

No. 0365-1

Office of State Engineer
DOCUMENT FILE

Name: Thomas, Wm.

County: Butte

Date: July 20, 1881

Location: Bell Fork
River

Location of Water.

Know all men by these presents, That S. Dorn
Thomas of Butte County, State of South Dakota,
have claimed, located and appropriated and
do hereby claim, locate and appropriate so much
of water of the Belle Fourche creek to be taken out
about one quarter of a mile west of the section line
between Section 17 & 18 Twp. 9, Range 1 E. B. H. M.
on the south side of said Belle Fourche for
Agricultural purposes.

Dated this 20th day of July A. D. 1891.

S. Dorn Thomas.

WITNESSES, J. B. TAYLOR, J. E.

Certified Copy

WM. THOMAS

No. 0365-1

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

Office of Registered Title

Filed for record 20 day of

July A. D. - 1891

at 2 o'clock P.M., and rec'd in

Book 7 on page 159

L. W. P. Sellers
Register of Deeds

By

Deputy.

SEAL OF THE REGISTER OF DEEDS

I hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the office of the Register of Deeds of the County of Butte, South Dakota, and that it is a true and correct copy of the original as the same appears in the records of the office of the Register of Deeds of the County of Butte, South Dakota.

Dated Oct. 15 - 1906

H. C. Frost
Register of Deeds

By Ada Miller
Deputy

P. G. C.

Location of Water.

Know all men by these presents: That I, Wm. Thomas of Butte County, State of South Dakota, have claimed, located and appropriated and do hereby claim, locate and appropriate 800 inches of water of the Belle Fourche Creek to be taken out about one quarter of a mile west of the Section line between section 17 & 18 Town. 9, Range 1 S.E.W.M. on the south side of said Belle Fourche for Agricultural purposes.

Dated this 20th day of July A. D. 1921.

Wm. Thomas.

ATTEST
COUNTY OF BUTTE
STATE OF SOUTH DAKOTA

COPY

No. 0365-1

Water Right.

Located by

Wm. Thomas.

July 20, 1891.

Butte County.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of an 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, given at my office in Pierre, State of South Dakota

this 24 day of November 1891.

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

COUNTY, SOUTH DAKOTA

TOWNSHIP No. 24

RANGE No. 1

(With surrounding tier of sections of adjacent townships)

From American Record Co. Sept. 24, 1961

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18 <i>Subdiv</i>	17	16 <i>5 1/4</i>	15	14	13	18
24	19 <i>Subdiv</i>	20 <i>Subdiv</i>	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

From Public Land Survey, The Survey of 1888

August 16, 1950

0365-1

Louis W. Budmayr
Belle Fourche, S. Dak.

Re: Water Permit
Belle Fourche River

Dear Mr. Budmayr:

This is in reply to your letter of August 6. The only water right that we have of record in the location described in your letter is No. 0355-1, Sec. 17 & 18, T 9N, R 1E, filed under the name of Wm. Thomas. This document is entitled "Location of Water" and claims 800 inches of water of the Belle Fourche River to be taken out about one quarter of a mile west of the Section line between Sec. 17 & 18, T 9, R 1E on the south side of said Belle Fourche river for agricultural purposes. It is dated July 20, 1891 and is filed for record in Book 7, page 159 Register of Deeds Office in Butte County.

Relative to your second question, a project on which a sprinkler irrigation system is used is no different than any other system as far as a water application is concerned and, of course, the map should show the sprinkler system in place of the ditch system.

Relative to the next question, any land owner is not prohibited from pumping percolating water for beneficial use when pumped on his own land. However, this does not apply if the actual source of the water is from a flowing stream or basin known to exist either above or below the ground surface.

Relative to your last inquiry, since you are above and in the area of the Belle Fourche Irrigation District, it would be my off-hand opinion without further study that your chances of getting a water right in that area would be remote.

Yours very truly,

DEAN W. LOVENS
State Engineer

Belle Fourche, S. Dak.
August 6 - 1950

RECEIVED

AUG 12 1950

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Dear Mr. Loucks.

Would you please advise me if a water right on the Belle Fourche River has ever been filed on the following described land. I was advised by the Bureau of Reclamation in Denver that I might check with you.

Lots 1, 2, E 1/2 NW 1/4	Sec 7,	Twp 9,	Rng 1
Lots 3, 4, E 1/2 SW 1/4	" 7	" 9	" 1
Lots 1, 2, E 1/2 NW 1/4	" 18	" 9	" 1

If a person were to put in the sprinkler system of irrigation rather than the ditch irrigation would he have to follow the same instructions as for ditch irrigation; that is land surveyed, maps drawn etc, in obtaining a water right on the river.

One more question Mr. Loucks, is there any law in the State of South

State of South Dakota

RE-ISSUANCE OF VESTED RIGHT Water License No. 1258-1

(1) Frank J. and Marilyn Dobesh

of Route #1, Box 34, Alzada Route, Belle Fourche, South Dakota 57717

was issued Vested

made Application No. Right Water License No. 1258-1, August 18, 1982 for a water permit to appropriate

8.17 cubic feet per second of water from the Belle Fourche River,

Butte County, South Dakota for Irrigation purposes.

Vested Right

Permit No. 1258-1, with a priority date of 4.9 cfs from July 20, 1891 and 3.27 cfs from January 1, 1920

recognized July 28, 1982 and issued to applicant(s) for diversion of water recognizing construction of the described

water supply system to be completed on or before and for the application to beneficial use of said

water on or before.

Vested Right Water License No. 1258-1 is being re-issued to incorporate Water Right Filing No. 0365-1. Water Right Filing No. 0365-1, bearing a priority date of July 20, 1891, and filed by William Thomas, is the filing used for documenting the claim for Vested Right No. 1258-1. The applicable portions of Water Right Filing No. 0365-1 has been incorporated into this Vested Right Water License No. 1258-1 and the abandoned portions of Filing No. 0365-1 have been cancelled.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 8.17 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is are between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 18 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T9N, R1E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, see attached sheet

(4) Pursuant to §46-5-30.1 Frank J. and Marilyn Dobesh
of RR#1, Box 34, Alzada Route, Belle Fourche, South Dakota 57717
the holder(s) and/or owner(s) of Vested Right Water Permit No. 1258-1 is issued a license to appropriate water, the right to use 8.17 cubic feet per second of water from the Belle Fourche River with a priority date of 4.9 cfs from July 20, 1891 and 3.27 cfs /from January 1, 1920 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Vested Right Water Permit No. 1258-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

DEC 20 1985