my office in Pierre, State of South Dakota

this 10 day of April 1908

Samuel H. Lee
State Engineer.

By M. O. B. Lea

Bohrer

...to said for ...

[illegible]

October 31, 1950

W. J. Green
Ralph, S. Dak.

Re: Water Right No. 0143-1
Big Nasty Creek
Harding County

Dear Mr. Green:

I have your letter of October 24 referring to your water right filed under the name of Eli Green dated 1903 for 1000 inches of water from Big Nasty Creek.

You state that you would like to renew the water right No. 17457 which is the number of the Register of Deeds statement dated August 11, 1906. I do not know just what you mean by renewing the water right. If the water has been used during the years since 1903 and has not been abandoned, the right is still in effect. If the water has not been used and the right has been abandoned, it cannot be renewed and only a new water right can be applied for in its place.

You also state that you would like to have a water right to pump water from a dam and water hole from the SW 1/4 Sec. 17-21-S. Is this location on a flowing stream or is it on a dry draw? It will make a difference in the type of application. If you will give us further information as to just what you want, we will be glad to send you the proper application forms and instructions.

Yours very truly,

DEAN W. LOUCKS
State Engineer

DELRN

Mr. Dean H. Lammie
State Engineer
Pierre, S. D.

Ralph S. S.

Oct 24 1950

OCT 26 1950

State Engineer
Pierre, S. D.

Dear Sir:

I would like to have a water right
to pump water from a dam and water hole
on the S.E. 4 of Sec 17 Twp 21 - Range 8, Harding
Co. S.D.

Would also like to renew the water right
No 17457 of which a part copy is enclosed

Sincerely,

J. H. Green
Ralph S. S.

ms. 0148-1

UNITED STATES DEPARTMENT OF AGRICULTURE
Production and Marketing Administration
Production and Marketing Administration
Field Service Branch

Buffalo, S. Dak.
19

Mr. Dean W. Loucks
State Engineer
Pierre, S. Dak.

Dear Sir:

Enclosed are _____ Location Notices for water rights on Dry Draws
which are to be filed in your office.

Yours very truly,

Thornton G. Ames

Thornton G. Ames, Chairman
Harding County F.M.A.



Department of Water & Natural Resources

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

January 7, 1985

NOTICE OF CANCELLATION

TO: Seven H Ranch, Inc.
RR #1, Box 74
Belle Fourche, SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Cancellation of Water Right Filing No. 0148-1 and Location
Notice Nos. 57-1, 58-1, 218-1, 219-1 and 220-1

The Water Management Board will consider cancellation of Water Right Filing No. 0148-2 and Location Notice Nos. 57-1, 58-1, 218-1, 219-1 and 220-1 at 9:00 am., March 6, 1985 Conference Room, Room 216, Foss Building, Pierre, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right Filing No. 0148-2 and Location Notice Nos. 57-1, 58-1, 218-1, 219-1 and 220-1, because the filing and the location notices have been abandoned or forfeited.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to cancel all or part of Water Right Filing No. 0148-2 and Location Notice Nos. 57-1, 58-1, 218-1, 219-1 and 220-1, after it reaches a conclusion based upon facts presented at the public hearing. Our records show you to be the owner of the property covered by Water Right Filing No. 0148-2 and Location Notice Nos. 57-1, 58-1, 218-1, 219-1 and 220-1. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 22, 1985. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may

subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5. These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These any other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

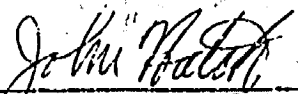
Any party wishing a copy of the Chief Engineer's recommendation, further information on the proposed cancellation or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting May 15-16, 1985. Any request for extension must be filed with the Chief Engineer by February 22, 1985.

SS04.WR

RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT FILING NO. 0148/ Eli Green

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right Filing NO. 0148-1, now owned by Seven H. Ranch, Inc.

The Chief Engineer is recommending cancellation of the above Water Right Filing because an inspection by LeRoy Mernaugh, October 25, 1984 found no operable system in the area. There are remnants of old ditches, but they have not been in operating condition for many years. The filing has been abandoned or forfeited.



JOHN HATCH, Chief Engineer

January 2, 1985

water rights division
(605) 773-3352

February 12, 1985

Seven H Ranch, Inc.
RR#1, Box 74
Belle Fourche, South Dakota 57717

Dear Sir:

Water Right Filing No. 0148-1 was originally scheduled for cancellation at the March 3, 1985 Water Management Board Meeting. Due to an error in our office, Water Right Filing No. 0148-1 should not have been noticed for cancellation, and is being withdrawn from consideration.

If you have any questions regarding this action, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:JM:ms

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WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1329-1
W. A. Green Route B, Box 42, Ludlow
(Applicant) (Post Office Address)
South Dakota 57755 With the following qualifications.
(State) (Zip Code)

See VR-1

The applicable portions of Water Right Filing No. 0148-1 were incorporated into Vested Right No. 1329-1 and the abandoned portions of Filing No. 0148-1 have been cancelled.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

APR 23 1985

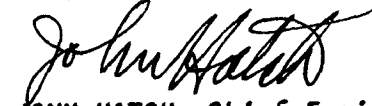
W. A. Green
Route B Box 42
Ludlow, South Dakota 57744

Dear Mr. Green:

Enclosed herewith are your Vested Right Permit, Water License No. 1329-1.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosures

The applicable portions of Water Right Filing No. 0148-1 were incorporated
into Vested Right No. 1329-1 and the abandoned portions of Filing No. 0148-1
have been cancelled.