

1. Considered MAY 20, 1976 1091-1
2. Name of Applicant GEORGE E. LOIS LEACH
3. Post Office Address FRUITDALE
4. Amount of water claimed 2.66
5. Source of water supply MALONEY CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 186.1
7. Water to be diverted and used in BUTTE county
about 2E.2S miles of FRUITDALE
8. Proof of Publication Received 4-30-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1091-1Map No. 903-1 Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. B. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant George F. and Lois D. Leach
Postoffice address Fruitdale State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor
3. Name of diversion work Leach Dairy Diversion Project
4. Amount of water claimed (cubic feet per second) 2.66 CFS
5. Source of water supply Malonsy Creek
6. Location of point of diversion N 86 10' E from the S.W. Section Corner of Section 17,
T8N R4E a distance of 1012.6 feet.
- County Butte
7. Annual period or periods during which water is to be used June 1st, thru October 1st
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use. Total number of acres to be irrigated 186.1

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.	Land Description	No. Acres Irr.
NW 1/4 Sec. 17 T8N R4E	35.4	NW 1/4 Sec. 20 T8N R4E	40.0
NE 1/4 Sec. 17 T8N R4E	9.5	NE 1/4 Sec. 20 T8N R4E	40.0
SW 1/4 Sec. 17 T8N R4E	36.7	SW 1/4 Sec. 20 T8N R4E	5.5
SE 1/4 Sec. 17 T8N R4E	12.3	SE 1/4 Sec. 20 T8N R4E	6.7

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Three years. Additional time required to complete application of water to the proposed beneficial use Two years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Belle Fourche Daily Post
12. Principal Features of the Proposed Water Supply System.

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

Construct dike across creek channel and dig hole for pumping station.

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

Water to be pumped from diversion point to irrigable areas. Construct some minor ditches and use portable pipe.

C. Works proposed to apply water to beneficial use.

Some land leveling, clearing, and waste water collector ditches.Estimated Total Cost \$ 25,000.00Attachments: Attach Form 2A if done in a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions on back of form.)

STATE OF SOUTH DAKOTA

County of ButteI, George F. Leach 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.

Subscribed and sworn to before me this

Signed

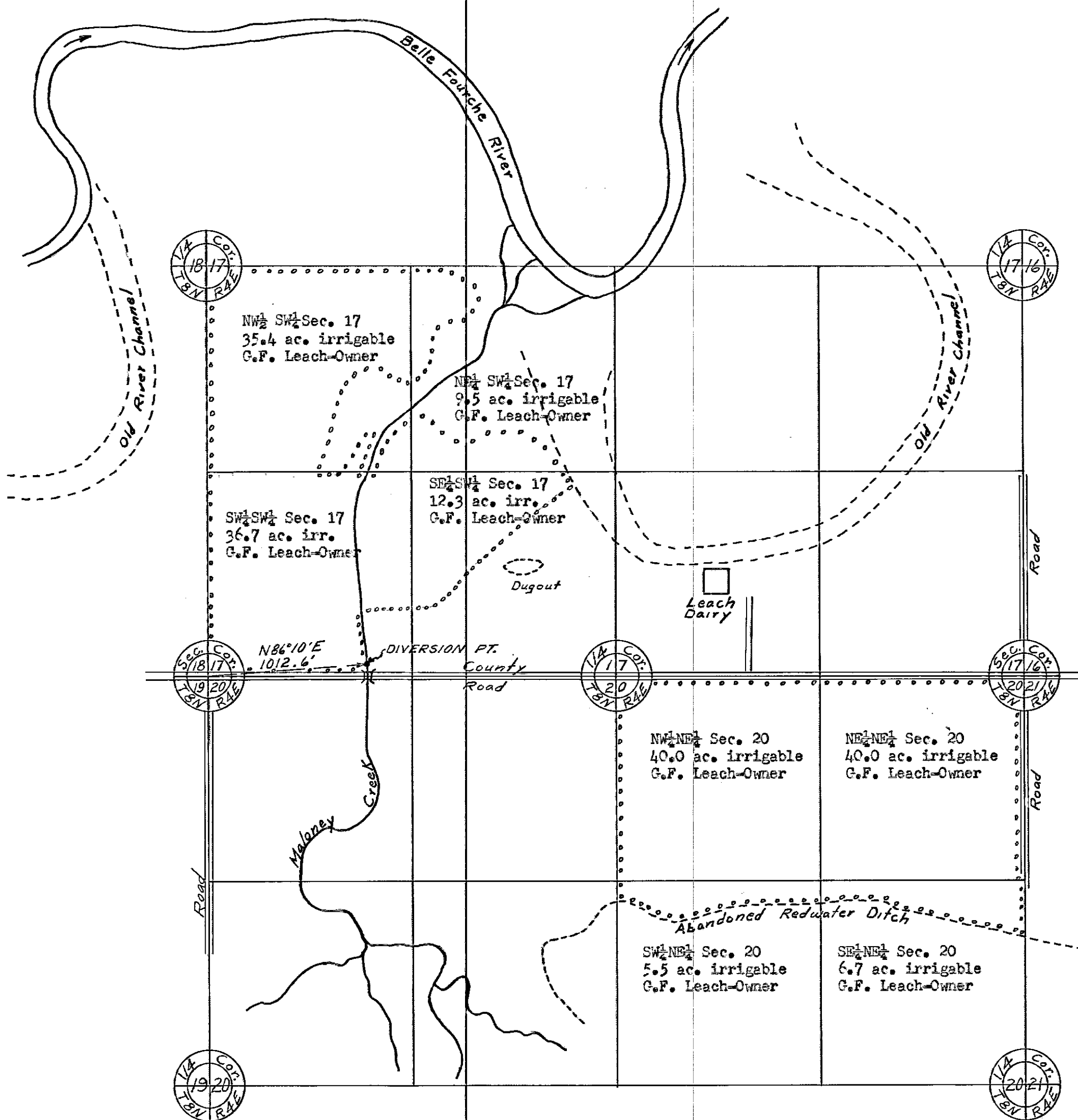
George F. Leachday of March 1976

Notary Public (or other qualified officer)

10-24-83

MAP OF
The Leach Dairy Diversion Project located in Sections 17 & 20, T8N R4E, B.H.M.
all in Butte County, South Dakota and covering lands owned by George F. Leach
of Fruitdale, South Dakota.

SCALE: 1 inch = 660 feet



SURVEYOR'S CERTIFICATE

I, Earl T. McArthur, Jr., a Registered Professional Engineer and Land Surveyor in the State of South Dakota, do hereby certify that at the request of George F. Leach, Fruitdale, South Dakota, I have prepared this map of the areas depicted hereon for the purpose of furnishing the same with his "Application For Permit To Appropriate Water within the State of South Dakota". I further certify that the bearings and distances shown from the Government Land Survey Corners to the points of diversion are correct to the best of my knowledge and belief. In witness thereof, I have set my hand and seal this 26th day of February, 1976.

Earl T. McArthur, Jr.

Earl T. McArthur, Jr.
Registered Professional Engineer and Land
Surveyor # 2165

(SEAL)

Subscribed and sworn to before me this 26th day of February, 1976.

Mary E. Beeching
Notary Public, My commission expires 10/24/83

(SEAL)

MAP N-903-1 (APPL. NO. 1091-1)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1091-1
GEORGE F. & Lois D. LEACH FRUITDALE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57742 With the following modifications:
 (State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

Date of first receipt of application MARCH 15, 19 76
 Date of return to applicant for correction, amendments or changes required ---, 19 ---
 Date of receipt of corrected application ---, 19 ---
 Approved MAY 20, 19 76, Recorded in Book 15 Page 66

WATER RIGHT PERMIT NO. 1091-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1091-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 15, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 19 77
3. The whole of said work is to be completed on or before MAY 20, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 19 81
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 2.66 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 the irrigation purposes said appropriation must be limited to not more than 3 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 MAY 20, 19 81; said water to be used during the following described annual period: JUNE 1 THRU OCTOBER 1

Witness my hand this 21ST day of MAY, 19 76

WATER RIGHTS COMMISSION

By:

John H. Hatcher
 Chief Engineer, Executive Officer

Certificate of Construction Issued ---, 19 ---

Water License Issued ---, 19 ---

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1091-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Laurence Weyler hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Belle Fourche Post

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____
city _____ of Belle Fourche

County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 15, 1976

April 22, 1976

Laurence Weyler
(Signature)

Publisher

(Title)

April 26, 1976

(Date Signed)

Public Notice

No. 1091-1

NOTICE

**INTENT TO APPROPRIATE
WATER**

Pierre, South Dakota 57501
April 9, 1976

Notice is hereby given that
George F. and Lois D. Leach
whose post office address is
Fruitdale, South Dakota, has
made an application in accordance
with the provisions of the
water laws of South Dakota for
a permit to appropriate for
beneficial use 2.66 cubic feet
of water per second of time from
Maloney Creek through the
Leach Dairy Diversion Project,
the point of diversion of which
is to be located in the SW¼
SW¼ of Section 17, Twp. 8N,
Range 4E. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land: SW¼,
Section 17, NE¼, Section 20,
T8N, R4E.

This application No. 1091-1
will be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1:00 P.M.
All interested persons may
appear and be heard.

**WATER RESOURCES
COMMISSION**
Burton F. Jones,
Water Rights
Specialist

31 regular 7 held 4/13-22



Form 6 - Notice of Intent to Appropriate Water

1091-1

Publish first publication, on or before May 6, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 1976

George F. and Lois D. Leach

Notice is hereby given that

whose post office address is Fruitdale, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.00

cubic feet of water per second at time from the Maloney Creek through the Leach Dairy Diversion Project, the point of diversion of which is to be located in the

SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 17, Twp. 8N, Range 4E. Said water to be used for the purpose

of providing irrigation on the following described land:

SW $\frac{1}{4}$, Section 17, NE $\frac{1}{4}$, Section 20, T8N, R4E

1091-1

This application No. 1091-1 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

George F. Leach, Fruitdale, S.D. 57742

Permit No. 1091-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by George F. Lois D. Leach of Fruitdale, South Dakota 57742 holder of Permit No. 1091-1, bearing date of priority of March 15, 1976 authorizing the diversion of 2.66 cu. ft. per second of the waters of Maloney Creek for Irrigation purposes, in Butte County. I report on the condition of the same as follows.

The Water Use System consists of,

A. Works used to divert the water:

Motor - Lincoln Elec. 40 H.P., 1765 RPM, ser# 1332744
pump - Gorman-Rupp, Model 86B2-B, ser# 640169
pumps 800 GPM.

B. Works used to transport water to place of use,

9" Aluminum Mains and Gated
sufficient to reach all areas

C. Works used to apply water to beneficial use

Gated Pipe for Flood Irrigation

The system is in the following condition. Good

The point of diversion is located N 86° 10' E from SW Cor. Sec. 17,
T 8 N R 4 E a distance of 1012.6 ft.

The works are capable of diverting and conveying to the place of use 1.78
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: Sec 20, T 8 N R 4 E

<u>Sec. 17, T 8 N R 4 E</u>		<u>NW 1/4 NE 1/4 - 40 Ac.</u>
<u>NW 1/4 SW 1/4 - 36 Ac.</u>	<u>SE 1/4 SW 1/4 - 16 Ac.</u>	<u>NE 1/4 NE 1/4 - 40 Ac.</u>
<u>NE 1/4 SW 1/4 - 26 Ac.</u>		<u>SW 1/4 NE 1/4 - 5.5 Ac.</u>
<u>SW 1/4 SW 1/4 - 38 Ac.</u>		<u>SE 1/4 NE 1/4 - 6.7 Ac.</u>

comprising a total of 208.2 acres of land.

License for 1.78 cfs

Note. This permit incorporates
Applicable Portions of Permit

392-1

Date July 23, 1978
LeRoy J. Moring
(Signature)

No. 1091-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

January 5, 1982

George F. & Lois D. Leach
Fruitdale, South Dakota 57742

Dear Mr. & Mrs. Leach:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. 1091-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

WNR-814-7/79

Notification of Water License Ready for Issuing (\$50.00)

1091-1

WATER RIGHTS DIVISION (605) 773-3352

May 5, 1982

George F. & Lois D. Leach
Fruitdale, South Dakota 57742

SECOND NOTICE
1091-1

Dear Mr. & Mrs. Leach:

On January 5, 1982 you were notified concerning the final inspection fee of \$50.00 which is due before Water License No. 1091-1 and Certificate of Completion of Works can be issued. As of this date, the fee has not been received.

State Statutes requires a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your water permit.

Please advise if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

MS

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8845

PIERRE, May 28, 1917

RECEIVED OF Leach Dairy, George F. Leach, 595 Stanley, Belle Fourche, SD 57717

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No. 1201-1		
Fee for inspecting Beneficial Use, and issuing Water License No. 1201-1	50	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By Chief Engineer, Executive Officer

No. 1091-1



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

August 3, 1982

George Leach
505 Stanley
Belle Fourche SD 57717

Dear Mr. Leach:

Enclosed herewith are, Water License No. 1091-1 and Certificate of Construction.

Water License No. 1091-1 is the final water right document completing your process of obtaining a 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:es

enclosures

NOTE: The applicable portions of Permit No. 792-1 have been incorporated into this water license.

WNK-817-7/79
Transmittal of Water License

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1091-1

(1) WHEREAS, On the 15th day of March A. D. 19 76
George F and Lois D Leach

made Water Right Application No. 1091-1 for a permit to use 2.66 cubic feet per second of the waters of Maloney Creek

County of Butte State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of May A. D. 19 76
 Permit No. 1091-1 with a date of priority of March 15, 1976*

was issued to said applicant 5 for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of May A. D. 19 79 and for the application to beneficial use of said water on or before the 20th day of May A. D. 19 81

* Whereas, on the 23rd day of July, 1981 the applicable portions of Permit No. 392-1 have been incorporated into this Water License with priority dates of 0.85 cfs from 1950 and 0.93 cfs from May 21, 1959. A vested right is claimed on the 1950 priority date,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in T8N, R4E

Section 17	NW 1/4 SW 1/4	36 acres (CB)
	NE 1/4 SW 1/4	26 " (CA)
	SW 1/4 SW 1/4	38 " (CC)
	SE 1/4 SW 1/4	16 " (CD)
Section 20	NW 1/4 NE 1/4	40 " (AB)
	NE 1/4 NE 1/4	40 " (AA)
	SW 1/4 NE 1/4	5.5 " (AC)
	SE 1/4 NE 1/4	6.7 " (AD)
TOTAL 208.2 acres		

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to George and Lela D. Leach

of Frutidale, South Dakota

the holder 6 and owner 6 of said permit No. 1091-1 a water right, dating from 1950 and May 21, 1959

to use of 1.78 cubic feet per second of the waters

of Maloney Creek

in the County of Butte and State of South Dakota, or so much thereof as may be necessary, for the

purposes hereinbelow mentioned, to be diverted N 86° 10' from SW corner Section 17, T8N,

R4E, a distance of 1012.6 feet (CC)

and conducted to and upon portions of Sections 17 and 20, T8N, R4E, more fully

described on the face of this license

for the purpose of Irrigation

Portions of this Water License No. 1091-1 are based on a Vested Right Claim recorded and filed by the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1091-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 3th day of August A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 1091-1

Water Diversion No. I Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That George F & Lois D Leach

_____ the holder _____ of
Permit No. 1091-1, issued upon Application No. 1091-1, bearing date of priority of 1950 and
May 21, 1959* authorizing the diversion of 2.66 cu. ft. per second of the waters of
Maloney Creek County of Butte, State of South Dakota at
N 86° 10'E from SW corner Section 17, T8N, R4E, a distance of 1012.6 feet
(CC)
_____ for irrigation

purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.78 cu. ft. per second of water.

Date May 28, 1982

* NOTE: The applicable portions
of Permit No. 392-1 have been
incorporated into this water
license.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

**South Dakota Department of
Water & Natural Resources**

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

March 23, 1987

GEORGE R LEACH

~~RR #1 BOX 48~~

BELLE FOURCHE, SD 57717

2117 - 7th Ave

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1091-1 1182-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1091-1, 1182-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

Over -



Henry Leach
 892-2123

Dear Sir,

The reason my report hasn't been sent
is for one reason I don't think I received it.

Another reason is that I don't own the land, the water right is on the land is now owned - by FINA.

Wm. L. L.





Department of Water & Natural Resources

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

April 24, 1987

1182-1
1091-1

George Leach
RR #1 Box 48
Belle Fourche, SD 57717

Dear Mr. Leach:

This will acknowledge receipt of the 1986 Irrigation Questionnaires for Water Permit Nos. 1182-1 and 1091-1 listed in your name. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of these permits and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: Mr. Leach, the irrigation questionnaire information was obtained from the Farmers Home Administration in Belle Fourche.

NO. 1091-1

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

208.2 acres -SW $\frac{1}{4}$ Section 17, T8N-R4E and NE $\frac{1}{4}$ Section 20, T8N-R4E.

formerly owned by George & Lois Leach

has been transferred to Richard Reder, HCR 76, Box 198, Nisland, SD 57762
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1091-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

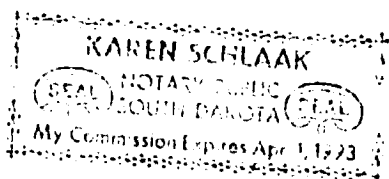
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, _____ being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Richard H. Reder
(Signed)

Subscribed and sworn to before me this 5th Day of August, 1987.



Karen Schlaak
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410957

Pierre, August 5, 1987

RECEIVED OF Richard Esder, HCR 76, Box 198, Hisland, SD 57762

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 1031-1 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ES)

**South Dakota Department of
Water & Natural Resources**

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

August 6, 1987

Richard Reder
HCR 76 Box 198
Nisland, SD 57762

Dear Mr. Reder:

The transfers of Water Right No. 1091-1 and Water Permit No. 1182-1 have been completed and are now listed in your name. Enclosed are Receipt Nos. 410956 and 410957 in the amount of \$2.50 each for the fees you paid for the transfers. Also enclosed are copies of the completed transfer forms.

When you stopped in the office to file the transfers, I indicated to you that Water Right No. 1091-1 had been inspected and licensed and that Water Permit No. 1182-1 had not yet been inspected for licensing purposes. An inspection of a water use system is conducted after the construction date on the permit has passed. A Water License is then issued for what was actually developed under the permit.

After you had left, I reviewed the permit file for No. 1182-1 and found that an inspection of the water use system had been conducted in July, 1985. A water license was never issued due to lack of a \$50.00 inspection fee from Mr. Leach. Mr. Leach was notified on November 25, 1985, February 25, 1986 and September 2, 1986 of the requirement to submit a \$50.00 fee before the license could be issued. The notice sent to Mr. Leach dated September 2, 1986 ordered him to stop diverting water until the license fee had been paid. No response was received from Mr. Leach.

The water license can be issued for Water Permit No. 1182-1 upon receipt of the \$50.00 fee. Please remit this amount as soon as possible. If you have any questions, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by George F. Leach(X-owner)
Richard Reder-present owner of HCR 76, Box 198, Nisland, SD 57762 holder of
 Permit No. 1091-1, bearing the priority of 1950 and May 21 1959 authorizing
 the diversion of 1.78 cu. ft. per second of the waters of Maloney Creek
 for irrigation purposes, in Butte County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

A pump: Rainmaster, 900 gallons per minute capacity.

A motor: Case IH Tractor, 90 horse power.

B. Works used to transport water to place of use:

5300 feet of 8 and 9 inch Aluminum pipes.

C. Works used to apply water to beneficial use:

Gravity system of irrigation.

The system is in the following condition good

The point of diversion is located approximately 150 feet north, 1030 feet east from the Southwest corner of Section 17, 18N-R4E (SW $\frac{1}{4}$ SW $\frac{1}{4}$)

The works are capable of diverting and conveying to the place of use 2.0
cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: All in T8N-R4E

Section 17		Section 20	
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 ac.	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 ac.	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.8 ac.	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 ac.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.2 ac.		NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ac.	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.0 ac.		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 ac.	

comprising a total of 166.0 acres of land and the license should be issued for 1.78 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 3/1/83

*0.85 cfs with priority date of 1950
0.93 cfs with a priority date of May 21, 1959.

(signature)

LICENSE FOR PERMIT NUMBER 1091-1

1. Legal location of wells: NA

~~dam~~ structures: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T8N-R4E

2. Well Information: Well Drilling Firm NA

Completion Report Yes No No. of Wells Depth

Casing a) diameter Screen a) type

b) length b) length

c) type Static Water Level

Pump a) make Rainmaster Motor a) make Case IH 930

b) model JT-6-D-P b) model No. No tag

c) size 10 inches c) horsepower rating 90

d) capacity 900 gpm

e) turbine pump - no. of stages

f) operating PSI

3. Distribution lines or canals

a) size 8 and 9 inches

b) type Aluminum

c) length 5300 feet

4. Dam Information:

a) height to crest m) Outlet tubes:

b) height to primary spillway 1) diameter

c) height to secondary spillway 2) type

d) crest width 3) valved (Y/N)

e) crest length 4) valve type

f) spillway length 5) location on structure

g) spillway width

h) approx. storage n) Category of Dam

i) approx. storage to crest

j) date constructed

k) inspection sheet completed (Y/N)

l) Name of Contractor

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	NA___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	___	2. Special qualifications to permit being abided by?
<u>X</u>	___	3. All structures, wells and lands on map?
<u>X</u>	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	<u>X</u>	5. Is chemigation used?
___	NA___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

1091-1

SD 6 LOIS LEACH
SDS LEACH
PNUITDALE
SD 57742

BU/BR

This is the Water Management Board data
sheet for recording 1983 SURFACE WATER
source irrigation estimates.

November, 1983

For Dept. Use Only

S

Please fill out and return at once.

No. acres actually irrigated with surface water 130

If you did not irrigate during 1983 check this box ☐

If your system has not been constructed check this box ☐

Type of Power	No. acres irrigated
1. Electric	
2. Gravity	
3. Castling	
4. Nat. Gas pipeline	
5. Diesel <u>130</u>	
6. Propane	
7. Other	

Type of System	
1. Hand moved sprinklers	
2. Portable booms	
3. Center pivots (if any)	
4. Gated pipes	
5. Sideshows	
6. Lowlines	
7. Gun type	
8. Hydromatic	
9. Siphons	
10. Flood	<u>X</u>
11. Other	

Order or address change, if any:

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water		Water Used
				Crop	Acres	
April						
May						
June	6	12	800	Wheat	65	1061
July						
August	12	24	800	Wheat	65	4242
Sept.						
Oct.						
Other Month						

COMMENTS:

Water Management Board
Water Rights Div.
Joe Foss Building
Sioux Falls, SD 57105

1091-1

GEO & LOIS LEACH
FRUITDALE
SD - 57742

BU/BF

Stanley
SOS
Pelle Fournelle

S

This is the Water Management Board data
sheet for recording 1982 SURFACE WATER
source irrigation estimates.

Please fill in and return at once.

No. acres actually irrigated with surface water

If you did not irrigate during 1982 check this box ☐

If your system has not been constructed check this box ☐

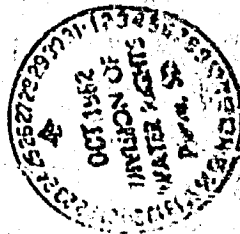
Type of	No. acres irrigated
1. Electric	80
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	
6. Propeller	
7. Other	

Type of	No. of
1. Hand moved sprinklers	
2. Portable booms	
3. Center pivots (# of)	
4. Gated pipes	X
5. Sidelines	
6. Towlines	
7. Gun type	
8. Hydromatic	
9. Siphons	
10. Flood	
11. Other	

Owner or address change, if any:

Month	Days pumped	Average hours per day	Average pump rate (gpm)	Acres of Crop	Crop	Water Used	Acres	Water Used	Acres
April									
May									
June									
July	3	18	800	41.67	30	1.95			
August	8	24	800	41.67	80	28.28			
Sept.									
Oct.									
Other Month									

COMMENTS:



Complete and return to:

WATER MANAGEMENT BOARD
WATER RIGHTS DIVISION
Jon Foss Building
Pierre, SD 57501

1991-1
SD 5701 LEACH
WATER RIGHTS
DIVISION
SD 5701

SD/DR

5

This is a water rights application form. It is to be filled out by the owner of the water right and submitted to the Water Rights Division, South Dakota Department of Natural Resources. The form is to be filled out for each water right that is being applied for. The form is to be filled out for each water right that is being applied for.

November, 1985
For Dept. Use Only

Please fill out and return to:
No. acres actually irrigated with surface water 120

If you did not irrigate during 1985 check this box ☐

If your system has not been constructed check this box ☐

Type of Power Electric No. acres irrigated 120

1. Electric X
2. Gravity
3. Gasoline
4. Nat. Gas Pipeline
5. Diesel
6. Propane
7. Other

Type of System

1. Hand Moved Sprinklers
2. Portable booms
3. Center pivots (if of)
4. Gated pipes X
5. Sidewheel
6. Towlines
7. Gun type
8. Hydraulic
9. Siphons
10. Flood
11. Other

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop	Acres of Irrigated	Water Used	Crop	Acres	Water Used
April									
May									
June	8	14	600	Hay	80	12.0	Corn		
July	12	12	600	Hay	80	10.0	Corn	40	6.0
August	12	12	600	Hay	80	10.0	Corn	40	6.0
Sept.	12	12	600	Hay	80	10.0	Corn	40	6.0
Oct.									
Other Month									

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Fuss Building
Pierre, SD 57501



Owner or address change, if any:

 **Department of
Water & Natural Resources**

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

July 5, 1989

NOTICE

TO: Richard Reder
HCR 76, Box 198
Nisland SD 57762

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Validation of Vested Right Claim No. 1091-1, Richard Reder

The Water Management Board will consider Validation of Vested Right Claim No. 1091-1 at 10:00 am, July 26, 1989 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be better than 10:00 am due to prior agenda items.

This hearing is being held because R. Thornton Vallery opposes validation of Vested Right Claim No. 1091-1. The hearing is an adversary proceeding. Any person having filed a petition and the Vested Right Claim holder have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

The applicable provisions of the Notice of Intent to Validate Vested Water Right Claims published in the Belle Fourche Daily Post, Belle Fourche SD on June 21 and 28, 1988 will still apply at this hearing.

cc: John Haak, Assistant Attorney General



I hereby certify that on July 5, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Validation of Vested Right Claim No. 1091-1 addressed as follows:

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

JOHN HATCH
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

John H. Caldwell
Notary Public

 **Department of
Water & Natural Resources**

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

July 31, 1989

NOTICE

TO: Richard Reder
HCR 76, Box 198
Nisland SD 57762

H. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Richard Brohl
US Bureau of Reclamation
PO Box 266
Newell SD 57760

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision denied validation of Vested Right Claim No. 1091-1. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:30 pm, September 27, 1989 in Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record (those people listed above) and their attorneys (copy enclosed) by September 7, 1989. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record and their attorneys by September 15, 1989.

The public hearing on Vested Right Claim No. 1091-1 was completed July 26, 1989. No additional testimony will be received on September 27, 1989.



CERTIFICATION

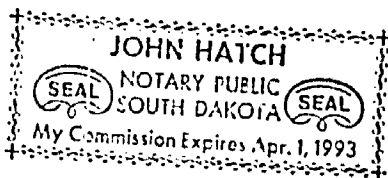
I hereby certify that on July 31, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and Final Decision on Vested Right Claim No. 1091-1 addressed as stated on the notice.

Mein Schatz

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of August, 1989.



John H. H. H.
Notary Public

 **Department of
Water & Natural Resources**

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

October 11, 1989

NOTICE

TO: Richard Reder
HCR 76, Box 198
Nisland SD 57762

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Richard Brohl
US Bureau of Reclamation
PO Box 266
Newell SD 57760

FROM: *for* John Hatch, Chief Engineer *Delvin W. Bury*
Water Rights Division
605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for denial of the validation of Vested Right Claim No. 1091-1 which was considered at the July 26, 1989 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

enclosure



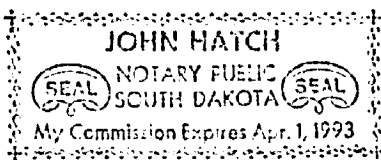
CERTIFICATION

I hereby certify that on October 11, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Adoption of Findings of Fact, Conclusions of Law and Final Decision on Vested Right Claim No. 1091-1 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October, 1989.



John Hatch
Notary Public

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICA-)	FINDINGS OF FACT,
TION TO VALIDATE VESTED RIGHT)	CONCLUSIONS OF LAW
NO. 1091-1, RICHARD REDER)	AND FINAL DECISION

FINDINGS OF FACT

I

This is an application under SDCL §§ 46-2A-16 and -17 to validate a claimed vested right for .85 cfs from Maloney Creek to irrigate 166 acres with a priority date of January 1, 1950.

II

This action concerns only that part of water right No. 1091-1 which has a claimed priority date of January 1, 1950. It does not concern, and no view is expressed here, on the validity of that part of the right with a claimed 1959 priority date.

III

Mr. R. Thornton Vallery is the particular land in question from 1951 through 1964 as lessor of the land. His only irrigation was in 1951. There was, therefore, no irrigation at least from 1952 through 1964.

IV

In Vallery's analysis as lessor, it was not feasible to irrigate the land from 1952 through 1964.

V

The proponent has failed to demonstrate legal excuse for the period of nonuse.

CONCLUSIONS OF LAW

I

This Board has jurisdiction of this matter.

II

There has been a three-year period of nonuse of water without legal excuse.

III

Because the water has been subject to a three-year period of nonuse without legal excuse, there can be no validation of the water right in question.

FINAL DECISION

The application to validate Vested Right No. 1091-1 with a priority date of January 1, 1950, is denied.

BY THE BOARD:

Marian O. Bradburn
10-5-89



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

DEC 5 1995

1450-1

Richard Reder
HCR 76, Box 198
Nisland, SD 57762

Dear Mr. Reder:

Enclosed is Water License No. 1450-1 and Receipt No. 414676 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1450-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

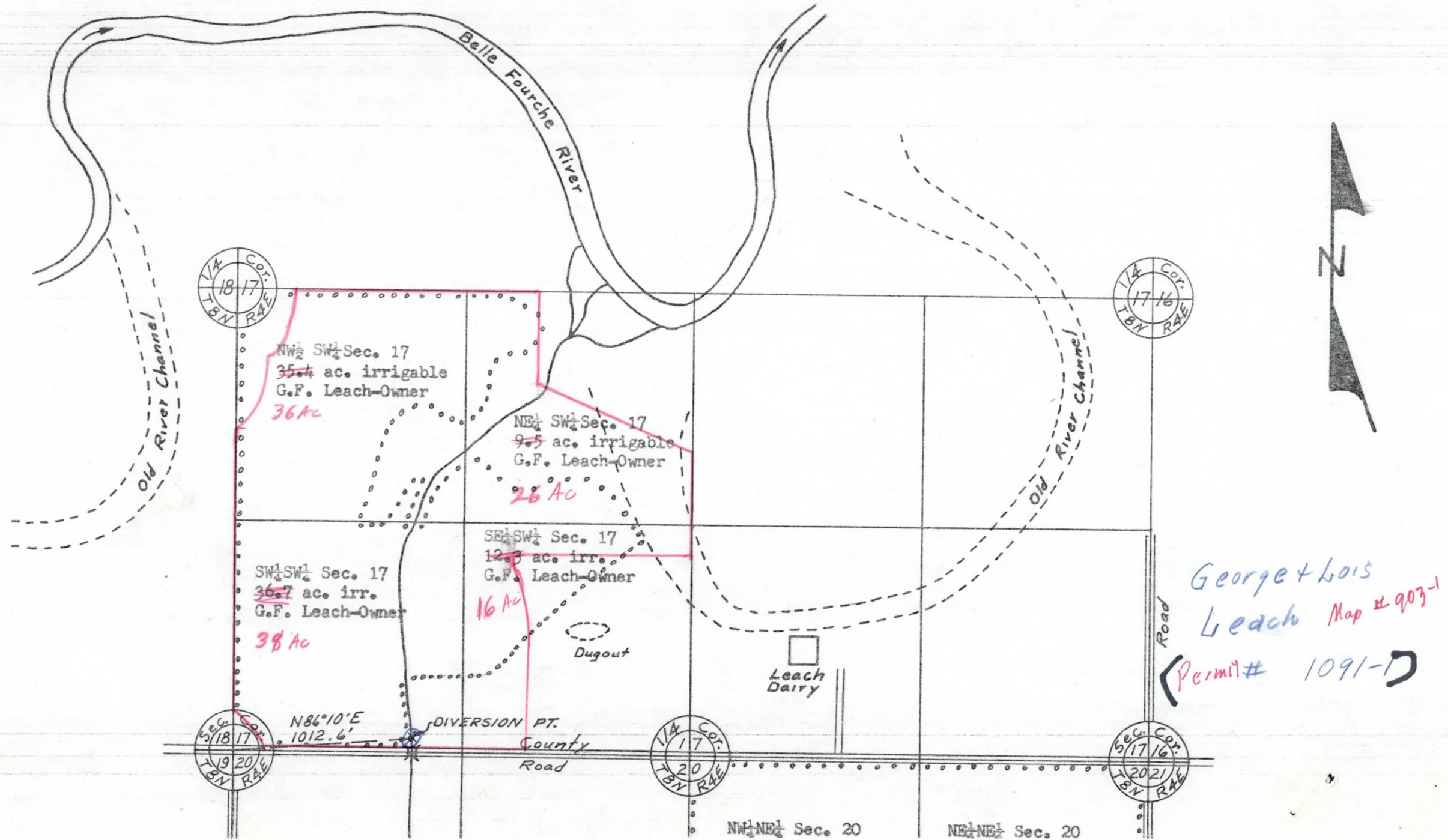
JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

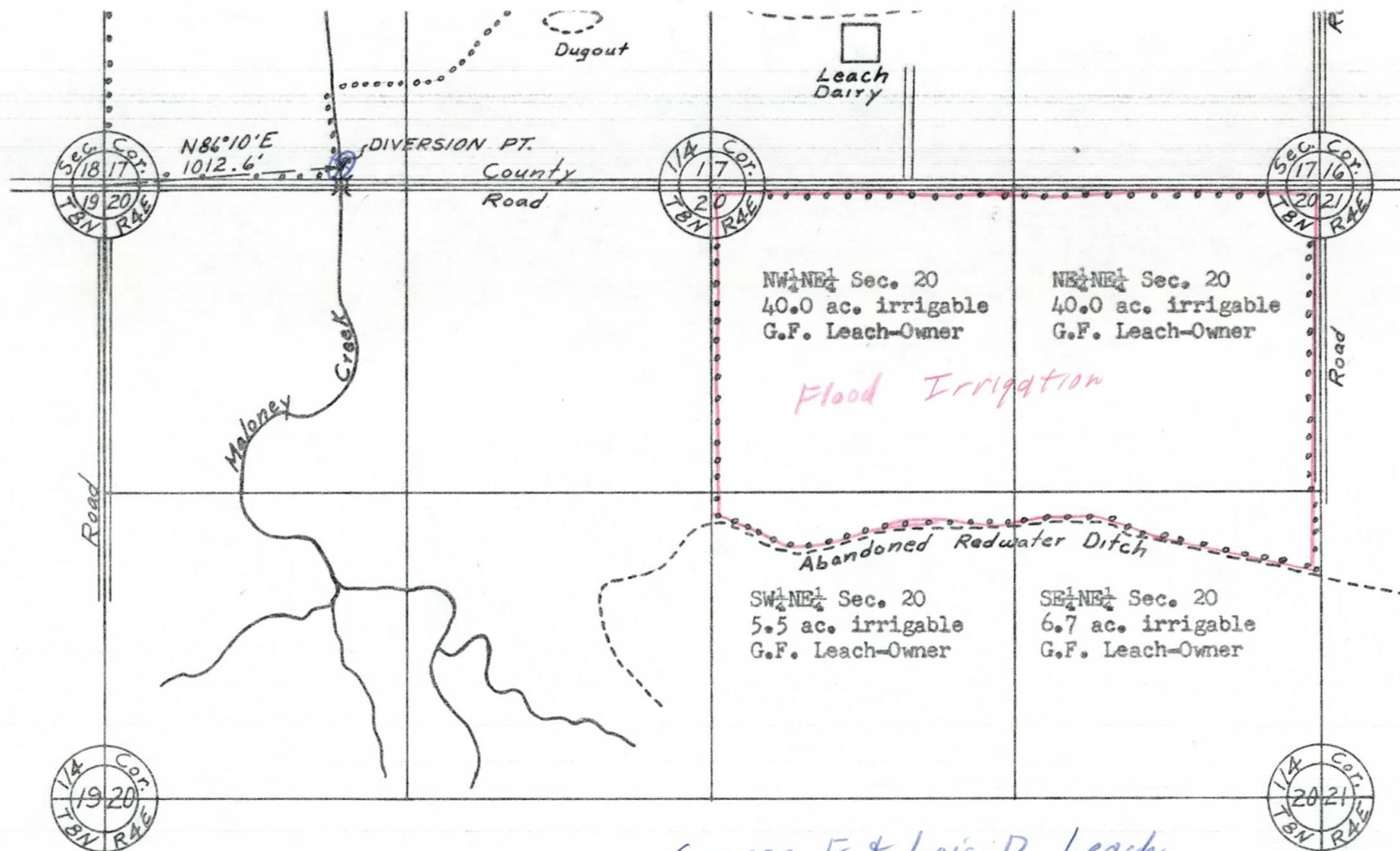
gm
enclosures

NOTE: The applicable portions of Water Right Nos. 1091-1, 1182-1 and 1234-1 have been incorporated into this Water License.

all in Butte County, South Dakota and covering lands owned by George F. Leach of Fruitdale, South Dakota.

SCALE: 1 inch = 660 feet





George F & Lois D Leach
Permit # 1091-1

SURVEYOR'S CERTIFICATE

I, Earl T. McArthur, Jr., a Registered Professional Engineer and Land Surveyor in the State of South Dakota, do hereby certify that at the request of George F. Leach, Fruitdale, South Dakota, I have prepared this map of the areas depicted hereon for the purpose of furnishing the same with his "Application For Permit To Appropriate Water within the State of South Dakota". I further certify that the bearings and distances shown from the Government Land Survey Corners to the points of diversion are correct to the best of my knowledge and belief. In witness thereof, I have set my hand and seal this 26th day of February, 1976.

