

No. ⁰⁶¹⁻¹
~~7264-1~~

Office of State Engineer
DOCUMENT FILE

Name of Applicant
Gulf of Bix
Guillermo M. Bix
Date of Priority
August 12, 1901
County - Harding
Bath # 13026
Accorded Notice # 17264-1

Filed: Aug. 17, 1901

Location: Forty-eight mile
Creek

1000 in.

17264 Amended Location Certificate of Water Right
Know all men by these presents that we the
undersigned citizens of the United States claim
One Thousand inches Minors, Measurement
of the waters of Forty eight mile Creek in Butte
County ^{STATE OF SOUTH DAKOTA} for agricultural domestic
irrigating and other useful purposes, said
waters are diverted from the west side or bank
of said Forty eight mile Creek at a point about
eighty rods east of the center of section thirty
two in Township seventeen North Range one
east of the Black Hills Meridian in said
Butte County, South Dakota, said waters
was located. And appropriated August 6th
1901 and this amended location certificate
is filed to make more perfect and to correct
any errors in the description contained in
the ~~description~~ certificate of location filed
for record in the Office of the Register of
Deeds in and for ^{said} Butte County on
August Seventeenth 1901.
April 10th 1903.

Oluf J. Bye

Gustild M Bye

OWNERS SIGNATURE



RECORDED
INDEXED
APR 11 1903
FILED
13
Geo B. Ross
REGISTER OF DEEDS

17264

Aug 13
H E Street
St Paul Minn

17264 Amended Location Certificate of Water Right.

Know all men by these presents that we the undersigned citizens of the United States claim One thousand inches Minors, measurement of the waters of fortyeight mile creek in Butte County State of South Dakota, for agricultural domestic irrigating and other useful purposes, said waters are diverted from the west side or bank of said forty eight mile creek at a point about eighty rods east of the center of section thirty two in township seventeen north range one east of the Black Hills Meridian in said Butte County, South Dakota, said waters was located and appropriated August 6th, 1901 and this amended location certificate is filed to make more perfect and to correct any errors in the description contained in the certificate of location filed for record in the office of the Register of Deeds in and for said Butte county on August seventeenth 1901.

April 10, 1905

Oluf J. Bye

Buntild M Bye

STATE OF SOUTH DAKOTA

COUNTY OF BUTTE

I, the undersigned, being a duly qualified and authorized officer of the State of South Dakota, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of the State of South Dakota.

34

Notary

like in children with words and to take and signed after mentioned class
accompanying has noticed and every day, which I have, various other
class of South at conference mentioned before and 1901, etc. though
at mentioned mentioned and at above and located at same location and
noted and to said and at above, for better mentioned to mentioned of
their mentioned though no other, and have not but at above to
and at above

and at above
and at above

17²⁶

COPY

Water Right No. 6661
Located by
Aluf J. Bye
Guntild M. Bye
April 10th 1903.
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 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 21 day of November, 1903

Samuel H. Lea
State Engineer.

B. B. Lea
48 7/16 1/2
1/16 1/2
Deputy.

Location of Water.

Know all men by these presents:

That we, the undersigned, citizens of the United States, do claim One Thousand inches, miner's measurement, of the waters of the Forty eight Mile Creek, in Butte County, State of South Dakota, for agricultural, domestic, irrigation and other useful purposes.

Said waters are diverted from the west side or bank of said Forty eight Mile Creek, at a point about eighty rods east of the center of Section thirty two, in Township Seventeen North, Range One East of the Black Hills Meridian in said Butte County, South Dakota.

Said water was located and appropriated August 6th 1901, and this amended location certificate is filed to make more perfect, and to correct any errors in the description contained in the certificate of location filed for record in the office of the Register of Deeds, in and for said Butte County, on August Seventeenth 1901.

April 10, 1903.

Oluf J. Bye.

Guntild M. Bye.

CHURCHILL M. BYE

CHURCHILL M. BYE

APRIL 10, 1903

STATE OF SOUTH DAKOTA

COUNTY OF BUTTE

Water Right

Located by

Oluf J. Bye

Guntild M. Bye.

April 10, 1903.

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 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 21 day of November 1903.

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

Location of Water.

Know all men by these presents:

That we, the undersigned, citizens of the United States, claim One ~~XXXXXX~~ Thousand inches, miner's measurement, of the waters of the Forty eight Mile Creek, in Butte County, State of South Dakota, for agricultural, domestic, irrigating and other useful purposes.

Said waters are diverted from the west side or bank of said Forty eight Mile Creek, at a point about eighty rods east of the center of Section thirtytwo, in Township Seventeen North, Range One, East of the Black Hills Meridian in said Butte County, South Dakota.

Said water was located and appropriated August 6th 1901, and this amended location certificate is filed to make more perfect, and to correct any errors in the description contained in the certificate of location filed for record in the office of the Register of Deeds, in and for said Butte County, on August Seventeenth 1901.

April 10, 1903.

Oluf J. E.

Guntild M. Eyc.

to Child's

OLUF J. BYE
GUNTILD M. BYE

No. 1001

County of Butte

Filed for record *16*
April 3
at *L. B. Rose*
Book *13* Page *77*

L. B. Rose
Register of Deeds

By _____
Depy.

ST. _____

17264

Dec. 4
E. E. Frost
Adm. Miller

48 Mile Cr

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

To Whom These Presents May Concern, Know ye, that *we* *Cliff J. Bye and Greenfield M. Bye*
Custer Montana
..... of the County of ~~Butte~~ *Butte* in the State of ~~South Dakota~~ *Montana*, 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 enjoy-
ment 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 ~~dam or~~ *dam and* water ditch from ~~forty-eight mile~~ *forty-eight mile* stream to the
is situated

of Section in Township *17 N.* of Range *1 E. B. 1/4* to the *SE 1/4 of section 3*
more particularly described as follows: Commencing at
NE 4 and NE 9, SE 4 of section 10 and lots 2-3 of 280 H. A. M. township
5 South of Range 62 East of the Montana principal Meridian
in the county of Custer State of Montana, and the point of diversion
of this appropriation is as follows hereafter more particularly
described to wit: Commencing corner to section 10, 11, 14, 15 in said
township 5 South of range 62 East of the MPM fence running East 180° S
18 chains 22 links to a stone monument marked M. on one side and on
other side with the pits dug into the ground being East 87° 05' a distance of
90 chains and 42 links at which place a notice of this appropriation is posted
on the west bank of said stream forty-eight mile said point is at or near the point of diversion of said
we 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 *12* day of *August*..... A. D. 190*1*
Cliff J. Bye
Greenfield M. Bye
Notice posted on stream..... *Aug 6*..... 190*1*
Ditch commenced at stream..... 190*1*..

State of South Dakota, }
County of Butte, }

On this *12* day of *August*..... 190*1*, before me, *a Notary Public*.....

In and for the County and State aforesaid, personally appeared, *(Cliff J. Bye and Greenfield M. Bye)*
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.



Notary Public

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

To Whom These Presents May Concern, Know ye, that We Oluf J. BYE and Grenheld Byo, of the County of Custer in the State of Montana, 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 dam and ditch from forty eight mile creek, said stream is situated in Township 17 N R 1 E.B.H.M to the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 3 NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 10 and lots 2-3- of sec 11 all in Township 5 south of Range 62 East of the Montana Principal Meridian, in the County of Custer, State of Montana, and the point of diversion of this appropriation is as follows hereafter more particularly described to-wit: Commencing common to section 10, 11, 14 15 in said Township 5 south of Range 62 East of the M P M thence running east 15° S 18 chains 22 links to a stone monument marked M on one side and D on other side with the pits dug dug in the ground thence east 57° S a distance of 92 chains and 42 links at which place a notice of the appropriation is posted on the west bank of said stream forty eight mile, said point is at or near the point of diversion of the appropriation of water.

We 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 thereto belonging or in anywise appertaining.

Witness my hand and seal this 12 day of August A. D. 1901.

Oluf Bye
Grenheld M Byo.

Notice posted on stream Aug. 6, 1901.

Ditch commenced at stream ----- 190

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

On this 12 day of August 1901, before me a notary Public, in and for the County and State aforesaid, personally appeared Oluf J^o Bye and Grenheld Byo, to me personally known to be the person who executed the foregoing written instrument and acknowledged that he executed the same for uses and purposes therein set forth. Witness my hand and official seal the day and date above written.

(Seal)

T. C. Pryor, Notary Public.

13022

COPY

Water Right

Located by

Oluf Bye and
Genheld M. Bye.

August 12, 1901.

48 Mile Creek.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

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.

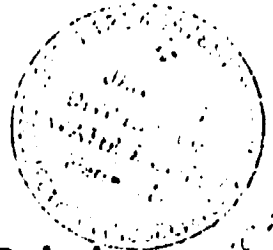
Witness my hand and official seal, done
at my office in Pierre, State of South Dakota

this 24 day of February 1909

Samuel H. Lee
State Engineer.

By B. B. Lee
Deputy.

No. 1267-1
 Map No. 1274-1 Water Division No. 1 Little Missouri R. District
 Above for Office Use 10110201



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right X Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Rex or Alfreda Davis Phone No. 797-4443
 Post Office Address Camp Crook Rt. Box 26, Baile Fourche State SD 57717
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____ completed
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Davis Dam
4. Amount of water claimed (cubic feet per second) 7.33
5. Source of water supply Forty Eight Mile Creek & tributaries
6. Location of point of diversion 750'N and 100'E of the SW corner of Section 33, T17N, R1E
Section 33, T17N, R1E

- County Harding
7. Annual period or periods during which water is to be used March to November
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation - W.S.
9. For irrigation use, Total number of acres to be irrigated 120 ac in SD
293 ac in MT

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
see attached sheet	

Land Description	No. Acres Irr.
total acres irrigated in	
both states	513

Attach sheet if more space is needed

10. Time required to complete construction of water supply system COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Nation (Feb - 1983)
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

storage dam - 36" CMP outlet - head gate

B. Works proposed to transport water to place of use.

canals & ditches

C. Works proposed to apply water to beneficial use.

flooding - with spreader dikes & ditches

NOTE: Applicable portions of
 Permit No. 0101-1-6-061-1
 will be incorporated into this
 permit. Permits No. 0101-1-6-
 061-1 will be cancelled.

Estimated Total Cost \$ 711,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Harding) ss.

I, Rex or Alfreda Davis, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Rex or Alfreda DavisSubscribed and sworn to before me this 4 day of Jan., 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1267-1

Rex or Alfredda Davis

Camp Crook Route, Box 26, Belle Fourche

(Applicant)

(Post Office Address)

South Dakota

57717

(State)

With the following qualifications

"Vested Right" Claimed

Recognition of Application No. 1267-1 as a Vested Right Incorporates the applicable portions of Water Right Filings No. 0101-1 and 061-1 into No. 1267-1 and cancels the abandoned portions of Water Right Filings No. 0101-1 and 061-1

Date of first receipt of application January 6, 1983

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

Date of receipt of corrected application , 19

Approved February 24, 1983, Recorded in Book Page

WATER RIGHT PERMIT NO. 1267-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1267-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 8, 1901
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ , 19
3. The whole of said work is ~~to be~~ completed ~~on or before~~ , 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is completed, 19
5. The water appropriated shall be used for the purpose of Irrigation

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 injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 7.33 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, and if 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 This Date, 19 ; said water to be used during the following described

annual period: March 1st to November 1st

Witness my hand this 26th day of April, 1983

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued April 26, 1983