

- 1. Considered Nov. 19 1980
- 2. Name of Applicant R. THORNTON VALLEY
- 3. Post Office Address R.R. NISLAND, SD 57762
- 4. Amount of Water Claimed No ADD'L (S.S. ON W/L 290-1)
- 5. Source of Water Supply BELLE FOURCHE RIVER - STORAGE DAM
- 6. Water to be used for IRR
- 7. Acres to be irrigated No ADD'L (386 AC. ON W/L 290-1) maximum acre feet
- 8. Water to be diverted and used in BUTTE County about 6 miles EAST of BELLE FOURCHE
- 9. PROOF OF PUBLICATION Received December 3, 1980 Not Received

*Application
want to address the
Board when his app. comes up*

Approved 1/28/81
Subject to Qualification in file
Not Approved
Action deferred

Priority Date Received SEPT. 8, 1980 Application Complete yes no 150°

Remarks ADD'L DIVERSION POINT ON 290-1
water to be pumped into storage dam to be used for irr. during low flow periods

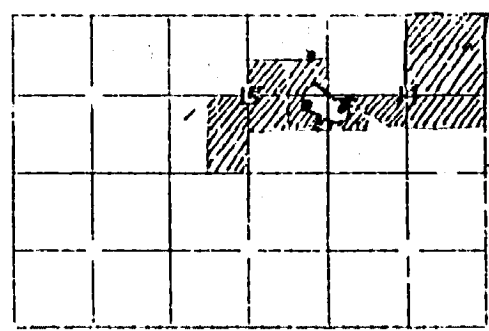
Date information and/or
Fee or corrected Application received
Period of Annual use JAN. 1st DEC. 31st

WATER QUALITY Received yes 10/13/80 no APPROVED CONDITIONAL (Circle one)

*Safety of dam
said dam was
O.K. 10/15/80*

WI-1 Description same as application yes no Remarks

Disapproved Returned



Diversion Point on BELLE FOURCHE
SEC 15,
RIVER IN THE NE 1/4 NW 1/4
STORAGE DAM LOCATED IN THE
SE 1/4 NE 1/4 SEC 15 & NW 1/4 SEC 14
ALL 1/4 SW - R4E
lands to be irrigated
E 1/2 SW 1/4 & S 1/2 NE 1/4
N 1/2 SE 1/4 SEC 15 & N 1/2 SW 1/4; N 1/2 SE 1/4
and NE 1/4 SEC 14 all in T8N-R4E
(Same lands as covered under
Water Right #290-1)

WELL LOG Remarks dam height 33.0', storage 257 ac feet w/ 150 ac ft useable.
21.3 acres, surface improvements.
Drainage area above dam 25-30 acres.
Drillery licensed yes no

Depth

Dec 15

Page 2

Water Right No. 1203-1

MAP Map No. 1012-1 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by SCS

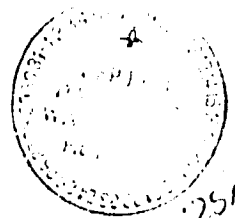
REVIEWED This Application was reviewed within 30 days of date received, accepted as complete. Number assigned and written up for advertisement before the Board on Nov. 19, 1980

[Signature]
(Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 1203--1Map No. 1012-1 Water Division No. 1 BELLE FOURCHE District
Above for Office Use 10120202

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☒ StorageChange in Diversion ☐ Additional Diversion ☒ ON PERMIT 290-1Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant R. Thornton Vallery Phone No. 605-257-2264
 Post Office Address RR Nisland State SD 57762
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Combination3. Name of diversion work Vallery storage dam4. Amount of water claimed (cubic feet per second) Water Right 290-1 5.5 C.F.S. (No ADD'L)5. Source of water supply Belle Fourche River & Storage Dam6. Location of point of diversion Section 15 township 38 N range 4 E
Belle Fourche RiverCounty Butte7. Annual period or periods during which water is to be used January 1 to December 318. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation & domestic9. For irrigation use, Total number of acres to be irrigated 386 (No ADD'L)

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.
<u>See Attached Sheet</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Belle Fourche Bee
Belle Fourche, SD 57717

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

75 hp electric driven Cornell 6H centrifugal pump 10" X 10"

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

10" aluminum pipe. (May be replaced by 12" PVC soon)

C. Works proposed to apply water to beneficial use.

12" PVC pipe large discharge canal.Estimated Total Cost \$ 30,000.00Attachments: 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 Butte) ss.I, R. Thornton Vallery 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 R. Thornton VallerySubscribed and sworn to before me this 6th day of September, 1980Laurence J. ZastrowNotary Public or other qualified officer
LAURENCE J. ZASTROWNotary Public, STATE OF SOUTH DAKOTA
My Commission Expires MAY 24, 1987

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. ~~XXXXXX~~ 1203-1

R. THORNTON VALLERY
(Applicant)

NISLAND

(Post Office Address)

SOUTH DAKOTA 57762
(State)

With the following qualifications

This Permit is approved with the qualification that during the irrigation season, no withdrawals are to be made under this Permit when less than 36 c.f.s. are flowing past the diversion point. During the remainder of the year, diversions are allowed when 10 c.f.s. are passing the diversion point.

This permit authorizes the storage of 257 acre feet annually.

Land covered under this Permit is also covered under Permit No. 1290-1. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application September 8, 19 80
Date of return to applicant for correction, amendments or changes required September 24, 19 80
Date of receipt of corrected application WQ October 13, 19 80
Approved January 28, 19 81 Recorded in Book 21 Page 321

WATER RIGHT PERMIT NO. 1203-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1203-1 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 September 8, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 28, 19 85
3. The whole of said work is to be completed on or before January 28, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 28, 19 86
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 No Add'l 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 January 28, 19 86; said water to be used during the following described annual period: January 1st thru December

Witness my hand this 3rd day of February, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

LAND DESCRIPTION

NE 1/4 - SW 1/4	Sec 15	39 Acres
SE 1/4 - SW 1/4	Sec 15	23 Acres
SW 1/4 - NE 1/4	Sec 15	20 Acres
NW 1/4 - SE 1/4	Sec 15	39 Acres
SE 1/4 - NE 1/4	Sec 15	32 Acres
NE 1/4 - SE 1/4	Sec 15	15 Acres
NW 1/4 - SW 1/4	Sec 14	16 Acres
NE 1/4 - SW 1/4	Sec 14	17 Acres
NW 1/4 - SE 1/4	Sec 14	18 Acres
SW 1/4 - NE 1/4	Sec 14	39 Acres
NW 1/4 - NE 1/4	Sec 14	39 Acres
NE 1/4 - NE 1/4	Sec 14	28 Acres
SE 1/4 - NE 1/4	Sec 14	39 Acres
NE 1/4 - SE 1/4	Sec 14	21 Acres
		396 Acres

D Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E ~~Dugout~~ Dam Information or Estimates

- (1) Surface dimensions, 21.3, Depth 32.9

F Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials (Attach a copy of test well log)

Depth to top of water bearing material See Soil Map

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

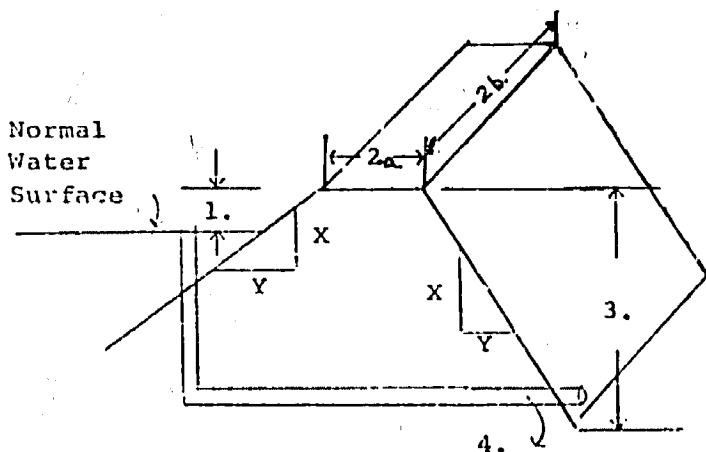
- (2) Distance to nearest existing household or livestock watering well

On same owner's property 240 rds.

On property owned by others _____ rds.

G Water Storage Dams

If the proposed wa er use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map



1. Freeboard 3'
- 2a Crest width 14' b. length 2335
3. Height of Dam 32.9
4. Outlet dimensions: 12" PVC Pipe
Pipe diameter 20" Canal
Spillway width 14'
- X & Y slope:
Upstream 3 to 1
Downstream 2 to 1
- Surface area of impoundment
21.3 acres
- Drainage area above dam
25-30 acres (N11)

R. Hunter Valley
Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: R. Thomsen, Dallas OWNERS ADDRESS: N. 5th and South Dakota

COUNTY LAND LOCATED IN: B. H. Co. PHONE: 257-2264

TENANT'S NAME AND ADDRESS: (If Other Than Owner) Dallery River Ranch, Inc.

In accordance with State Law SDCL 46-5-5.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: SE 1/4 - NW 1/4 Sec 15 SE 1/4 - NE 1/4 Sec 15
2. SURFACE WATER SOURCE: Belle Fourche River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

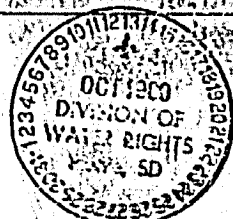
CORRECTED TO MATCH
MAP 4 D. RIGHT
10/11/80

Legal Description	Acres	Legal Description	Acres
NW 1/4 - SW 1/4 + SE 1/4 - SW 1/4 Sec 15	6.2	NW 1/4 - NE 1/4 + NE 1/4 - NE 1/4 Sec 14	6.7
SW 1/4 - NE 1/4 + NW - SE 1/4 Sec 15	5.9	SW 1/4 - NE 1/4 + SE 1/4 - NE 1/4 Sec 14	7.8
SE 1/4 - NE 1/4 + NE 1/4 - SE 1/4 Sec 15	4.8	NW 1/4 - SE 1/4 + NE 1/4 - SE 1/4 Sec 14	3.9
NW 1/4 - SE 1/4 + NE 1/4 - SW 1/4 Sec 14	3.3		

4. TYPE OF IRRIGATION: GRAVITY: ☒ OWLINE: ☐ CENTER PIVOT: ☐ GUN: ☒ OTHER: S. W.
5. CROPS TO BE IRRIGATED: Corn - Alfalfa on 55-
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1987
LEGAL DESCRIPTION: All Above described land
IN WHAT NAME: R. Thomsen, Dallas permit 290-1

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: Belle Fourche River Storage
8. SALINITY (EC x 10⁶): 1850 FOR RESEASON
9. SODIUM (SAR): 2.16
10. ADJUSTED (SAR):



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at a.m./p.m., on 19, at the following location: by (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

1 DAY OF Oct, 1980

Michael G. Gresham
(NOTARY PUBLIC)

R. Thomsen, Dallas
APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

Approved

NAME OF APPLICANT B. Thornton Valley

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



Stored waters from the Belle Fourche River should give you an over-all

Improvement from normal summer flows, especially if you can capture snow-melt waters;

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text visible on the paper.

No. 1203-1

Publish first publication, on or before October 31, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 15, 1980

Notice is hereby given R Thornton Vallery whose post office address is Nisland, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from the Belle Fourche River & Storage Dam through the Vallery Storage Dam, for an additional point of diversion of which is to be located from the Belle Fourche River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15; into a storage dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15 & NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 all in

~~xxxxxxx~~, Twp. 8N, Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 15 & N $\frac{1}{2}$ SW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 14 all in T8N, R4E

(same lands as covered under Water Right No. 290-1)

This Application No. 1203-1 will be considered by the Water Management Board at the Carl Mundt Library, Dakota State College, Madison, South Dakota upon the 19th day of November, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRB, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: R Thornton Vallery
RR, Nisland, SD 57761

WVA 806B-777) Notice of Intent to Appropriate Water
SURFACE WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA.
COUNTY OF BUTTE.

Marion Lucan of said County

and State, being first duly sworn, upon his oath says: That

The Belle Fourche Bee

is a legal weekly newspaper of general circulation, and an official newspaper as required by the Laws of the State of South Dakota, printed and published in Belle Fourche, in said County and State by NORTH WEST PUBLISHERS, INC., and has been such newspaper during the times herein mentioned, and I, Marion Lucan

the undersigned am _____ of said newspaper in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertising headed:

No. 1203-1

Notice of Hearing

_____ a printed copy of which is hereto attached, was printed and published in said newspaper for two issues,

the first publication being made on October 24 1980

Date of second publication _____ 19 _____

Date of third publication _____ 19 _____

Date of fourth publication _____ 19 _____

Date of fifth publication _____ 19 _____

Date of sixth publication _____ 19 _____

Date of seventh publication _____ 19 _____

and the last publication October 31 1980

that the full amount of the fees charged for publishing same, to-wit: the sum of \$22.50 inures solely to the benefit of Northwest Publishers, Inc.; that no arrangement or understanding or a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed at & sworn to before me this 31st day of October

A. D. 19 80

John J. Kennedy
Notary Public, Butte County, South Dakota
My Commission Expires Sept. 29, 1981

Received from _____ \$ _____
in full of the advertising fees in the attached notice.

Publisher.

Public Notice

No. 1203-1

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
October 15, 1980

Notice is hereby given R. Thornton Vallery, whose post office address is Nisland, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-19 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate and to store 257 acre feet annually for beneficial use no add'l cubic feet of water per second of time from the Belle Fourche River & Storage Dam through the Vallery Storage Dam, for an additional point of diversion of which is to be located for the Belle Fourche River in the NE 1/4 Sec. 15; into a storage dam located in the NE 1/4 SE 1/4 & SE 1/4 NE 1/4 Sec. 15, & NW 1/4 SW 1/4, Sec. 14 all in Twp. 8N, Range 4E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2 SW 1/4, S 1/2 NE 1/4; N 1/2 SE 1/4, Sec. 15 & N 1/2 SW 1/4; N 1/2 SE 1/4 and NE 1/4, Sec. 14 all in T8N, R4E (same land as covered under Water Right No. 290-1).

This application No. 1203-1 will be considered by the Water Management Board at the Carl Mundi Library, Dakota State College, Madison, South Dakota upon the 19th day of November, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decision of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
Betty Westlund,
Water Rights Specialist
cc: R. Thornton Vallery
RR, Nisland, SD 57762

B2110/24-31

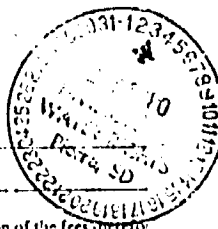
Attorney's Affidavit, Ex. Rel.

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE.

on his oath says, that I am _____

that I directed the publication of annexed notice; that no understanding of any division of the fees therefor that no part thereof has been refunded or rebated by the party, or parties publishing said notice.

Subscribed and sworn to before me this _____ day of _____



SEP 1980
DIVISION OF
WATER RIGHTS
Pierre, SD

The East and West pipe outlets will be approximately 15' below high water level.

The spillway will be 14' wide at the bottom.

The circled x you see on the map indicates the present Water Right 290-1 pump site which will continue to be used.

Water will be taken from 230-1 Water Right and stored in the dam for use in low flow periods.

Easements and Right-of-Ways are being secured on necessary property.

Earth and Core Trench 60
Total Cu. Yds. 68,560

R. Thompson Valley

R. Thornton Vallery

ir

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7695

PIERRE,

September 17, 1980

RECEIVED OF R. Thornton Vallery, Nisland, SD 57762

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

Fee for Application for Permit to Appropriate Water No. 1203-1 (examination, processing, recording and filing)	100.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
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	150.00

WATER RIGHTS COMMISSION

By *(Signature)*
 Chief Engineer, Executive Officer
 JOHN HATCH

Application No. 1203-1
Thornton Vallery

November 3, 1980

This Application proposes to pump from the Belle Fourche River into storage for later irrigation use and for stockwatering.

The diversion is located on the Belle Fourche River above the mouth of Owl Creek. Recent permits issued from this stretch of the Belle Fourche River require that certain amounts of water be by-passing the diversion point before withdrawals are allowed. Permit No. 1182-1 (located upstream from this diversion) calls for a by-pass of 36 cfs before diversions can be made, in order to provide for downstream prior water rights and domestic use.

The diversion into storage would basically be during high flow periods prior to the irrigation season.

Recommendation: That Application 1203-1 be approved with the qualification that during the irrigation season, no withdrawals are to be made under this Permit when less than 36 cfs are flowing past your diversion point. During the remainder of the year, diversions are allowed when 10 cfs are passing your diversion point.

BURTON F JONES
Water Rights Specialist



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1203-1

R. Thornton Vallery
RR
Nisland SD 57762

Dear Mr. Vallery:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1203-1 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

NOTE: On form of payment, please include the number of the water perm't.
This insures proper handling of the fee.

Permit No. 1203-1Incorp # 290-1Belle Fourche River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by R. Thornton ValleryHRC Dec 1985
R. R. Nisland, S.D. 57762 a holder ofPermit No. 1203-1 bearing the priority of September 8 1980 authorizingthe diversion of 5.5 cu. ft. per second of the waters of Belle Fourche Riverfor Irrigation purposes, in Butte Co. County.

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

A. Works used to divert the water:

Pump: Cornell, Model 6NWF8, Ser # E253, 12 $\frac{3}{4}$ ~~HP~~
Motor GE 75HP. Model 5K365AK205, Ser # EF233023, RPM 1770

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

10" Aluminum Pipe to Dam.Other Pipes Available To increase the capacity

C. Works used to apply water to beneficial use:

~~350 ft. x 10 ft.~~ From the dam there are 3 outlets that supply water to ditches to irrigate the same area as for permit # 290-1. Dam dimension are the same as on form # WNR-89240-7/19.The system is in the following condition Good.The point of diversion is located S 6° 30' W 1287 from the NE Cor of sec 15
T 8 N R 4 EThe works are capable of diverting and conveying to the place of use 5.5 cfs.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:

See attached sheetcomprising a total of 349 acres of land and the license should be issued for 5.0 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date September 12, 1980See Reverse side for:
Priority Dates etc.LeRoy J. H. H. H.

WATER LICENSE NO. 1203-1

Attachment A

Land Description

All in T8N - R4E

Section 15	NE $\frac{1}{4}$ SW $\frac{1}{4}$	29 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7 Acres
Section 14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	4 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39 Acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29 Acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	21 Acres
	TOTAL	349 ACRES

State of South Dakota
Water License No. 1203-1

(1) R. Thornton Vallery
of HCR, Box 188, Misland, South Dakota
~~made Application No. _____ for a water permit to appropriate~~
~~_____ cubic feet per second of water from _____~~
~~_____ County, South Dakota for _____ purposes.~~
~~Permit No. _____, with a priority date of _____~~
~~was approved _____ and issued to applicant(s) for diversion of water with 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 _____.~~

was issued water license No. 290-1 with a priority date of January 17, 1957 to appropriate 5.5 cubic feet per second of water from the Belle Fourche River, Butte County, South Dakota for irrigation purposes.

Permit No. 1203-1, with a priority date of September 8, 1980 was approved January 28, 1981 and issued to applicant for diversion of 257 acre feet of water annually from the Belle Fourche River into a storage dam. The diversion rate and lands irrigated as authorized by Water Right No. 290-1 also apply to Water Permit No. 1203-1.

The applicable portions of Water Right No. 290-1 are being incorporated into this Water License No. 1203-1. Irrigation of the land with direct diversion from the river will retain a January 17, 1957 priority date. Water pumped into storage will retain a September 8, 1980 priority date.

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 5.0 cubic feet per second of water for beneficial use. The location of the diversion point(s) is S 6° 30'W, 1287 ft from the NE Corner of Section 15, T8N, R4E

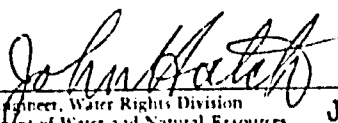
and

(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, to irrigate the following land all in T8N-R4E

Section 15	NE $\frac{1}{4}$ SW $\frac{1}{4}$	39 Acres	(CA)	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	23 Acres	(CD)	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	20 Acres	(AC)	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	37 Acres	(DB)	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 Acres	(AD)	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	7 Acres	(DA)	
Section 14	NW $\frac{1}{4}$ SW $\frac{1}{4}$	4 Acres	(CB)	Section 14 continued
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	17 Acres	(CA)	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39 Acres (AD)
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	18 Acres	(DB)	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21 Acres (DA)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	39 Acres	(AC)	TOTAL 349 ACRES
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29 Acres	(AB)	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	24 Acres	(AA)	

(4) Pursuant to §46-5-30.1 R. Thornton Vallery
of HCR Box 188, Hisland, South Dakota
the holder(s) and/or owner(s) of Water Permit No. 1203-1 is issued a license to appropriate water, the right to use
5.0 cubic feet per second of water from the Belle Fourche River with a priority date
of January 17, 1957 & September 8, 1980 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 Water Permit No. 1203-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
NOV 17 1986

RECEIPT

Division of Water Rights

No 415249

South Dakota Department of Water and Natural Resources

Pierre, December 3, 1985

RECEIVED OF Vallery River Ranch, HCR 75 Box 188, 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. _____	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer

No. 1203-1

 **Department of
Water & Natural Resources**
Joa Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 17 1986

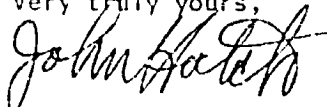
R. Thornton Vallery
RCR, Box 188
Hisland, South Dakota 57762

Dear Mr. Vallery:

Enclosed herewith is, Water License No. 1203-1. This 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: ms

Enclosures

Applicable portions of Water Right No. 290-1 are being incorporated into this Water License No. 1203-1.

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 30, 1989

1203-1

Mr. Thornton Vallery
P.O. Box 128
Wisland, SD 57762

Dear Mr. Vallery:

Enclosed is a corrected copy of Water License No. 1203-1. A review of the file found a typographical error in the legal description of the diversion point.

The original license described the diversion point as follows:
S6°30'W, 1287 feet from the NE corner of Section 10,
T8N, R4E

The actual diversion point should have described as:
S6°30'W, 1287 feet from the NE corner of Section 15,
T8N, R4E

All other information in the original license remains the same. If you have any questions concerning the correction, please contact Genny McMath, (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

enclosure





1203-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 20, 1994

R Thornton Vallery
HCR 76 Box 188
Nisland, SD 57762

Dear Mr. Vallery:

Thank you for the prompt return of your 1994 irrigation questionnaires. Enclosed are copies of Vested Water Right Nos. 228-1, 264-1 & 1423-1 and Water Right Nos. 289-1, 290-1, 960-1 & 1203-1.

I will attempt to give you a summary of your existing water rights and vested water rights which will hopefully answer your questions.

Water Right No. 960-1 authorizes irrigation of 88 acres in portions of Section 11, T8N, R4E The applicable portions of Water Right No. 289-1 were incorporated into Water License No. 960-1. Priority dates of April 24, 1972 and January 17, 1957 were retained (see enclosed water license).

Water Right No. 1203-1 authorizes irrigation of 349 acres in portions of Sections 14 and 15, T8N, R4E The applicable portions of Water Right No. 290-1 were incorporated into Water License No. 1203-1. A priority date of January 17, 1957 was retained for irrigation of the land with direct diversion from the Belle Fourche River. A priority date of September 8, 1980 was retained for water pumped into the storage dam. (see enclosed water license)

Vested Water Right No. 1423-1 authorizes irrigation of 63 acres in portions of Section 10 and 15, T8N, R4E The applicable portions of Vested Water Right Nos. 228-1 and 264-1 were incorporated into Vested Water Right No. 1423-1. Priority dates of February 2, 1900, May 26, 1951 and July 1, 1952 were retained (see enclosed water license).

All of the acreage you irrigate should be covered under Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1. Under South Dakota Water Law 46-2A-14, any application or permit to appropriate water shall refer to one water use system. Water Management Board Rule 74:02:01:16.01 states that when inspecting systems that are covered by more than one permit or right, the applicable portions of all permits or rights and priority dates may be incorporated into one water license under the number of the latest permit issued.

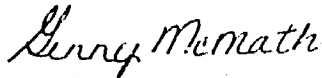
page 2
December 20, 1994
R Thornton Vallery

Once water permits are licensed, the irrigation questionnaires are made to correspond with that particular license. This is why you no longer receive irrigation questionnaires for Water Right and Vested Right Nos. 228-1, 264-1, 289-1 and 290-1. I would like to stress to you that just because we no longer mail questionnaires for those water right numbers, does not mean that you have lost those water rights/vested rights. You are still reporting for each of the systems.

The numbering system we have for water permits is a method for tracking water permits, rights or vested rights and has no bearing on the priority dates associated with your water use systems. Your water use systems have been in place and utilized since the early 1900's. Whether we number them 1, 2 or 900 does not change when you started irrigating or the number of systems you have in place.

I hope I have addressed your concerns Mr. Vallery. If you have any further questions, please contact me and I will be try to answer them for you.

Sincerely,



Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



1203-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 27, 2004

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

Thank you for sending in the 2004 irrigation questionnaires for Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights in the event you need them. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOT TO SCALE

NE $\frac{1}{4}$ NW $\frac{1}{4}$
3.0 Ac.

NW $\frac{1}{4}$ NE $\frac{1}{4}$

2 Ac.

12.5

14.7

12.7

SE $\frac{1}{4}$ NW $\frac{1}{4}$

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

19.0 Ac.

37 Ac.

#960-1

#289-1

pt of DIV. #1

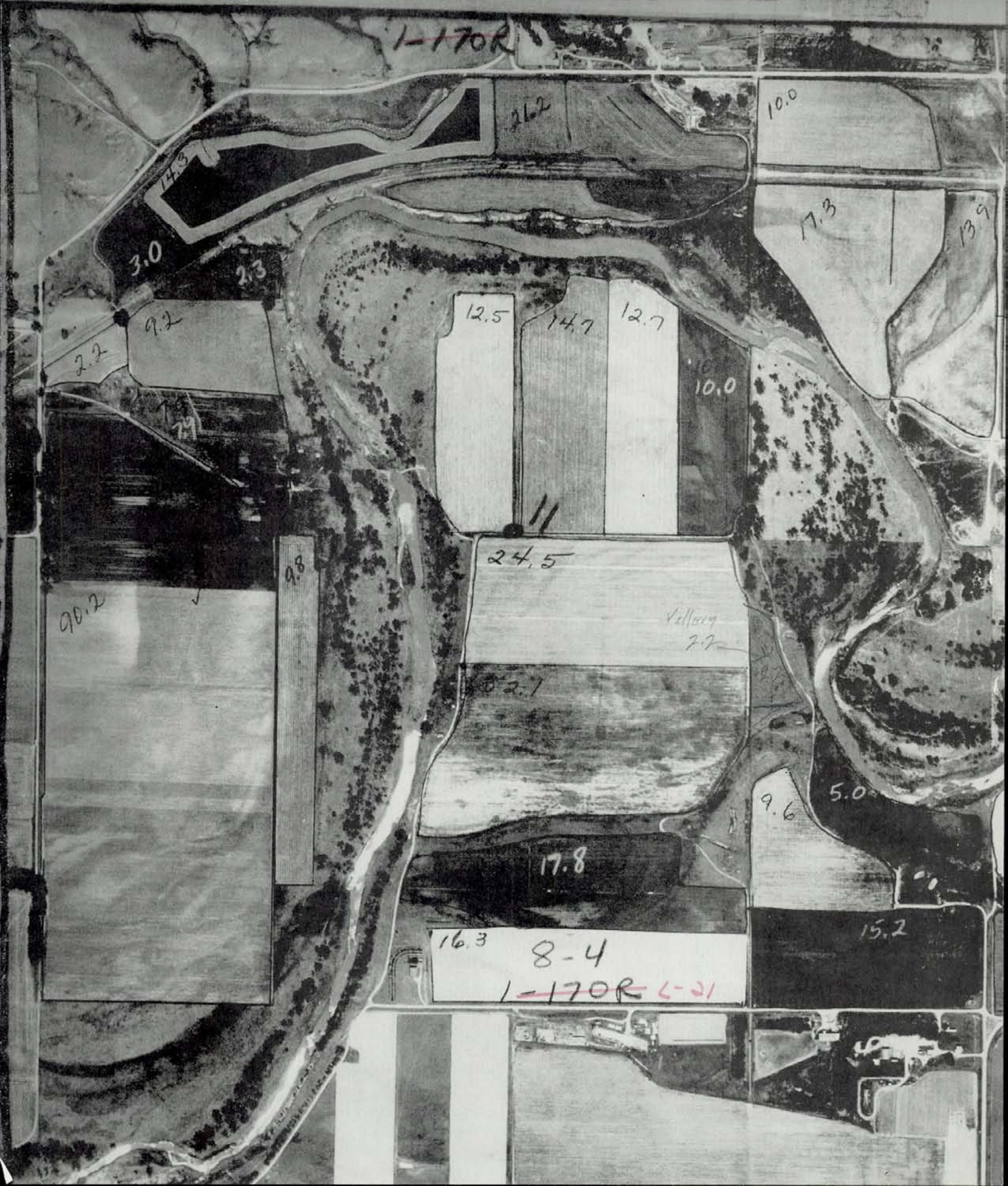
2140.8

24.5

Vallory

2.7

NOT TO SCALE



CONSERVATION PLAN MAP

Owner Thornton Valley Operator Same
County Butte State South Dakota Date 9-2-80
Approximate acres. 386 Approximate scale 8" = 1 mile
Cooperating with Butte Conservation District
Plan identification Clark Norton, Ag Eng Photo number _____
Assisted by _____ USDA Soil Conservation Service

Water from 290-1 to be
stored at abundant flows
or low use periods.

Sprinkler
line

Proposed
Irrigation and
Domestic Water
(2100 Stock)

Ditch &
Pipe line
4220'

Approx 257 AC. St. Storage
Approx 150 AC ft useable.

Canal
41640'

EM 24111

1200'
Alum Pipe

Proposed
Domestic
water stock
(2100 Stock)

Tail water
dam & ditch

hauling
gun

Tail water
dug out.

⊗ Pump Site

- ① West 12" outlet
- ② East 12" outlet
- ③ East 20" Canal
- ④ Spillway

MAP No: 1012-1 (APPL No. 1203-1)

T8N R4E

Pt. of Div

S89°36'E

2745'

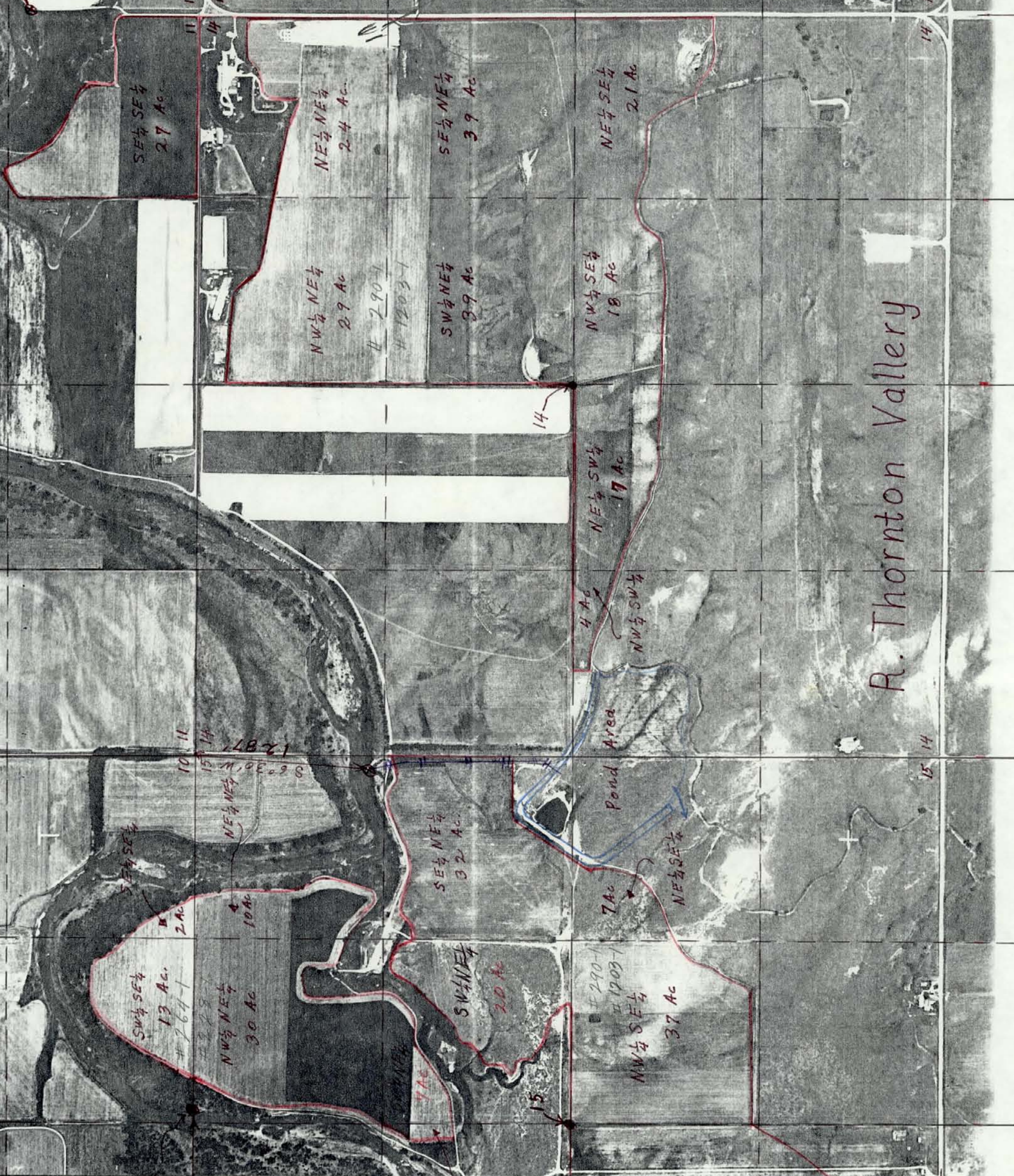
SE 1/4 NW 1/4
1 Ac

NE 1/4 SW 1/4
39 Ac

SE 1/4 SW 1/4
23 Ac

R. Thornton Vallery

Pt. of Div
#2
1200'



1-2001



1203-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 15, 2005

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing in regard to the ownership changes for Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1, currently listed in Thornton Vallery's name. In December, 2004 "Notice of Transfer of Ownership" forms were sent to you to transfer the rights from Thornton's name to your names. To date, we have not received them back from you.

In the event you need additional forms, enclosed are partially completed "Notice of Transfer of Ownership" forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
JUN 22 2005
WATER RIGHTS
PROGRAM

No. 1203-1
Date: _____

I/We request that Water Right No. 1203-1

formerly owned by: R Thornton Vallery

be transferred to: (name & address) Randy and Rhonda Vallery, 12287 Vallery Rd,
Nisland, SD 57762

Telephone No. 605 257-2365

Title to the following described land(s)/property has been transferred as described above:

349 acres – E ½ SW ¼, S ½ NE ¼, N ½ SE ¼ Section 15; N ½ SW ¼, N ½ SE ¼, S ½ NE ¼, N ½ NE ¼
Section 14; all in T8N, R4E

I/We understand that the validity of Water Right No. 1203-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We

Randy Vallery
Rhonda Vallery

, the new owner, certify that the above information is true and correct.

Randy Vallery Rhonda Vallery
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 22, 20 05

RECEIVED OF Rhonda Vallery, 12287 Vallery Rd., Nisland 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 and to put water to beneficial use	2.50	
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 <u>1203-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

0018

By

Darland Eide

Chief Engineer

gm



1203-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 23, 2005

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Right Nos. 960-1, 1203-1 and Vested Water Right No. 1423-1. The transfers have been completed. The water rights and vested water right formerly listed in the name of R Thornton Vallery are now listed in your names.

Enclosed are your Receipt No. 001891, 001892 and 001893 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure



1203-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 960-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1203-1 & 1423-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2006

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

One thing I would like to point out is that we use the information irrigators supply each year to determine how much water is being used from a particular source. The data supplied should be as close as possible to what was actually diverted. If you are applying as much water as you reported, you are exceeding your water rights.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 960-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1203-1 & 1423-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1203-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 29, 2008

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP

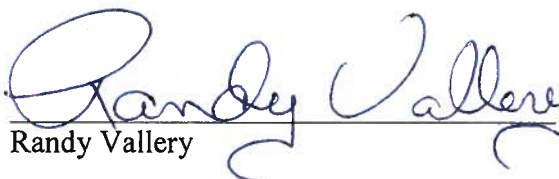
To: Chief Engineer
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

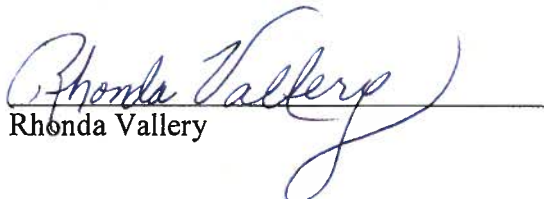
Date: September 25, 2013

Please take notice that Randy Vallery and Rhonda Vallery, husband and wife, have granted to AXA Equitable Life Insurance Company, c/o AXA Equitable Agrifinance, LLC, 4333 Edgewood Road NE, Cedar Rapids, IA 52499-5223 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Exhibit "A" attached to this Notice and incorporated herein by this reference, including without limitation the following water permits and licenses:

Water Permit Nos. 1423-1, 1203-1 and 960-1

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.


Randy Vallery


Rhonda Vallery

COUNTY OF Butte

(SEAL)

REAL)

James M. Mott

My commission expires: June 12, 2017



COUNTY OF Bullock

(SEAL)

King Math

My commission expires: June, 2017



Exhibit "A"

Legal Description

Township 8 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:

Section 10: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying South of the center line of the Belle Fourche River

Section 11: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and West of the Belle Fourche River, except that portion thereof conveyed by deed recorded in Book 25 on Page 203;

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and West of the Belle Fourche River, except that portion conveyed by deed recorded in Book 93 on Page 630;

That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the center line of the Belle Fourche River

Section 14: NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$

Section 15: That portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$, lying South and West of the Belle Fourche River; W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$



1203-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2019

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 960-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1203-1 & 1423-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1203-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2019

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1203-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 960-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1203-1 & 1423-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing 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.

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/ig> using this password: XMCETH**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1203-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 30, 2020

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

DANR-Water Rights Program

Please Send The 2023 water
rights Questionnaire to :

Brian Mills + Codi Vallery-Mills
18865 Turkey Track Ln.
Nisland, S.D. 57762

Thank you very much.

Randy Vallery

RECEIVED

JAN 09 2023

OFFICE OF
WATER