

Rec'd for R.R. 6/21/82

VESTED RIGHT

1. Considered: JULY 28, 19 82 Water Right No. 1258-1
2. Name of Applicant Frank J and Marilyn Dobesh
3. Post Office Address RR 1, Box 34, Alzada Route, Belle Fourche 57717
4. Amount of Water Claimed 8.20 maximum acre feet
5. Source of Water Supply Belle Fourche River
6. Water to be used for IRR acres to be irrigated 574
7. County Butte about miles of 2 AC FT/ACRE
8. PROOF OF PUBLICATION: Received Not Received
- APPLICATION: Approved 7/28/82 Subject to #13, 14, 15, 16 - 1891 with flow meters
- Not Approved Action Deferred 8 - 1920 - 12 - 1920 Natural flows purchased water to be by-passed

Figures sent to W.M.D.

PRIORITY Dated Received 5/31/82 Application complete-yes no FEE

7/18/1981 Remarks affidavits, etc. in file.

7/20 1891

Corrected Application received 7-14-83 Period of Annual Use 4/1 to 10/31

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

WI-1 Description same as application-yes no Remarks

Disapproved Returned

Diversion Points on Belle Fourche River

between SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21-T9N-R1E

Land to be irrigated S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 17; Sec. 19; W $\frac{1}{2}$ and SE $\frac{1}{4}$ Sec. 20; S $\frac{1}{2}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 21; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 28; N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 29

all in T9N, R1E

WELL LOG Driller Licensed - yes no

Depth

Remarks

MAP Map No. 1065-1 Map located in Water Right x Map file _____
Type of Map drawn Prepared by owner

not necessary for the map to be signed as per laws, as it is a vested right

+++++

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

6/21/82

Deely Westlund
(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 was
DECISIONS adopted _____
ETC. Remarks _____

No. 1258-1Map No. 1065-1 Water Division No. 1 BELLE FOURCHE RIVER District
Above for Office Use 10120202VESTED RIGHT

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

Check one of the following:

New NO Vested Right X-yes Future Use ~~XXXX~~Change in Diversion NO Additional Diversion ~~X-yes~~Change in Acreage NO Additional Acreage NO

1. Name of Applicant Frank J. and Marilyn Dobesh Phone No. 605-892-3040
 Post Office Address Rural Route 1, Box 34, Alzada Route/ Belle Fourche State South Dakota 57717
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation n/a

2. Method of accomplishing work (contract, employment of others, or by direct labor) n/a3. Name of diversion work n/a4. Amount of water claimed (cubic feet per second) ~~16 cfs~~ 8.20 MAX. ALLOWABLE5. Source of water supply Belle Fourche River By6. Location of point of diversion See enclosed map, water right and affidavitsCounty Butte7. Annual period or periods during which water is to be used Summer crop growing season 4/1 - 10/318. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) ag. irrigation9. For irrigation use, Total number of acres to be irrigated 574 acres* See attached sheets.

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.
SW $\frac{1}{4}$, S21, T9N, R1E	24 a. Unit (10)	NW $\frac{1}{4}$, S20, T9N, R1E	146 a. Unit (15)
SE $\frac{1}{4}$, S21, T9N, R1E	24 a. Unit (11)	NW $\frac{1}{4}$, S20, T9N, R1E	14 a. Unit (14)
SE $\frac{1}{4}$, S20, T9N, R1E	108 a. Unit (11)	NE $\frac{1}{4}$, S19, T9N, R1E	133 a. Unit (13)
NE $\frac{1}{4}$, S29, T9N, R1E		SE $\frac{1}{4}$, S20, T9N, R1E	43 a. Unit (8)
SW $\frac{1}{4}$, S17, T9N, R1E	52 a. Unit (16)	SW $\frac{1}{4}$, S20, T9N, R1E	30 a. Unit (12)
NE $\frac{1}{4}$, S19, S $\frac{1}{2}$ SE $\frac{1}{4}$ S18			

10. Time required to complete construction of water supply system n/a years. Additional time requiredto complete application of water to the proposed beneficial use n/a years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water n/a12. Principal Features of the Proposed Water Supply System. n/a

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

Applicants hereby apply for recognition of water irrigation system and water right established of record July 20, 1891. (See Attached Affidavits)

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ n/a

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

STATE OF SOUTH DAKOTA)
)ss.
 County of Butte)

I, Frank J. Dobesh and Marilyn Dobesh the applicant we certify that we have read the foregoing application and have examined the attached map and that the matters therein stated are true and that we intend, and are able to complete the necessary construction.

Signed Frank J. Dobesh
 Signed Marilyn Dobesh

Subscribed and sworn to before me this 11th day of May, 1982

Lawrence N. Niska
 Notary Public (or other qualified officer) R. J. Dobesh

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1258-1

FRANK J AND MARILYN DOBESH RR 1, BOX 34 ALZADA ROUTE, BELLE FOURCHE
SOUTH DAKOTA 57717 (Applicant) (Post Office Address)
(State) With the following qualifications.

"A VESTED RIGHT" CLAIMED

This Permit is recognized as a Vested Right with the qualifications that land locations in Fields numbered 13, 14, 15 and 16 be vested with the priority date of 1891; land locations numbered 8, 9, 10, 11 and 12 be vested with a priority date of 1920; all pumping under this right shall be through water flow meters that indicate the gallons per minute flowing through the meter plus a totalizer. The beginning and end of season pumping figures are to be sent to the Water Rights Division. All purchased water for the Belle Fourche Irrigation District must be by-passed. The right is recognized for a maximum of two acre feet per acre and a diversion rate of 8.2 c.f.s.

(see attachment)

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

Date of first receipt of application MAY 31, 1982
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved JULY 28, 1982, Recorded in Book Page

WATER RIGHT PERMIT NO. 1258-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1258-1 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 4.93 cfs - JULY 20, 1891 and 3.27 cfs from January 1, 1920
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ , ~~18~~
3. The whole of said work is ~~to be completed on or before~~ , ~~18~~
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, ~~18~~
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 8.20 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before THIS DATE, ~~18~~ ; said water to be used during the following described annual period: APRIL 1ST TO OCTOBER 31

Witness my hand this 6 18th day of AUGUST, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued AUGUST 18, 1982

Water License Issued AUGUST 18, 1982

September, 1981

Frank Dobesh Irrigation
Description of Lands

<u>Field No.</u>	<u>Legal Description</u>	<u>Acres</u>
8	E $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21	43
9	SE $\frac{1}{4}$ Section 21	24
10	SW $\frac{1}{4}$ Section 21	24
11	S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29	108
12	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20	30
13	S $\frac{1}{2}$ Section 20	133
14	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	14
15	NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	146
16	N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 19, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17	52

Field Units 8 thru 16: Total 574 ac.

All in township 9 north, range 1 east of the Black Hills Meridian

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Frank J. Dobesh and Marilyn Dobesh
 Post Office Address R.R. 1, Box 34, Alzada Route, Belle, State South Dakota
 If a Corporation show date and place of incorporation n/a

13. Notice of Appropriation (If available)
 Date of Posting July 20, 1891 Date of Recording July 20, 1891
 Recording Data Book 7, Page 159, Office of Reg. of Deeds, Butte County, South Dakota
14. Date of start of construction of water supply system July 20, 1891 (See affidavits attached)
15. Date that water was first applied to beneficial use July 20, 1891 (See affidavits attached)
16. Name of owner of original water supply system William Thomas
17. Amount of water originally applied to beneficial use See attached affidavits xxx. 16 c.f.s.
18. Present Use of Water ag. irrigation
 Amount of water now being used 16 c. f. s.
 Date that this amount of water was first used July 20, 1891
19. Chronological History of Water Use See attached affidavits.

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
) ss.
 County of Butte)

We, X, Frank J. Dobesh and Marilyn Dobesh, the applicant^s certify that ^{we} have read the foregoing and that the matters therein stated are true.

Signed Marilyn Dobesh
 MARILYN DOBESH
 Signed Frank J. Dobesh
 FRANK J. DOBESH

Subscribed and sworn to before me this 11th day of May, 19 82

[Signature]
 (Notary Public - or other qualified Officer) Regina J. Leach
 My Commission Expires: Jan 2, 1983

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Frank J. Dobesh
 FRANK J. DOBESH
Marilyn Dobesh
 MARILYN DOBESH

AFFIDAVIT

I rented the property in 1959 to Walter Crago who continued to irrigate the acres that I had plus 70 acres of higher ground. Walter Crago used four pumps plus a sprinkling system which was later converted to a center pivot. William Thomas, Walter Crago and I always irrigated when the crops needed water. We pumped when the Key Hole water was turned in the Belle Fourche and after it was turned off. We all relied on the 1891 Water Right of 800 inches, the riparian water rights before 1955, and the prior users right protected under the 1955 water law.

Dated this 14th day of April, 1982.

Frank L. Bangs
FRANK BANGS

Subscribed and sworn to before me this 14th day of April, 1982.

James P. Hurley
NOTARY PUBLIC

(SEAL)

My Commission Expires: My Commission Expires August 17, 1984

III

To the best of my knowledge, and based upon what people in the area have told me over the years, and based upon my personal knowledge of the ranch, I firmly believe that the irrigated areas numbered 13, 14, 15 and 16 have been consistently irrigated since 1891 from the water right filed July 20, 1891, with a diversion point on the Belle Fourche River approximately one-quarter of a mile west of the section line between Sections 17 and 18, Township 9 North of Range One for agricultural purposes.

IV

I believe that the irrigated areas marked 8, 9, 10, 11 and 12 were also irrigated consistently since the late 1800's from another dam on the Belle Fourche River, but I have not been able to learn exactly where the second dam was located. George A. Osloond remembers two dams located on the William Thomas Ranch.

V

The irrigated area marked 17 was irrigated by Walter Crago since 1959. All of the other irrigated areas 8, 9, 10, 11, 12, 13, 14, 15 and 16 have been irrigated from the Belle Fourche River since the water right was filed in 1891. This water right provides for 800 miner's inches, which is 16 cfs. (1 miner's inch = 9 gallons per minute, 50 miner's inches = 1 cfs, 800 miner's inches ÷ 50 cfs = 16 cfs). Ninety percent of the soil irrigated in areas 8, 9, 10, 11, 12, 13, 14, 15 and 16 are sandy soil, old river sand washed up over the years, and all water used for irrigation drains directly back into the Belle Fourche River. None of the water used for irrigation is ever wasted. All of the irrigated fields are within one-half mile from the Belle Fourche River so all water for irrigation only has one-half mile to go back into the river.

STATE OF SOUTH DAKOTA:

COUNTY OF BUTTE SS
 :

AFFIDAVIT

Comes now, Frank Dobesh, upon his oath and states:

I

In 1958 I was eighteen (18) years old, and I worked during the summer on the ranch I now own. I helped with branding cattle and haying. The ranch was irrigated at that time. I worked for Walter Crago. Another hired man working on the Crago Ranch at that time was Floyd Westland. I have been familiar with the Crago Ranch since 1958. In 1963 I married Marilyn Crago, daughter of Walter and Della Crago. Marilyn and I now own the ranch.

II

To the best of my knowledge, the Crago Ranch, which was the old William Thomas Ranch and the old Robert Pughe Ranch, has always been irrigated in portions of Sections 17, 18, 19, 20, 21, 28 and 29, Township 9 North, Range One East, Butte County, South Dakota. Based on the Affidavits of Frank Bangs, George A. Osloond, Floyd J. Westland and Walter Crago, and based on what other people have told me over the years, and based on my own personal knowledge of the Crago Ranch (Thomas and Pughe Ranches) now the Dobesh Ranch, I have prepared the attached map. The sketch map that I have drawn shows: (1) the earthen and rock dam built by William Thomas, (2) the irrigation ditch which carried water across Sections 19 and 20 to (3) the flume or aquaduct which carried the water over the Belle Fourche River to (4) the irrigation ditch across Section 20. I have also shown (5) an old irrigation ditch in Sections 17 and 18, (6) an old irrigation ditch in Sections 20, 21, 28 and 29, (7) (8) and two old irrigation ditches in Section 21.

Dated this 11 day of May, 1982.

Frank J. Dobesh
FRANK J. DOBESH
Box 34
Alzada Route
Belle Fourche, SD 57717

Subscribed and sworn to before me this 11th day of May, 1982.

Genevieve Mayske
NOTARY PUBLIC *Registra 7 Subcl*
My Commission Expires: January 2, 1985

(SEAL)

STATE OF SOUTH DAKOTA:
COUNTY OF BUTTE SS
:

AFFIDAVIT

Comes now, Walter Crago, after being first duly sworn upon his oath, and states as follows:

We bought the original Robert Pughe property in 1955. There were two pumps on the property at that time. We continued to develop the irrigation from that date until we sold the property to Frank and Marilyn Dobesh.

We rented the property known as the William Thomas property in 1959 until we purchased it in 1964. The prior owner had a good D-6 cat motor and pump which was capable of pumping a 12 inch pipe full of water, which we used and he had used prior to us. The irrigation ditches were put in by Thomas many years before Bangs purchased the property. Bangs did considerable work on the ditches and borders with a cat and also a road grader. From the time of renting and purchasing, we watered all the acres (which are shown on a map in the possession of attorney, James P. Hurley, in Rapid City, South Dakota) plus 70 acres on higher ground.

We converted the irrigation to an electrical system in about 1965. We had ten pumping stations on the line. We had two pumps which pumped 4,000 gallons per minute and two of which pumped 3,000 gallons per minute, plus a sprinkling system later converted to a center pivot which pumped 1,200 gallons per minute.

With the existing appropriated right of 800 inches, plus our riparian right plus the 1955 water law which gave users the right to continue existing use, we developed one of the best irrigation systems with water conservancy and economics in mind.

Since our purchase of the property in 1955, there has always been enough natural flow water to irrigate when necessary. We were always pumping when Key Hole water was turned in the river and also after it was turned off.

Dated this 19 day of February, 1982.

Walter Crago
WALTER CRAGO

Subscribed and sworn to before me this 19 day of February, 1982.

Maudie Handrick
NOTARY PUBLIC

(SEAL)

My Commission Expires: June 6, 1985

STATE OF SOUTH DAKOTA:

SS

AFFIDAVIT

COUNTY OF BUTTE :

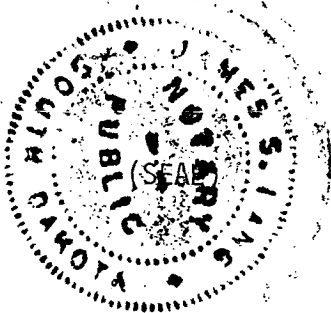
Comes now, George A. Osloond, after being first duly sworn upon his oath, and states as follows:

I know there were two dams across the Belle Fourche River located on the William Thomas Ranch. One of these dams was north of the Bert Thomas house that he built later, and I know they irrigated from the dam when water was available. This was sometime in the 1920's. The other dam was west of the William Thomas house which they irrigated from that dam.

Dated this 12th day of February, 1982.

George A. Osloond,
GEORGE A. OSLOOND

Subscribed and sworn to before me this 12th day of February, 1982.



James S. Lenz
NOTARY PUBLIC

My Commission Expires: Nov. 6, 1983
Notary Public, BUTTE COUNTY, S. DAK.

STATE OF SOUTH DAKOTA:
COUNTY OF Butte ss

AFFIDAVIT

Comes now, Floyd J. Westland, after being duly sworn upon his oath, and states as follows:

I came to work on the old Fughe ranch in the fall of 1955. The pumps were used that summer. I was on the ranch the following year and there was a full time man running the pumps 24 hours a day. We pumped every year through 1961 when water was needed.

The Bang's ranch to the west did a lot of irrigation. There were a lot of old ditches on the place from years before.

Floyd J. Westland
FLOYD J. WESTLAND

Subscribed and sworn to before me this 9th day of April, 1982.

W. Dean Pritzkau

NOTARY PUBLIC

My Commission Expires

W. DEAN PRITZKAU
Notary Public, BUTTE COUNTY, S. D.
My Commission Expires OCT. 24, 1983.



Water Right

Know all men by these presents That I Wm Thomas of Butte County State of South Dakota have claimed located and appropriated and do hereby claim locate and appropriate 80 inches of water of the Belle Fourche creek to be taken out about one quarter of a mile west of the section line between section 17 & 18 Town 9 Range 1 E B M on the south side of said Belle Fourche for Agricultural purposes Dated this 20th day of July A.D. 1891 Wm Thomas.

Office of Register of Deeds }
Butte County South Dakota }
20th day of July A.D. 1891 at 2 o'clock P M and recorded
in Book 7 Page 159

S W Pillsbury
Reg of Deeds

ENTRY NO. 2.
LOCATION WATER RIGHT.

Wm. Thomas,
TO
The Public.

Date: July 20, 1891.
Filed: July 20, 1891, 2:00 P.M.
Recorded: Book 7 Misc Page 159-61.

RECITES: Have claimed, located and appropriated and do hereby claim, locate and appropriate 800 inches of water of the Belle Fourche Creek to be taken out about one quarter of a mile West of the Section line between Section 17 and 18 Township 9 North of Range 1 on the south side of said Belle Fourche creek for agricultural purposes.

Original Copy
WM. THOMAS

No. 2243-1

State of Wis. in D. North
County of Butte

Filed for record 20
Verdy 11 1891
at 2 minutes P.M. shall record
Book 7 on page 189
L. W. B. Bell

Act. in case
H. B. Frost
Adm. Miller

Rec.

0365-1

Location of Water.

Take all men by these presents: That I, Wm. Thomas of Butte County, State of South Dakota, have claimed, located and appropriated and do hereby claim, locate and appropriate 800 inches of water of the Belle Fourche Creek to be taken out about one quarter of a mile west of the Section line between section 17 & 18 Town. 8, Range 1 E.S.N.S. on the south side of said Belle Fourche for Agricultural purposes. Dated this 20th day of July A. D. 1891.

Wm. Thomas.

STOCK HOUSE NO 3121
BUTTE S.D.

THIS IS TO CERTIFY THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING IS AN ALTERNATE METHOD
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH
DAKOTA LAWS 1-3-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORD
AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT
RECORDS. SECTION 2-3-5. FILE NO. 2. DATE MICROFILMED: 10/10/64. MICROFILMED BY: [illegible]

Location of Water.

Know all men by these presents, That I, Wm Thomas of Butte County, State of South Dakota have claimed, located and appropriated and do hereby claim locate and appropriate 20 inches of water of the Belle Fourche creek to be taken out about one quarter of a mile west of the section line between Sections 17 & 18 Town 9, Range 1 E. D. H. M. on the south side of said Belle Fourche for Agricultural purposes.

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

Wm Thomas.

EX-105 SEC 15, T. 9 N, R. 1 E

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1258-1

(1) WHEREAS, On the 31st day of May A. D. 1982

Frank J and Marilyn Dobesh

made Water Right Application No. 1258-1 for a permit to use 8.20 cubic feet per second of the waters of the Belle Fourche River

County of Butte, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 28th day of July A. D. 1982

Permit No. 1258-1, with a date of priority of July 20, 1891 and January 1, 1920 was issued to said applicant S for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the day of A. D. 19 and for the application to beneficial use of said water on or before the day of A. D. 19

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 8.20 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,

SEE ATTACHMENT

(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 Frank J and Marilyn Dobesh

_____ of Belle Fourche, South Dakota
the holder s _____ and owner s **Vested Right** of said permit No. 1258-1 a water right, dating from July 20, 1891 and
January 1, 1920 to use of 8.20 cubic feet per second of the waters
of the Belle Fourche River
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 at between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 and
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, T9N, R1E

and conducted to and upon portions of lands in Section 17, 18, 19, 20, 21, 28 and
29, T9N, R1E more fully described on the face of this license

for the purpose of Irrigation

**This Water License No. 1258-1 is based on a Vested Right claim recorded and filed
by the Water Management Board**

Subject to any limitations listed in Water Right Permit No. 1258-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of Auggst A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

ATTACHMENT FOR WATER RIGHT 1258-1 Frank Dobesh
TO IRRIGATE THE FOLLOWING LANDS

Fields Nos. 8 thru 12 have the priority of January 1, 1920 for
229 acres and 3.27 c.f.s.

Field Number	Description (All in T9N-R1E)	Acres
8	S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21	13
	E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21	30
9	SE $\frac{1}{4}$ Section 21	24
10	S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21	24
11	S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21	34
	N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28	54
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20	9
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29	11
12	N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21	14
	E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20	16
Total		229

Fields Nos 13 thru 16 have the priority of July 20, 1891 for
345 acres and 4.9 c.f.s.

13	S $\frac{1}{2}$ Section 20	133
14	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	6
15	NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	89
	E $\frac{1}{2}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	57
16	N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19	4
	S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18	17
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17	31
		345 acres

Permit No. 1258-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Frank J and Marilyn Dobesh

the holder of

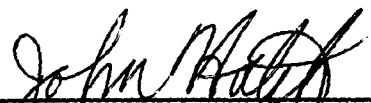
Permit No. 1258-1, issued upon Application No. 1258-1, bearing date of priority of July 20,
1891 & Jan. 1, 1920 authorizing the diversion of 8.20

Belle Fourche River County of Butte, State of South Dakota at
between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21, T9N, R1E

, for irrigation

purposes, ~~has~~ we 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 ^{recognized} ~~found~~ in satisfactory
condition for diverting and conveying to the place of intended use 8.20 cu. ft. per second of water.

Date August 18, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

Vested
Right

State of South Dakota

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

(1) Frank J. and Marilyn Dobesh

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

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

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

Butte County, South Dakota for Irrigation purposes.

Vested Right

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

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

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

water on or before

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

and

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

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

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

and

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

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

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


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

JOHN HATCH

DEC 20 1985

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1258-1 FOR IRRIGATION

Date Claim Accepted For Filing May 31, 1982.

Date of Validation July 26, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 1258-1 for irrigation purposes for Frank and Marilyn Dobesh, Route 1, Box 34, Alzada Route, Belle Fourche SD 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1258-1 appropriates 4.90 cubic feet of water per second (cfs) and 3.27 cfs from the Belle Fourche River. The diversion points are located at any point between and including the SW 1/4 SE 1/4, Section 18 and the SE 1/4 SE 1/4, Section 21, all in T9N, R1E. The 4.90 cfs has a priority date of July 20, 1891 and irrigates 345 acres in the SW 1/4 SW 1/4, Section 17; S 1/2 SE 1/4 Section 18; NE 1/4, NE 1/4 SE 1/4, Section 19; S 1/2, NW 1/4, Section 20; all in T9N, R1E. The 3.27 cfs has a priority date of January 1, 1920 and irrigates 229 acres in the E 1/2 SE 1/4, Section 20; S 1/2, S 1/2 NE 1/4, Section 21; N 1/2 NW 1/4, Section 28; NE 1/4 NE 1/4, Section 29; all in T9N, R1E.

2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year and may not exceed one-seventieth (1/70) cubic feet of water per second for each acre of irrigated land. The water is to be used during the following annual period: April 1 - October 31.

3. The priority dates of the Vested Water Right are:

July 20, 1891 - 4.90 cfs - 345 acres
January 1, 1920 - 3.27 cfs - 229 acres

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

SEP 12 1989

date

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8894

PIERRE, July 14, 19 82

RECEIVED OF FRank Dobesh, Alzada Route, Box 34, Belle Fourche, SD 57717

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

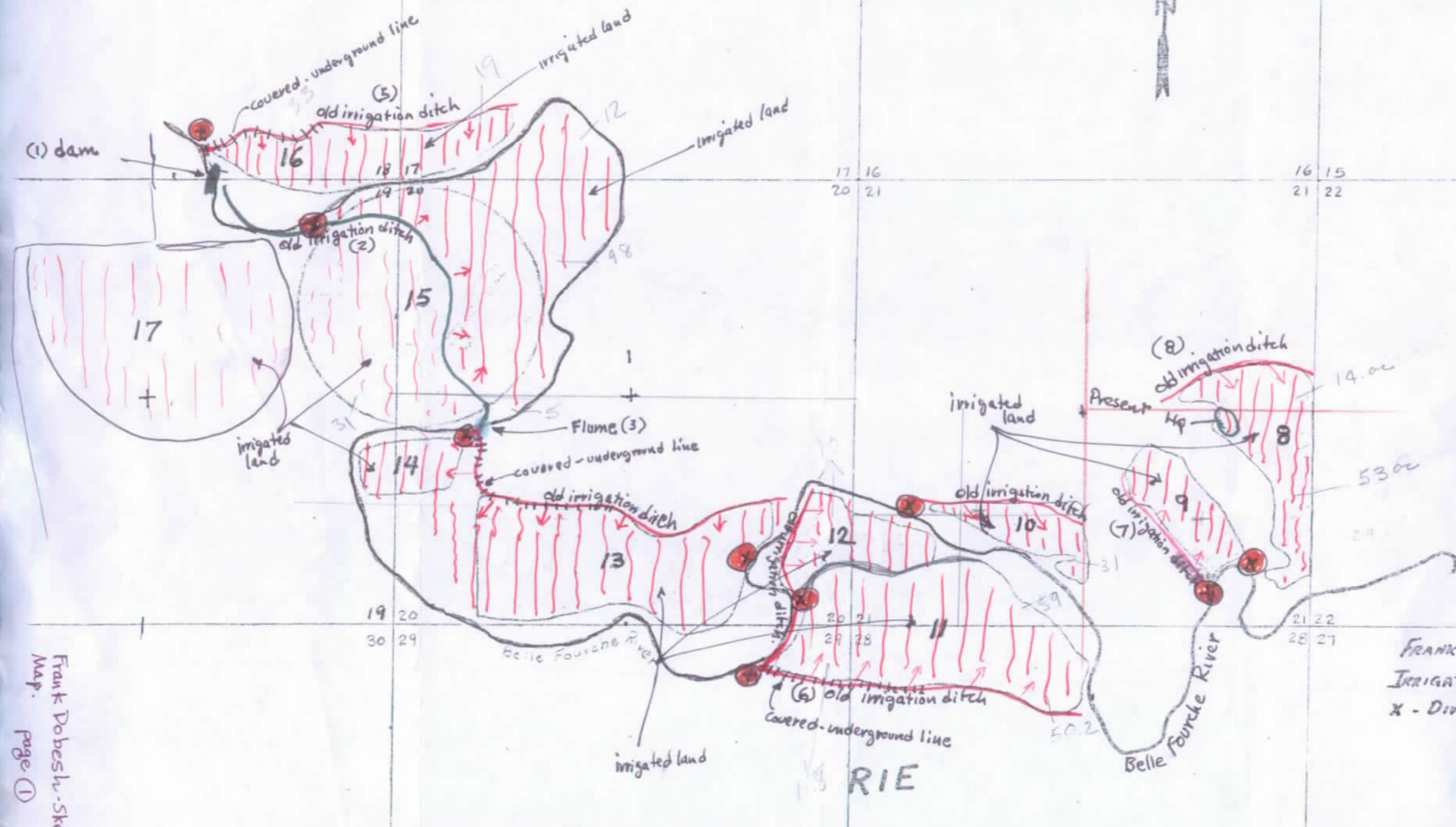
Fee for Application for Permit to Appropriate Water No. 1258-1 (examination, processing, recording and filing)	VM	8	00
Fee for inspecting Construction, and issuing Cert. of Construction No. 1258-1		2	50
Fee for inspecting Beneficial Use, and issuing Water License No. 1258-1		2	50
Fee for issuing Location 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		13	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

⊕ Diversion Points

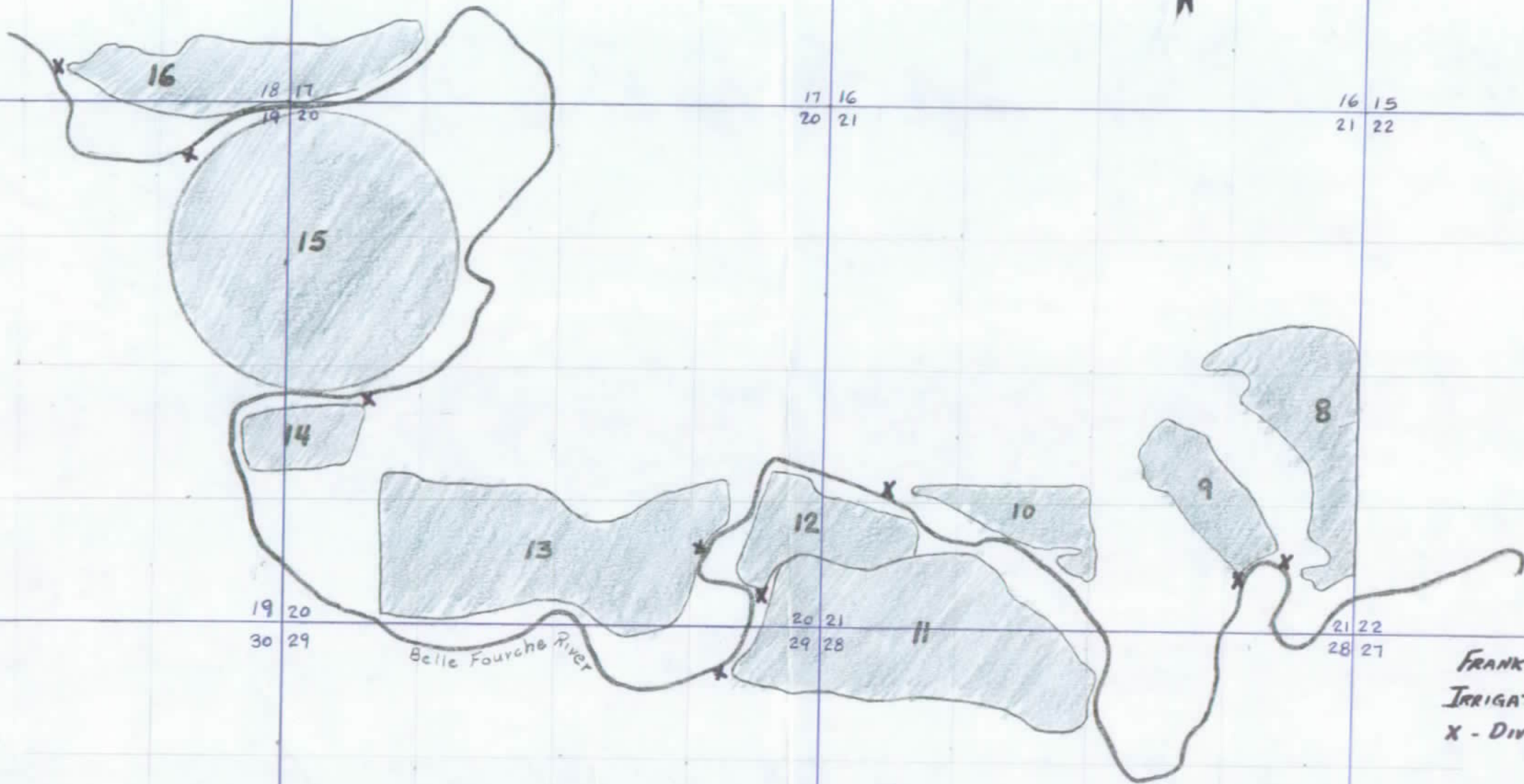
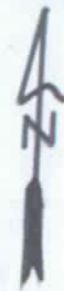
T9N



FRANK DOBESH - OWNER
IRRIGATED LANDS
X - DIVERSION PTS.

Original Map # 1065-1 (Appl. 1258-1)

T9N



Belle Fourche River

RIE

FRANK DOBESH - OWNER
IRRIGATED LANDS
X - DIVERSION PTS.

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

July 11, 1980

Frank Dobesh
Box 147
Belle Fourche, SD 57717

Dear Mr. Dobesh:

This letter is to inform you of the Belle Fourche Irrigation District's rights to the waters of the Belle Fourche River. At the present time, releases are being made from the Keyhole Reservoir specifically for the use of the Irrigation District. This is the reason why the flows have been increasing in the river.

The Belle Fourche Irrigation District has a contract for this water as well as having the senior priority to the waters of the River. Because of the above reasons, the Water Management Board hereby orders that all withdrawals of water by you from the Belle Fourche River for irrigation purposes shall cease immediately. This order will remain in effect until you are notified otherwise.

This order is issued in accordance with South Dakota Water Laws which require the Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please advise this office if there are any questions.

Very truly yours,

JAMES WINTERTON, Water Resources Engineer
Water Rights

JH/gy

cc: Belle Fourche Irrigation District
Dick Howard, Deputy Secretary, DWNR

Equal Opportunity Employer

ATTACHED LETTER SENT CERTIFIED MAIL ON MAY 5, 1981 TO:

R.A. Smiley
1202 11th Street
Belle Fourche, SD 57717

George Bean
RR
Belle Fourche, SD 57717

Frank Dobesh
Box 147
Belle Fourche, SD 57717

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

May 4, 1981

**N O T I C E
SHUT OFF ORDER**

The purpose of this letter is to clarify your irrigation rights from the Belle Fourche River. Both Walt Crago and George Bean have claimed that certain "vested" rights exist on the lands which you are irrigating. These claims may or may not be valid for the lands presently under irrigation. Any rights would be subject to the Belle Fourche Irrigation District water right for the natural flows in the river until the reservoir fills and for storage releases from the Keyhole Reservoir.

Because of the prior water rights of the Belle Fourche Irrigation District you are ordered not to divert any water for irrigation purposes from the Belle Fourche River. You must also make application for a permit through this office. During times when the Belle Fourche Reservoir has not filled and/or the District is purchasing water from the Keyhole Reservoir, any water permit obtained would be subject to you obtaining water through contracts for water held in storage at the Keyhole Reservoir.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Under separate cover, we are enclosing application forms for a water permit. Do not hesitate to contact this office if there are any questions. Also please read the enclosed letter concerning establishing a Water Use Control Area.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy
encl

Equal Opportunity Employer

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1, 2, and 3.
Address in the "RETURN TO" space on

ing service is requested (check one).

Show to whom and date delivered. \$

☒ Show to whom, date, and address of delivery. \$

☐ RESTRICTED DELIVERY

Show to whom and date delivered. \$

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

FRANK Dobesh

Box 147

Belle Fourche, SD 57717

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

4381383

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

4. *Frank Dobesh*

DATE OF DELIVERY

3-11-81

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

SB



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501
Phone (605) 773-3215

MARK V. MEIERHENRY
ATTORNEY GENERAL



August 27, 1981

MEMORANDUM

TO: Mr. John Hatch
Chief Engineer
Division of Water Rights

FROM: Mr. Daniel J. Doyle
Assistant Attorney General

RE: Frank Dobesh

I received a telephone call from R. A. Smiley of Belle Fourche, South Dakota today in which Mr. Smiley informed he would be representing Mr. Frank Dobesh in the civil action we have filed against Mr. Dobesh. Mr. Smiley requested a thirty-day extension of the time for answering the Complaint as he has not been in his office until recently and has just now seen a copy of the Complaint. Perceiving no problems with the request, I have agreed to enter into a Stipulation extending the time for answering until September 30, 1981.

DJD:ln

cc: Mr. Jim Winterton

Bangs, McCullen, Butler, Foye & Simmons
Lawyers

818 St. Joe Street, P. O. Box 2670
Rapid City, South Dakota 57709

Area Code 605
343-1040

George A. Bangs
W. A. McCullen
J. M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey

February 5, 1982

Mr. James E. Winterton
Water Rights Division
S.D. Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Re: Frank Dobesh

Dear Jim:

Please find enclosed the Stipulation for Enlargement of Time that we discussed by telephone. If this meets with your approval, please sign and send me a copy.

Thank you.

Best regards,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS

James P. Hurley
James P. Hurley

JPH:dme
Enclosure

cc: Mr. Frank Dobesh
Mr. Daniel J. Doyle

George A. Bangs
W. A. McCullen
J. M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey

Bangs, McCullen, Butler, Foye & Simmons
Lawyers

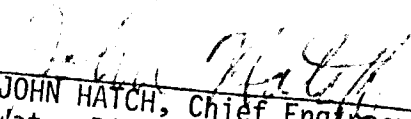
818 St. Joe Street, P. O. Box 2670
Rapid City, South Dakota 57709

Area Code 605
343-1040

February 2, 1982

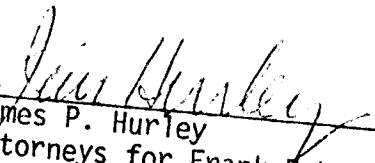
Frank Dobesh, Box 147, Belle Fourche, South Dakota, 57717, through his counsel of record, and the South Dakota Department of Water and Natural Resources, Water Rights Division, Joe Foss Building, Pierre, South Dakota, stipulates and agrees that Frank Dobesh has an enlargement of time until April 15, 1982, to submit an application for a water permit.

Dated this 17th day of February, 1982.


JOHN HATCH, Chief Engineer
Water Rights Division


James E. Winterton
Water Rights Division

BANGS, MCCULLEN, BUTLER, FOYE & SIMMONS

BY: 
James P. Hurley
Attorneys for Frank Dobesh
818 St. Joe St.; P. O. Box 2670
Rapid City, SD 57709-2670

Bangs, McCullen, Butler, Foye & Simmons
Lawyers

818 St. Joe Street, P. O. Box 2670
Rapid City, South Dakota 57709

Area Code 605
343-1040

George A. Bangs
W. A. McCullen
J. M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen C. Nelson
James P. Hurley
Michael M. Hickey

April 14, 1982

Mr. James E. Winterton
Water Rights Division
S.D. Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Frank Dobesh



Dear Jim:

Please find enclosed:

1. Stipulation for Extension of Time;
2. Application for Permit and Application of Water to Beneficial Use;
3. Affidavit of Walter Crago;
4. Affidavit of George A. Osloond;
5. Affidavit of Floyd J. Westland;
6. Affidavit of Frank Bangs and map;
7. Water Right filed July 20, 1891, from Butte County office of Register of Deeds;
8. Location Water Right filed July 20, 1891, from Mr. Dobesh's abstract of his property.

Please let us know if you need any additional documents. We believe that Frank Dobesh has a vested riparian water right. This right vested in William Thomas as the original locator on July 20, 1891, and Frank Dobesh has succeeded to this right as subsequent owner of the land and 1891 Water Right.

The water of the Belle Fourche has always been used to irrigate this land, and by right used with the land in accordance with Sec. 166 Civil Code Revised Dakota Territory 1877 and Sec. 48, Ch. 180, Laws of 1907 South Dakota. The 1955 legislation does not affect rights which vested prior to its enactment. Jewett v. Redwater Irrigation Assoc., 220 N.W.2d 834, 838 (S.D. 1974). SDCL 46-1-9 and SDCL 46-1-10 protects and validates all vested rights acquired before July 1, 1955.

We request that you recognize Frank Dobesh's vested riparian water right with a priority date of July 20, 1891.

If you have any questions concerning this matter, please contact either Mr. Joe Butler or me. If you plan to hold a hearing on this application,

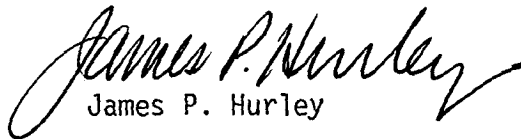
Mr. James E. Winterton
Page 2
April 14, 1982

please let us know the date and place of the hearing as Frank Dobesh and either Mr. Butler or I desire to attend and answer any questions that you or the board might have.

Thank you for your consideration of this application.

Best regards,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


James P. Hurley

JPH:dme
Enclosures

cc: Mr. Frank Dobesh (w/enc.) ✓

No. _____

Map No. _____ Water Division No. _____ District _____

Above for Office Use

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

Check one of the following:

New _____ Vested Right ☒ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Frank Dobesh Phone No. 605-892-3040
 Post Office Address Rural Rt. 1 Box 147 Belle Fourche State South Dakota 57717
(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) _____

3. Name of diversion work _____

4. Amount of water claimed (cubic feet per second) _____

5. Source of water supply _____

6. Location of point of diversion See enclosed map, water right and affidavits.County Butte7. Annual period or periods during which water is to be used Summer crop growing season8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) ag. irrigation

9. For irrigation use, Total number of acres to be irrigated _____

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.
<u>SW 1/4 S 21 T 9 N R 1 E</u>	
<u>SE 1/4 S 21 T 9 N R 1 E</u>	
<u>SE 1/4 S 20 T 9 N R 1 E</u>	
<u>NE 1/4 S 29 T 9 N R 1 E</u>	
<u>SW 1/4 S 17 T 9 N R 1 E</u>	

Land Description	No. Acres Irr.
<u>NW 1/4 S 28 T 9 N R 1 E</u>	
<u>SW 1/4 S 20 T 9 N R 1 E</u>	
<u>SE 1/4 S 19 T 9 N R 1 E</u>	
<u>NW 1/4 S 20 T 9 N R 1 E</u>	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Complete 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 _____

12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Pennington) ss.I, Frank Dobesh

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

Subscribed and sworn to before me this

13th

day of

April1982

James P. Wheeler
 per power of atty for Frank Dobesh
Donna (Hunt) E. Ellingwood
 Notary Public (or other qualified officer)

WNR-802-7/79

My Commission Expires: Aug. 29, 1986

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

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

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ 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 _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, 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 _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Frank Dobesh
Post Office Address R.R.1 Box 147 Belle Fourche, State South Dakota
If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)
Date of Posting July 20, 1891 Date of Recording July 20, 1891
Recording Data Book 7 page 159 Office of Reg. of Deeds Butte Co. S.D.
14. Date of start of construction of water supply system July 20, 1891 See affidavits attached.
15. Date that water was first applied to beneficial use July 20, 1891
16. Name of owner of original water supply system William Thomas
17. Amount of water originally applied to beneficial use See attached affidavits. c. f. s.
18. Present Use of Water
Amount of water now being used _____ c. f. s.
Date that this amount of water was first used July 20, 1891
19. Chronological History of Water Use
See attached affidavits

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Frank Dobesh, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed James P. Huley
per power of atty for Frank Dobesh

Subscribed and sworn to before me this 13th day of April, 1982

Donna (Monte) Ellingson
(Notary Public - or other qualified Officer)

My Commission Expires: Aug. 29, 1986

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Per attached affidavits
JPD

STATE OF SOUTH DAKOTA:
COUNTY OF Butte SS
:

AFFIDAVIT

Comes now, Walter Crago, after being first duly sworn upon his oath, and states as follows:

We bought the original Robert Pughe property in 1955. There were two pumps on the property at that time. We continued to develop the irrigation from that date until we sold the property to Frank and Marilyn Dobesh.

We rented the property known as the William Thomas property in 1959 until we purchased it in 1964. The prior owner had a good D-6 cat motor and pump which was capable of pumping a 12 inch pipe full of water, which we used and he had used prior to us. The irrigation ditches were put in by Thomas many years before Bangs purchased the property. Bangs did considerable work on the ditches and borders with a cat and also a road grader. From the time of renting and purchasing, we watered all the acres (which are shown on a map in the possession of attorney, James P. Hurley, in Rapid City, South Dakota) plus 70 acres on higher ground.

We converted the irrigation to an electrical system in about 1965. We had ten pumping stations on the line. We had two pumps which pumped 4,000 gallons per minute and two of which pumped 3,000 gallons per minute, plus a sprinkling system later converted to a center pivot which pumped 1,200 gallons per minute.

With the existing appropriated right of 800 inches, plus our riparian right plus the 1955 water law which gave users the right to continue existing use, we developed one of the best irrigation systems with water conservancy and economics in mind.

Since our purchase of the property in 1955, there has always been enough natural flow water to irrigate when necessary. We were always pumping when Key Hole water was turned in the river and also after it was turned off.

Dated this 19 day of February, 1982.

Walter Crago
WALTER CRAGO

Subscribed and sworn to before me this 19 day of February, 1982.

Maudie Hendrick
NOTARY PUBLIC

My Commission Expires: Jan 6, 1985

(SEAL)



STATE OF SOUTH DAKOTA:

SS

AFFIDAVIT

COUNTY OF BUTTE :

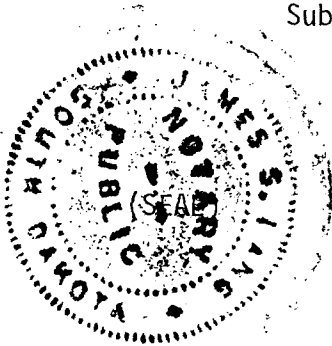
Comes now, George A. Osloond, after being first duly sworn upon his oath, and states as follows:

I know there were two dams across the Belle Fourche River located on the William Thomas Ranch. One of these dams was north of the Bert Thomas house that he built later, and I know they irrigated from the dam when water was available. This was sometime in the 1920's. The other dam was west of the William Thomas house which they irrigated from that dam.

Dated this 12th day of February, 1982.

George A. Osloond.
GEORGE A. OSLOOND

Subscribed and sworn to before me this 12th day of February, 1982.



James S. Long
NOTARY PUBLIC
Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires: My Commission Expires NOV. 6, 1983

STATE OF SOUTH DAKOTA:
COUNTY OF Butte SS

AFFIDAVIT

Comes now, Floyd J. Westland, after being duly sworn upon his oath, and states as follows:

I came to work on the old Puche ranch in the fall of 1955. The pumps were used that summer. I was on the ranch the following year and there was a full time man running the pumps 24 hours a day. We pumped every year through 1961 when water was needed.

The Bang's ranch to the west did a lot of irrigation. There were a lot of old ditches on the place from years before.


FLOYD J. WESTLAND

Subscribed and sworn to before me this 9th day of April, 1982.


NOTARY PUBLIC

My Commission Expires

W. DEAN PRITZKAU
Notary Public, BUTTE COUNTY, S. D.
My Commission Expires OCT. 24, 1983.



AFFIDAVIT

I rented the property in 1959 to Walter Crago who continued to irrigate the acres that I had plus 70 acres of higher ground. Walter Crago used four pumps plus a sprinkling system which was later converted to a center pivot. William Thomas, Walter Crago and I always irrigated when the crops needed water. We pumped when the Key Hole water was turned in the Belle Fourche and after it was turned off. We all relied on the 1891 Water Right of 800 inches, the riparian water rights before 1955, and the prior users right protected under the 1955 water law.

Dated this 14th day of April, 1982.

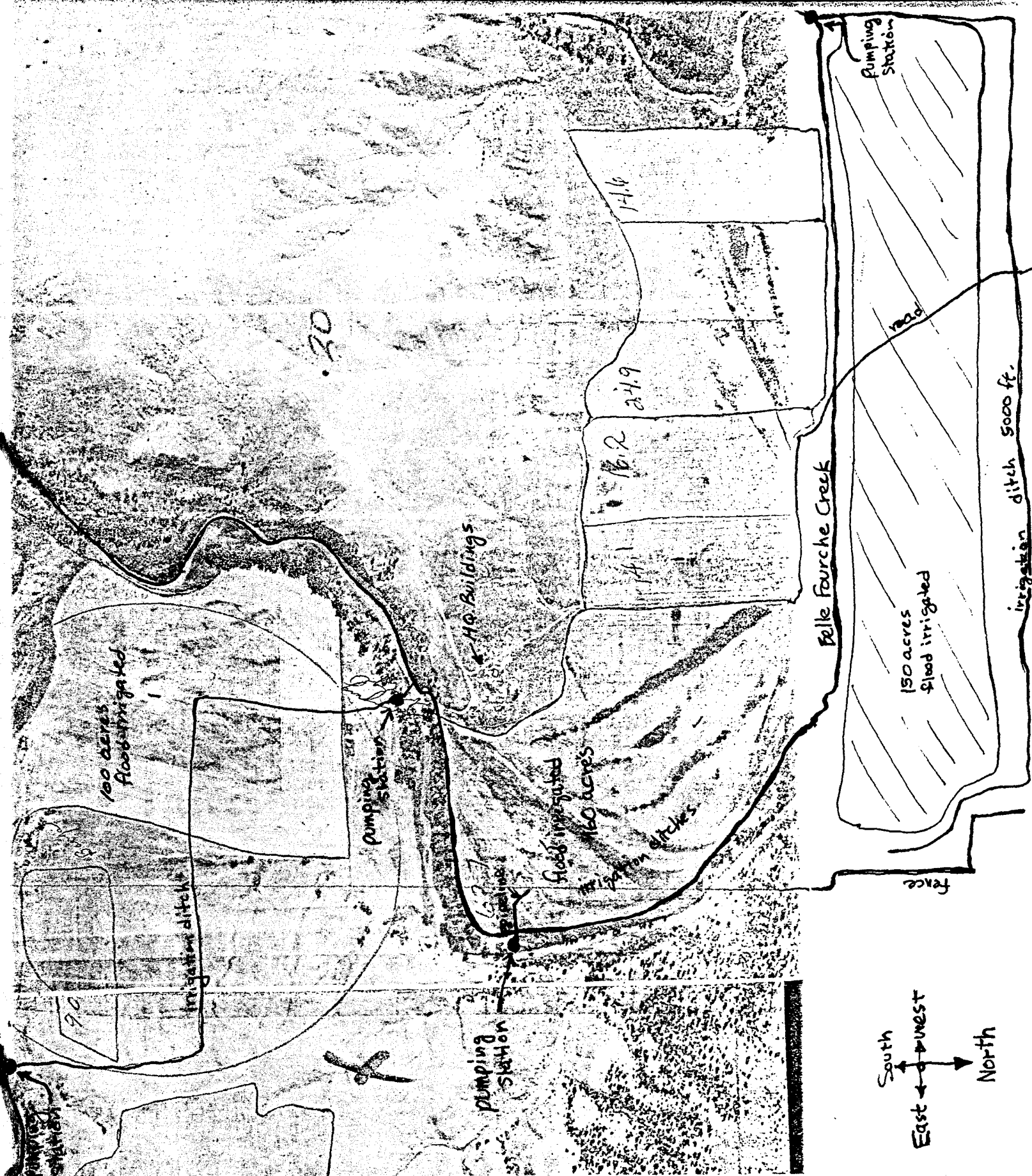
Frank L. Bangs
FRANK BANGS

Subscribed and sworn to before me this 14th day of April, 1982.

James P. Minkley
NOTARY PUBLIC

My Commission Expires: My Commission Expires August 17, 1984

(SEAL)



Water Right

Know all men by these presents That I Wm Thomas of Butte County State of South Dakota have claimed located and appropriated and do hereby claim locate and appropriate 80 inches of water of the Belle Fourche creek to be taken out about one quarter of a mile west of the section line between section 17 & 18 Town 9 Range 1 E B N W on the South side of said Belle Fourche for Agricultural purposes Dated this 20th day of July A.D. 1891 Wm Thomas.

Office of Register of Deeds }
Butte County South Dakota }
20th day of July A.D. 1891 at 2 o'clock P M and recorded in Book 7 Page 159

S W P Sellers
Reg of Deeds

George A. Bangs
W. A. McCullen
J. M. Butler
Thomas H. Foye
Thomas E. Simmons
Ronald E. Clabaugh
Charles L. Riter
Allen G. Nelson
James P. Hurley
Michael M. Hickey

Bangs, McCullen, Butler, Foye & Simmons
Lawyers

818 St. Joe Street, P. O. Box 2670
Rapid City, South Dakota 57709

Area Code 605
343-1040

May 28, 1982

Mr. James E. Winterton
Water Rights Division
S.D. Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Frank Dobesh

Dear Jim:

Enclosed please find the original and three copies of the Application for Permit to Appropriate Water within the State of South Dakota along with the attachments relative to the above matter.

Mr. Dobesh and I will attend the June meeting of the Water Management Board in Pierre June 9 and 10. Thank you for your consideration in this matter.

Best regards,

BANGS, McCULLEN, BUTLER, FOYE & SIMMONS


James P. Hurley

JPH:dme
Enclosures

cc: Mr. and Mrs. Dobesh (w/enc.)



WATER RIGHTS DIVISION (605) 773-3352

June 2, 1982

Bangs, McCullen, Butler, Foye & Simmons
James Hurley, Attorney
818 St. Joe Street
P.O. Box 2670
Rapid City, South Dakota 57709

RE: Frank Dobesh

Dear Mr. Hurley:

In order to give this office additional time to review and investigate the claim of Frank Dobesh for a "vested" right, the hearing on the application will be delayed until the Water Management Board meets on the 28th or 29th of July, 1982. You will be notified approximately two weeks prior to the hearing.

If you have any questions, please contact this office.

Very truly yours,

Jim Winterton
Water Resources Engineer

JW:ms
cc: Frank Dobesh

WATER RIGHTS DIVISION

(605) 773-3352

June 2, 1982

George B. Bean
Box 147
Belle Fourche, South Dakota 57717

Dear Mr. Bean:

This office is in receipt of your application for "vested" right. This claim will be reviewed and investigated within the next month. Both this application and the application of Frank Dobesh's will be delayed until the July 28th or 29th, 1982 hearing of the Water Management Board. You will be notified if any additional information will be required from you prior to the hearing.

If you have any questions do not hesitate to contact this office.

Very truly yours,

Jim Winterton
Water Resources Engineer

JW:ms

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 8, 1982

Bob and Wilbur Newland
Alzada Star Rt
Belle Fourche SD 57717

Dear Sirs:

Frank Dobesh has made application to this office for recognition of a "vested" right dating from July 20, 1891 for the irrigation of 574 acres of land (see enclosed map). The application is based on a location notice filed by Wm. Thomas when he appropriated 800 miners inches of the waters of the Belle Fourche River for Agricultural Purposes.

The Office of Water Rights wishes to determine the validity of this claim as this will predate the Location Notice filed by the USGS for the Belle Fourche Irrigation Project.

Any development which occurred prior to the 1955 water law which had placed water to a beneficial use is considered to hold a "vested right" if the use has continued with not more than three continuous years of nonuse.

The question is the priority date which should be given the "vested right". It is the belief of the Office of Water Rights that those lands irrigated from the date of the location notice can receive that date for a priority. However, throughout the years additional lands were developed. These added acreages should not receive the date of the location notice. A water right is valid only to the extent of the quantity of water actually applied to beneficial use. Any amendments or extensions to a ditch is valid only from the date the additional development took place.

The 1907 water law provided a means for appropriating water, however this was never done. Any lands developed after the 1955 water law requires a new application which would have a priority date based on the date received in the Office of Water Rights.

The Office of Water Rights is in search of any additional documentation which would verify and quantify the rights of Mr. Dobesh. Any information that could be provided by you would be appreciated.

If you have any questions, do not hesitate to contact me.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:ks



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 8, 1982

Lois Budmayr
919 State St
Belle Fourche SD 57717

Dear Mr. Budmayr:

Frank Dobesh has made application to this office for recognition of a "vested" right dating from July 20, 1891 for the irrigation of 574 acres of land (see enclosed map). The application is based on a location notice filed by Wm. Thomas when he appropriated 800 miners inches of the waters of the Belle Fourche River for Agricultural Purposes.

The Office of Water Rights wishes to determine the validity of this claim as this will predate the Location Notice filed by the USGS for the Belle Fourche Irrigation Project.

Any development which occurred prior to the 1955 water law which had placed water to a beneficial use is considered to hold a "vested right" if the use has continued with not more than three continuous years of nonuse.

The question is the priority date which should be given the "vested right". It is the belief of the Office of Water Rights that those lands irrigated from the date of the location notice can receive that date for a priority. However, throughout the years additional lands were developed. These added acreages should not receive the date of the location notice. A water right is valid only to the extent of the quantity of water actually applied to beneficial use. Any amendments or extensions to a ditch is valid only from the date the additional development took place.

The 1907 water law provided a means for appropriating water, however this was never done. Any lands developed after the 1955 water law requires a new application which would have a priority date based on the date received in the Office of Water Rights.

The Office of Water Rights is in search of any additional documentation which would verify and quantify the rights of Mr. Dobesh. Any information that could be provided by you would be appreciated.

If you have any questions, do not hesitate to contact me.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:ks



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 8, 1982

Belle Fourche Irrigation District
209 Dartmouth
Newell SD 57760

Gentleman:

Frank Dobesh has made application to this office for recognition of a "vested" right dating from July 20, 1891 for the irrigation of 574 acres of land (see enclosed map). The application is based on a location notice filed by Wm. Thomas when he appropriated 800 miners inches of the waters of the Belle Fourche River for Agricultural Purposes.

The Office of Water Rights wishes to determine the validity of this claim as this will predate the Location Notice filed by the USGS for the Belle Fourche Irrigation Project.

Any development which occurred prior to the 1955 water law which had placed water to a beneficial use is considered to hold a "vested right" if the use has continued with not more than three continuous years of nonuse.

The question is the priority date which should be given the "vested right". It is the belief of the Office of Water Rights that those lands irrigated from the date of the location notice can receive that date for a priority. However, throughout the years additional lands were developed. These added acreages should not receive the date of the location notice. A water right is valid only to the extent of the quantity of water actually applied to beneficial use. Any amendments or extensions to a ditch is valid only from the date the additional development took place.

The 1907 water law provided a means for appropriating water, however this was never done. Any lands developed after the 1955 water law requires a new application which would have a priority date based on the date received in the Office of Water Rights.

The Office of Water Rights is in search of any additional documentation which would verify and quantify the rights of Mr. Dobesh. Any information that could be provided by you would be appreciated.

If you have any questions, do not hesitate to contact me.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:ks

WATER RIGHTS DIVISION

(605) 773-3352

July 21, 1982

Belle Fourche Irrigation District
Harold Skjoldah, Manager
209 Dartmouth
Newell, South Dakota 57760

Dear Mr. Skjoldah:

The consideration of the "vested" right application for Frank Dobesh, No. 2258-1 by the Water Management Board is scheduled for 9:00 a.m. on July 28, 1982 in the Civil Defense Room in the basement of the Capitol Building, Pierre, South Dakota.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

Jim Winterton
Water Resources Engineer

JW:ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

September 1, 1982

Frank & Marilyn Dobesh
RR #1, Box 34
Alzada Rt
Belle Fourche SD 57717

Dear Mr. & Mrs. Dobesh:

Enclosed please find a copy of the draft portion of the Water Management Board minutes pertaining to Vested Right Application No. 1258-1 as you requested at the meeting.

The draft has included the qualifications which will be placed on recognition of your vested right. If you have any questions pertaining to the qualifications please contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the printed name and title.

JOHN HATCH, Chief Engineer
Water Rights Division

cc: James Hurley, Attorney
enclosures

Water Rights Division
605 773-3352

May 3, 1983

1258-1

Frank and Mariynn Dobesh
RR #1 Box 34, Alzada Rt.
Belle Fourche SD 57717

Mr. & Mrs. Dobesh:

On July 28, 1982 the Water Management Board approved your Vested Right Application No. 1258-1 with the qualification that flow meters be installed to determine gallons per minute pumped. Since flow meters are to be used, the qualification for mandatory return of the yearly irrigation questionnaire should have been put on your water right.

Enclosed is a corrected copy of Water Right No. 1258-1 which includes the irrigation questionnaire qualification.

If you have any questions concerning the addition of this qualification please advise.

Sincerely,

KEVIN C LARSON
Water Resources Engineer

KCL:GY:ks

enclosure

SOUTH Dakota Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

July 12, 1985

1258-1

NOTICE

TO: Frank Dobesh
Box 147
Belle Fourche SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Division



SUBJECT: Rescind Shutoff Order on lands covered by the July 20, 1891
priority date on Water Right No. 1258-1

I am writing regarding the telephone conversation July 10, 1985 with Jim Winterton. You are authorized to continue your irrigation on the lands covered by Water Right No. 1258-1 which has a July 20, 1891 priority date. We are reviewing the flows in the Belle Fourche River. If we find that the only flow in the river is the water being released from Keyhole Reservoir for use by the Belle Fourche Irrigation District, then you will need to stop pumping.

Please advise if you have any questions.

Equal Opportunity Employer

CERTIFICATION

I hereby certify that on July 12, 1985, I have personally deposited with the U.S. Mail, a postage prepaid envelope containing the attached notice to Rescind Shutoff Order on Water Right No. 1258-1 addressed to:

Frank Dobesh
Box 147
Belle Fourche SD 57717

Karen Schlaak

Karen Schlaak, Administrative Aide

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 1985.



John Hatch

Notary Public



Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

1258-1

0365-1

DEC 20 1985

Frank J. & Marilyn Dobesh
Route #1, Box 34
Alzada Route
Belle Fourche, South Dakota 57717

Dear Mr. & Mrs. Dobesh:

Enclosed is a reissued Vested Right Water License No. 1258-1. The water license has been reissued to incorporate Water Right Filing No. 0365-1. Filing No. 0365-1, bearing a priority date of July 20, 1891, is the old William Thomas filing which was used in documenting your Vested Right claim. The filing, although used in documenting your claim, was not incorporated into the Vested Right at the time it was recognized by the Water Management Board. Through reissuance of the Water License, the applicable portions of Filing No. 0365-1 have been incorporated into your Vested Right.

If you have any questions concerning this procedure, please contact us.

Very truly yours,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms
Enc.



Department of Water & Natural Resources

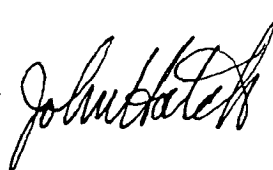
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 21, 1988

1258-1

NOTICE

TO: Frank & Marilyn Dobesh
RR 1, Box 34
Belle Fourche SD 57717

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

SUBJECT: Notice of Shutoff Order to Belle Fourche River
Irrigators Above Belle Fourche Irrigation Project
Diversion Canal

The Belle Fourche Irrigation District has ordered releases of water from the Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to Shutoff any irrigation pumping from the Belle Fourche River effective immediately.

Contact us, if you have any questions.

cc: Belle Fourche Irrigation District



CERTIFICATION

I hereby certify that on June 21, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Shutoff Order to Belle Fourche River Irrigators Above Belle Fourche Irrigation Project Diversion Canal addressed as follows:

Frank & Marilyn Dobesh
RR 1, Box 34
Belle Fourche SD 57717

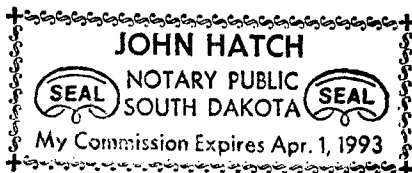
Harold Skjoldah, Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of June, 1988.

John H. Bates
Notary Public





Department of Water & Natural Resources

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

July 1, 1988

NOTICE

1258-1

TO: Frank Dobesh
Box 147
Belle Fourche, SD 57717

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

John Hatch
by James Winterton

SUBJECT: Rescind Shutoff Order, dated June 24, 1988, on lands covered by the July 20, 1891 priority date on Water Right No. 1258-1

I am writing in response to your June 29th and 30th telephone discussion with Jim Winterton. You are authorized to continue your irrigation on the lands covered by Water Right No. 1258-1 at a maximum diversion rate of 4.9 cfs. This water right has a July 20, 1891 priority date. We will continue to monitor the flows in the Belle Fourche River. If it is determined that the only flow in the river is stored water being released from the Keyhole Reservoir for use by the Belle Fourche Irrigation District and that no natural flows exist, then you will need to stop pumping.

Let us know if you have any questions.

cc: Belle Fourche Irrigation District



CERTIFICATION

I hereby certify that on July 1, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice to Rescind Shutoff Order dated June 24, 1988 on Water Right No. 1258-1 addressed as follows:

Frank Dobesh
Box 147
Belle Fourche SD 57717

Harold Skjoldah, Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1988.



John Galt
Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Frank and Marilyn DobeshADDRESS: RR #1, Box 34, Alzada Route, Belle Fourche COUNTY Butte
S.D. 57717DATE: 6-14-89 TELEPHONE 892-3040RE: Vested Right Inspection

COMMENTS:

On Monday June 5, 1989, Vested Right No. 1258-1 was
inspected. Accompanied by Mr. Dobesh various parts of the land
authorized under VR #1258-1 were inspected. The acreage, the irrigation
ditches, ~~and~~ the ditches and the diversion points were all inspected. It
seemed that the acreage and the irrigation system matched the
ones plotted on the original map #1065-1 for Application No 1258-1

Recommend validation

- File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: MR Shadi



Department of Water & Natural Resources

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

June 27, 1989

NOTICE

TO: Frank and Marilyn Dobesh
RR-1, Box 34
Belle Fourche, SD 57717

FROM: James Winterton, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice of Shutoff Order to Belle Fourche River
Irrigators Above Belle Fourche Irrigation Project
Diversion Canal

The Belle Fourche Irrigation District has ordered releases of water from the Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to limit your withdrawals of water under Water Right No. 1258-1 to those lands which hold a priority date prior to the Belle Fourche Irrigation District. Therefore, you are limited to a diversion rate of 4.9 cfs to irrigate 345 acres in field nos. 13 through 16 as shown on your Water Right No. 1258-1. This notice is effective immediately.

If it is determined that the only flow in the river is stored water being released from the Keyhole Reservoir for use by the Belle Fourche Irrigation District and that no natural flows exist, then you will need to stop pumping on these lands also.

Contact us if you have any questions.

cc: Belle Fourche Irrigation District



CERTIFICATION

I hereby certify that on June 27, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order addressed as follows:

Frank and Marilyn Dobesh
RR-1, Box 34
Belle Fourche, SD 57717

Belle Fourche Irrigation District
209 Dartmouth
Newell SD 57760


KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1989.


Notary Public



Department of Water & Natural Resources

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

July 5, 1989

NOTICE

TO: Frank & Marilyn Dobesh
Rt 1, Box 34
Alzada Rt
Belle Fourche SD 57717

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

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

SUBJECT: Validation of Vested Right Claim No. 1258-1, Frank & Marilyn Dobesh

The Water Management Board will consider Validation of Vested Right Claim No. 1258-1 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 letter 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. 1258-1. 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



CERTIFICATION

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. 1258-1 addressed as follows:

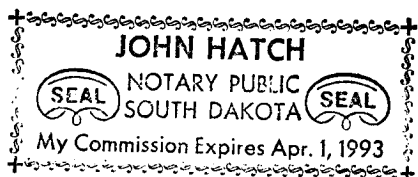
Frank & Marilyn Dobesh
Rt 1, Box 34
Alzada Rt
Belle Fourche SD 57717

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

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of July, 1989.



John Hatch
Notary Public

SOUTH Dakota Department of
Water & Natural Resources

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

SEP 12 1989

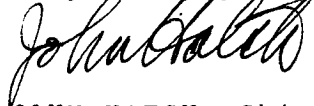
Frank and Marilyn Dobesh
Rt 1, Box 34
Alzada Route
Belle Fourche SD 57717

Dear Mr. & Mrs. Dobesh:

The Water Management Board has validated the enclosed Vested Water Right No. 1258-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,



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

enclosure





Department of Water & Natural Resources

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

June 22, 1990

1258-1

NOTICE

TO: Frank & Marilyn Dobesh
RR 1, Box 34
Belle Fourche SD 57717

A handwritten signature in black ink, reading "Delvin D. Brosz". The signature is written in a cursive, flowing style.

FROM: DELVIN D. BROSZ, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice to Restrict Pumping From the Belle Fourche River

The Belle Fourche Irrigation District has ordered releases of water from Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to restrict your irrigation on the lands covered by Water Right No. 1258-1 to a maximum diversion rate of 4.9 cfs.

We will monitor the flows in the Belle Fourche River. If it is determined that the only flow in the river is stored water being released from Keyhole Reservoir and that no natural flows exist, you will need to stop pumping.

Contact us if you have any questions.

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on June 22, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Restrict Pumping to:

Frank & Marilyn Dobesh
RR 1, Box 34
Belle Fourche SD 57717

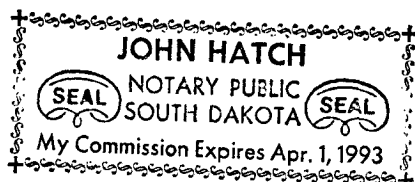
Belle Fourche Irrigation District
209 Dartmouth
Newell SD 57760

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of June, 1990.

John Hatch
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

July 25, 1991

NOTICE OF SHUT OFF ORDER

TO: Frank/Marylin Dobesh,
RR 1, Box 34
Belle Fourche, SD 57717

FROM: John Hatch, Chief Engineer
Water Right Division

A handwritten signature in dark ink, appearing to read "John Hatch".

SUBJECT: Shut Off Order, Effective Immediately.

Due to lack of natural flows in the Belle Fourche River, you are ordered to cease diversions from the Belle Fourche River until further notice.

Present flows in the river are ordered water released from Keyhole Reservoir for the Belle Fourche Irrigation District and the Belle River Pumpers Association.

When the river again has natural flow, a notice will be issued to allow you to pump from the river.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501, Phone (605)773-3352

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on July 25, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice dated July 25, 1991, regarding a Shut Off Order, addressed to:

Frank/Marylin Dobesh
RR 1 Box 34
Belle Fourche, SD 57717

and a copy addressed to:

Jim Winterton, Project Manager
Belle Fourche Irrigation District
Box 225
Newell, SD 57760

Jaci R Konop
JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of July, 1991.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 1, 1991

NOTICE

TO: Frank/Marylin Dobesh,
RR 1, Box 34
Belle Fourche, SD 57717

FROM: John Hatch, Chief Engineer 
Water Rights Division

SUBJECT: Rescission of July 25, 1991 Shutoff Order.

Since natural flows in Belle Fourche River have improved, I am rescinding the July 25, 1991 shutoff order, effective immediately.

Diversions from Belle Fourche River must be limited to 4.0 cubic feet per second. If natural flows in the river diminish, you will be ordered to cease pumping from Belle Fourche River.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501, Phone (605)773-3352.

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on August 1, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Rescission of July 25, 1991 Shutoff Order addressed as stated below:

Frank and Marylin Dobesh, RR 1, Box 34, Belle Fourche, SD 57717.

Belle Fourche Irrigation District, P.O. Box 225, Newell, SD 57760.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of August, 1991.

John Hatch
Notary Public

Conversation or File Documentation

NAME OF PERSON OR FILE: Frank DobeshADDRESS: _____ COUNTY ButteDATE: 8-18-92 TELEPHONE _____RE: Check to see if only one pump is running.

COMMENTS:

Stopped at Frank Dobesh's place to see how many pumps are running.

He took me to the pump which was running in Section 18. There were two pumps located there. Mr. Dobesh said one was a ~~DO~~ helper pump.

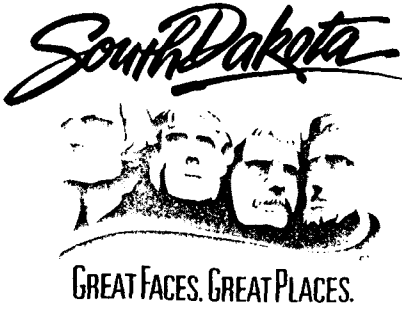
Read the meter measurement - 1500-1800 gpm
Said running one pump at a time

8-19-92 - I was informed Mr. Dobesh was issued a shut off order. I flew over his property with Tim Winton. Tim told me that Mr. Dobesh was shut off and that he was satisfied. It looked to me that Mr. Dobesh was shut off.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Norma C. Sob



1258-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 18, 1992

NOTICE OF SHUT OFF ORDER

TO: Frank/Marylin Dobesh
RR 1, Box 34
Belle Fourche, SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Shut Off Order, Effective Immediately.

Due to lack of natural flows in the Belle Fourche River, you are ordered to cease diversions from the Belle Fourche River until further notice. Present flows in the river are ordered water released from Keyhole Reservoir for the Belle Fourche Irrigation District.

When the river again has natural flow, a notice will be issued to allow you to pump from the river. If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501, Phone: (605)773-3352.

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on August 18, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 18, 1992, regarding Notice of Shut Off Order on Water Permit No. 1258-1 addressed as stated below:

Frank and Marylin Dobesh, RR 1, Box 34, Belle Fourche, SD 57717.

Jim Winterton, Belle Fourche Irrigation District, P.O. Box 225,
Newell, SD 57760.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of August, 1992.



John H. Allen
Notary Public

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1258-1

September 2, 1992

NOTICE

TO: Frank/Marylin Dobesh,
RR 1, Box 34
Belle Fourche, SD 57717

FROM: *for* John Hatch, Chief Engineer
Water Rights Division 

SUBJECT: Rescission of August 18, 1992 Shut off Order.

Since natural flows in the Belle Fourche River have improved, I am rescinding the August 18, 1992 shut off order, effective immediately.

Diversions from the Belle Fourche River must be limited to 4.0 cubic feet per second. If natural flows in the river diminish, you will be ordered to cease pumping from the Belle Fourche River.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501, Phone: (605) 773-3352.

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on September 2, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated September 2, 1992, regarding Rescission of August 18, 1992 Shutoff Order (1258-1) addressed to:

Frank/Marylin Dobesh
RR 1 Box 34
Belle Fourche, SD 57717

Belle Fourche Irrigation District
PO Box 225
Newell, SD 57760

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of September, 1992.

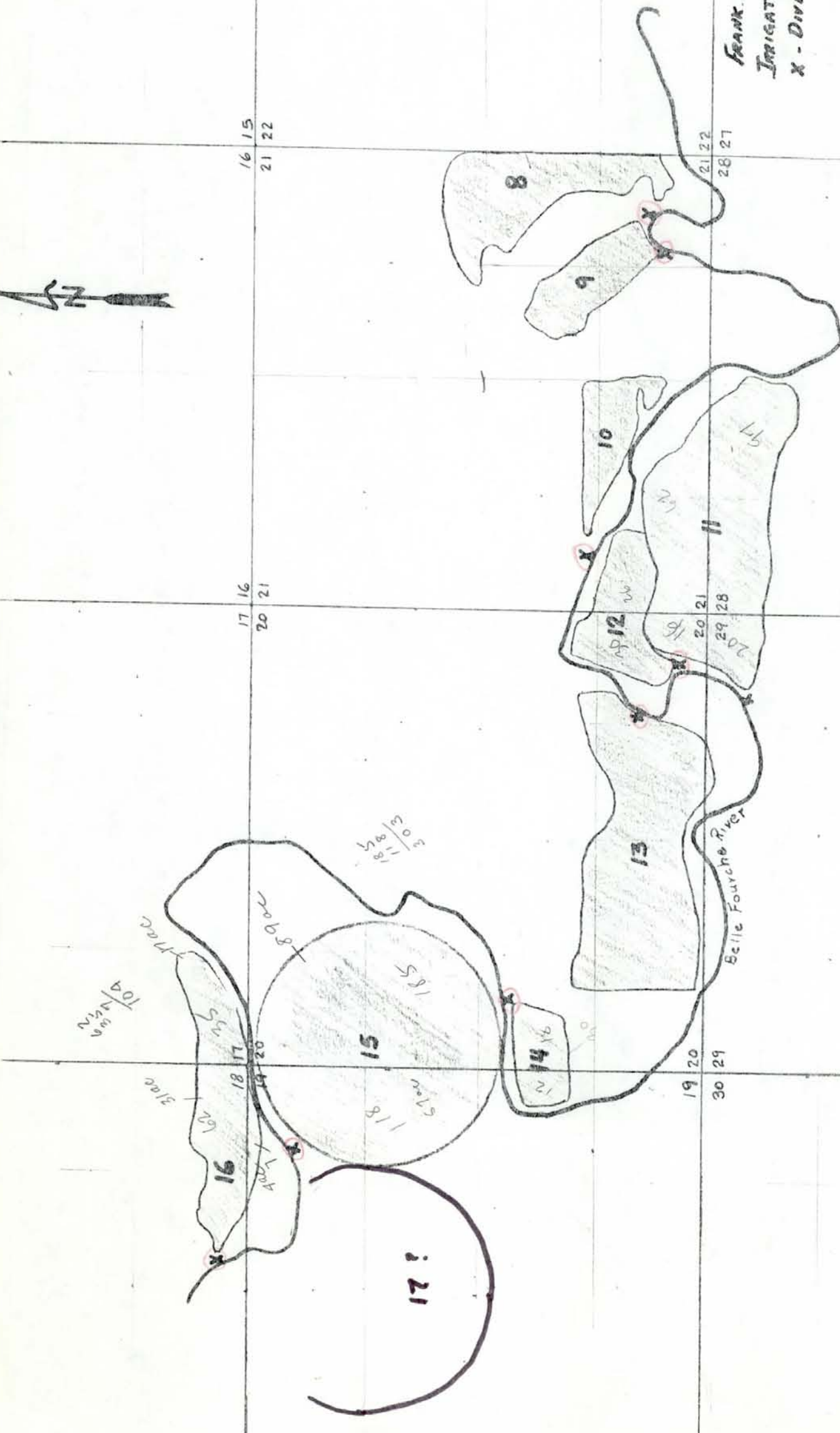


John Hatch
Notary Public

T9N

FRANK DOBESH - OWNER
IRRIGATED LANDS
X - DIVERSION PTS.

RIE



Appl. # 1258-1

"11" COPY MAP ON FISCHER



1258-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 2005

NOTICE OF SHUTOFF ORDER

TO: Frank/Marylin Dobesh
RR1, Box 34
Belle Fourche, SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Shutoff Order Water Right No. 1258-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for Fields Nos. 8 through 12 with the priority date of January 1, 1920 as shown on the Attachment for Water Right No. 1258-1.

Present flows in the Belle Fourche River are ordered water released from Keyhole Reservoir for the Belle Fourche Irrigation District.

This order shall remain in effect until January 1, 2006. If Belle Fourche River natural flows return to a level sufficient to allow you to pump the full appropriation for No. 1258-1 before January 1, 2006, you will be issued an order allowing you to resume pumping for the acreage with the priority date of January 1, 1920.

If you should have any questions please contact Mark Rath or Don Stroup at (605) 773-3352.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760

ATTACHMENT FOR WATER RIGHT 1258-1 Frank Dobesh
TO IRRIGATE THE FOLLOWING LANDS

Fields Nos. 8 thru 12 have the priority of January 1, 1920 for
229 acres and 3.27 c.f.s.

Field Number	Description (All in T9N-R1E)	Acres
8	S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 21	13
	E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21	30
9	SE $\frac{1}{4}$ Section 21	24
10	S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21	24
11	S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21	34
	N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28	54
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20	9
	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29	11
12	N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21	14
	E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20	16
Total		229

Fields Nos 13 thru 16 have the priority of July 20, 1891 for
345 acres and 4.9 c.f.s.

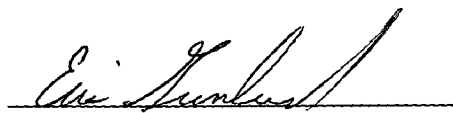
13	S $\frac{1}{2}$ Section 20	133
14	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20	8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	6
15	NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20	89
	E $\frac{1}{2}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19	57
16	N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19	4
	S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18	17
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17	31
		345 acres

CERTIFICATION

I hereby certify that on August 15, 2005 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 13, 2005 regarding Notice of Shutoff Order Water Right No. 1258-1 addressed as stated below:

Frank/Marylin Dobesh
RR 1 Box 34
Belle Fourche SD 57717

Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell SD 57760



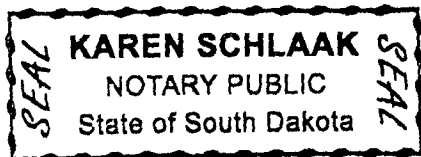
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of August, 2005.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 2006

NOTICE OF SHUTOFF ORDER

TO: Frank/Marylin Dobesh
RR1, Box 34
Belle Fourche, SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Shutoff Order Water Right No. 1258-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for Fields Nos. 8 through 12 with the priority date of January 1, 1920 as shown on the enclosed Attachments for Water Right No. 1258-1.

This order shall remain in effect until January 1, 2006. If Belle Fourche River natural flows return to a level sufficient to allow you to pump the full appropriation for No. 1258-1 before January 1, 2006, you will be issued an order allowing you to resume pumping for the acreage with the priority date of January 1, 1920.

If you should have any questions please contact Mark Rath or Don Stroup at (605) 773-3352.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760



1258-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 2006

NOTICE OF SHUTOFF ORDER

TO: Frank/Marylin Dobesh
RR1, Box 34
Belle Fourche, SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR Water Rights Program *Garland Erbele*

SUBJECT: Revised Shutoff Order Water Right No. 1258-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for Fields Nos. 8 through 12 with the priority date of January 1, 1920 as shown on the enclosed Attachments for Water Right No. 1258-1.

This order shall remain in effect until January 1, 2007. If Belle Fourche River natural flows return to a level sufficient to allow you to pump the full appropriation for No. 1258-1 before January 1, 2007, you will be issued an order allowing you to resume pumping for the acreage with the priority date of January 1, 1920.

If you should have any questions please contact Mark Rath or Don Stroup at (605) 773-3352.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760

CERTIFICATION

I hereby certify that on April 26, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 26, 2006 regarding Revised Shutoff Order Water Right No. 1258-1 addressed as stated below:

Frank/Marylin Dobesh
RR 1 Box 34
Belle Fourch SD 57717

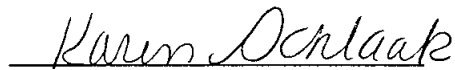
Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell SD 57760



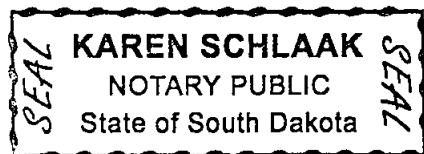
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of April, 2006.



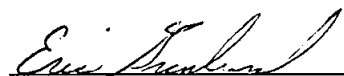
Karen Schlaak
Notary Public
My Commission expires April 1, 2007



CERTIFICATION

I hereby certify that on May 1, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 26, 2006 regarding Notice of Shutoff Order for Water Right No. 1258-1 addressed as stated below:

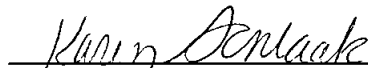
Frank/Marylin Dobesh
18449 Dobesh Ranch Rd
Belle Fourche SD 57717-6910



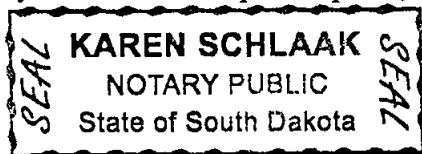
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of May, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





1258-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2007

NOTICE OF SHUTOFF ORDER

TO: Frank & Marilyn Dobesh
18449 Dobesh Ranch Rd
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Shutoff Order Water Right No. 1258-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for Fields Nos. 8 through 12 with the priority date of January 1, 1920 as shown on the Attachment for Water Right No. 1258-1.

This order shall remain in effect until January 1, 2008. If Belle Fourche River natural flows return to a level sufficient to allow you to pump the full appropriation for No. 1258-1 before January 1, 2008, you will be issued an order allowing you to resume pumping for the acreage with the priority date of January 1, 1920.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760

ATTACHMENT FOR WATER RIGHT (1258-1 Frank Dobesh)
TO IRRIGATE THE FOLLOWING LANDS

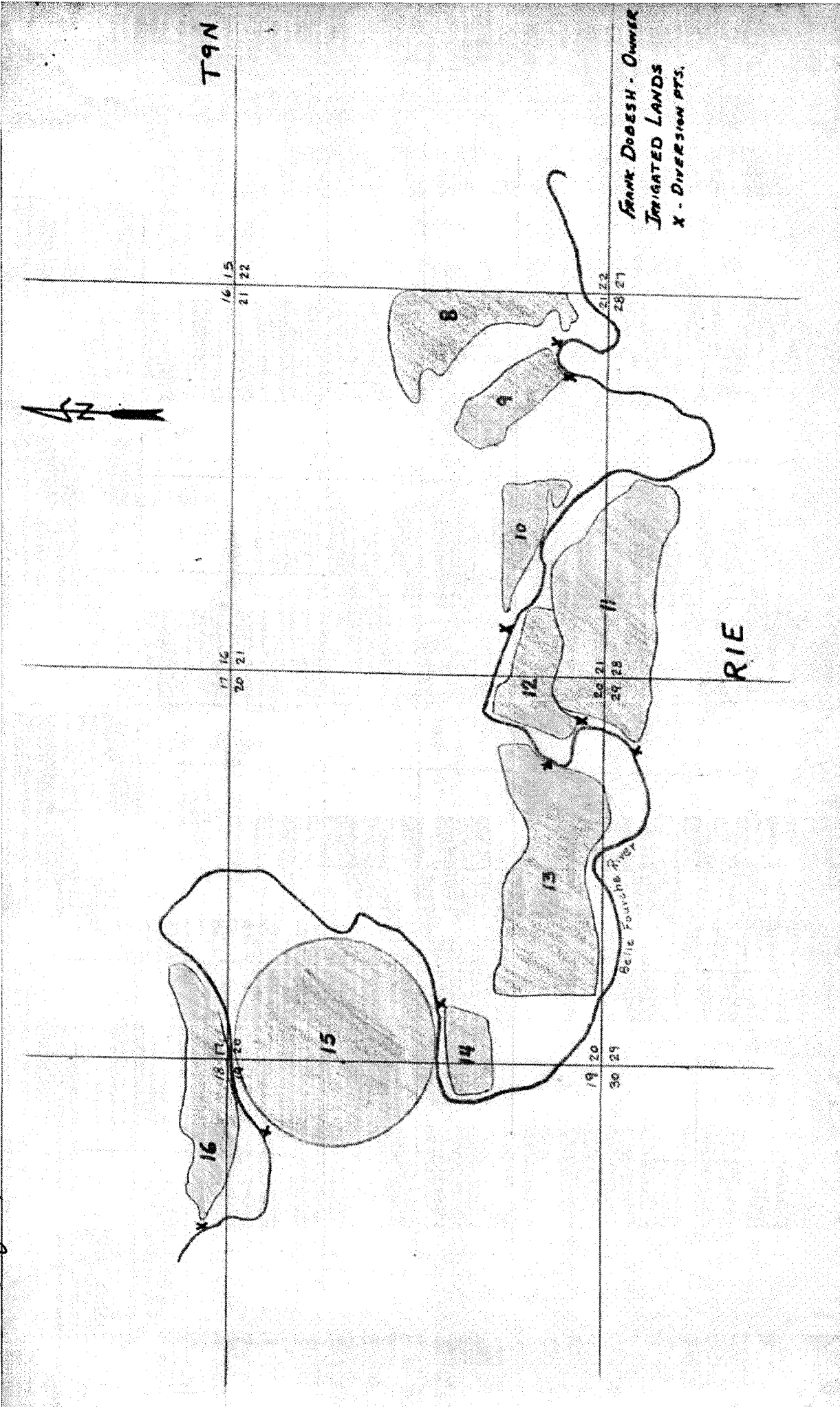
Fields Nos. 8 thru 12 have the priority of January 1, 1920 for
229 acres and 3.27 c.f.s.

Field Number	Description (All in T9N-R1E)	Acres
8	S $\frac{1}{2}$ NE $\frac{1}{4}$	Section 21 13
	E $\frac{1}{2}$ SE $\frac{1}{4}$	Section 21 30
9	SE $\frac{1}{4}$	Section 21 24
10	S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 21 24
11	S $\frac{1}{2}$ SW $\frac{1}{4}$	Section 21 34
	N $\frac{1}{2}$ NW $\frac{1}{4}$	Section 28 54
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 20 9
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 29 11
12	N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 21 14
	E $\frac{1}{2}$ SE $\frac{1}{4}$	Section 20 16
Total		229

Fields Nos 13 thru 16 have the priority of July 20, 1891 for
345 acres and 4.9 c.f.s.

13	S $\frac{1}{2}$	Section 20 133
14	NW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 20 8
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 19 6
15	NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 20 89
	E $\frac{1}{2}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 19 57
16	N $\frac{1}{2}$ NE $\frac{1}{4}$	Section 19 4
	S $\frac{1}{2}$ SE $\frac{1}{4}$	Section 18 17
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 17 31
		345 acres

1258-1





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: Frank & Marilyn Dobesh
18449 Dobesh Ranch Rd
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Shutoff Order Water Right No. 1258-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for Fields Nos. 8 through 12 with the priority date of January 1, 1920 as shown on the Attachment for Water Right No. 1258-1.

This order shall remain in effect until January 1, 2009. If natural flows in the Belle Fourche River return to a level sufficient to allow you to pump the full appropriation for No. 1258-1 before January 1, 2009, an order will be issued allowing you to resume pumping for the acreage with the priority date of January 1, 1920.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

cc: Clint Pitts
Belle Fourche Irrigation District
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

Curt Anderson
US Bureau Of Reclamation
515 9th St Room 101
Rapid City SD 57701



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 23, 2008

RESCISSION OF SHUTOFF ORDER

TO: Frank & Marilyn Dobesh
18449 Dobesh Ranch Rd
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Rescission of Shutoff Order for Water Right No. 1258-1

Due to the recent large precipitation events in the Belle Fourche River basin and increased runoff to the river, the Belle Fourche Reservoir will receive its annual fill this year. Therefore I am rescinding the March 19, 2008 shutoff order for Water Right No. 1258-1. You are now allowed to pump the full appropriation of natural flows from the Belle Fourche River authorized by for No. 1258-1.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

cc: Clint Pitts
Belle Fourche Irrigation District
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

Curt Anderson
US Bureau Of Reclamation
515 9th St Room 101
Rapid City SD 57701

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1258-1

Date:

RECEIVED

MAY 10 2018

**WATER RIGHTS
PROGRAM**

I/We request that Water Right No. 1258-1

formerly owned by: Frank Dobesh

be transferred to: (name & address) Dobesh Ranches LLC

18449 Dobesh Ranch Road, Belle Fourche SD 57717

Telephone No. _____

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

574 ACRES – described in Water Right No. 1258-1

I/We understand that the validity of Water Right No. 1258-1 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 Fifty Dollars (\$50.00) 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 _____, the new owner, certify that the above information is true and correct.

Dobesh Ranches LLC by Frank Dobesh
(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 May 14

20 18

Dobesh Ranches LLC 18449 dobesh Ranch Rd Belle Fourche SD 57727

RECEIVED OF

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	50	00
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 _____		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 08677

By Jeanne Goodman
Chief Engineer

vm



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **DOBESH RANCHES, L.L.C.**

General Information

SOS Business ID DL012774
Filing Type: Limited Liability Company - Domestic
 12/22/2006
Status: Good Standing
Duration Term: Perpetual
Managed By: Manager-Managed

Registered Agent Address

FRANK J DOBESH
 18449 DOBESH RANCH ROAD
 BELLE FOURCHE, SD 57717-6910

Principal Address

18449 DOBESH RANCH ROAD
 BELLE FOURCHE, SD 57717-6910

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
11/27/2017	2017 Annual Report	B0046-1655
11/28/2016	2016 Annual Report	B0015-6678
12/01/2015	2015 Annual Report	
12/15/2014	2014 Annual Report	
12/18/2013	2013 Annual Report	
12/03/2012	2012 Annual Report	
12/21/2011	2011 Annual Report	
11/29/2010	2010 Annual Report	
01/22/2010	2010 Annual Report	
12/01/2008	2008 Annual Report	
12/28/2007	2007 Annual Report	
12/22/2006	Initial Filing	DL012774



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2018

1258-1

Frank Dobesh
Dobesh Ranches LLC
18449 Dobesh Ranch Rd
Belle Fourche SD 57717

Dear Mr. Dobesh:

Thank you for stopping by the office last week to file the ownership change for Vested Water Right No. 1258-1.

The ownership change has been processed. Vested Water Right No. 1258-1, formerly listed under Frank & Marilyn Dobesh is now listed in the name of Dobesh Ranches LLC.

I made copies of the water license for you when you were in the office. I forgot to include the actual validation of the vested right done in 1989. Enclosed are two copies of the validation (for you and your son).

Also enclosed for your records is Receipt No. 08677 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 6, 2021

NOTICE OF SHUTOFF ORDER

TO: FRANK DOBESH
DOBESH RANCHES LLC
18449 DOBESH RANCH RD
BELLE FOURCHE SD 57717

FROM: 
Eric Gronlund, Chief Engineer
SD DANR Water Rights Program

SUBJECT: Belle Fourche River Shutoff Order for Water Rights Upstream of the Belle Fourche Irrigation District Diversion Dam

Shutoff Order for Water Right Nos. 1258-1

The continuing drought has dried up the natural flow of water in the Belle Fourche River over the past week. The Belle Fourche Irrigation District has notified the SD DANR-Water Rights Program they are ordering contracted stored water releases to the Belle Fourche River from Keyhole Reservoir in Wyoming. The stored water releases are being purchased through a contract with the US Bureau of Reclamation for use by irrigators on the Belle Fourche Irrigation District. This water is not considered natural flow water so it is not available to other irrigators' to use. In order to protect the Belle Fourche Irrigation District's rights to the purchased water, the department is issuing shutoff orders to water right holders located along the Belle Fourche River reach from the Wyoming state line to the Belle Fourche Irrigation District's diversion dam. This order is effective immediately and diversions of water from the Belle Fourche River will not be allowed for those water rights located in this river reach.

I am asking for your cooperation in complying with this shutoff order. If conditions do not improve, this order will remain in effect until **December 31, 2021**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

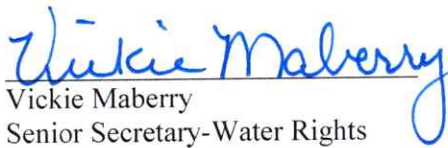
If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 6, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 6, 2021, regarding Notice of Shutoff Order addressed as stated below:

WR No. 1258-1
FRANK DOBESH
DOBESH RANCHES LLC
18449 DOBESH RANCH RD
BELLE FOURCHE SD 57717

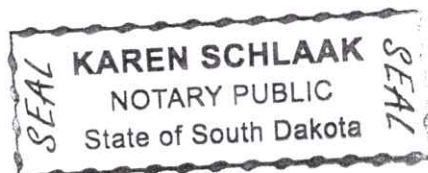
WR No. 789-1
BRIAN BUDMAYR
1719 7TH AVE
BELLE FOURCHE SD 57717


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of July, 20 21.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

Conversation or File Documentation

Name of Person: Frank Dobesh- Dobesh Ranches LLC

File No. 1258-1

Address: 18449 Dobesh Ranch Road LLC, Belle Fourche SD 57717

County: Butte

Date: 07-26-2021 **Telephone:** 605-892-0340

RE: July 6, 2021 Belle Fourche River water right shutoff order.

Comments:

Chief Engineer Eric Gronlund and staff engineers Blaise Hansen and I talked to Mr. Dobesh about why the Chief Engineer issued a shutoff order for the Belle Fourche River on July 6, 2021.

We told him that we had received an email in late June from the David Schroeder, Water Commissioner for the Wyoming State Engineer's Office stating the Belle Fourche River had dried up in some locations and was almost dry near Hulett WY. On Friday July 2, 2021, we received notification from Tristin Klemetz, Manager of the Belle Fourche Irrigation District that they requested the US Bureau of Reclamation release stored water from Keyhole Reservoir under the District's contract for releases beginning July 6, 2021. I explained that flow as measured at the USGS stream gaging station 06428500, the Belle Fourche River at the Wyoming-South Dakota state line, had registered flow of zero cubic feet of water per second in the river at that location multiple times between June 29 and July 6, 2021. Based upon that information, we determined the flows in the Belle Fourche River will be purchased stored water releases from Keyhole Reservoir and any natural flow will be only sufficient to cover domestic use. Therefore, the Chief Engineer issued the shutoff order.

Mr. Dobesh questioned the accuracy of stream gage readings. I stated the USGS makes regular field measurements state line stream gage to verify the accuracy of the stream gages. I checked and the USGS made a field measurement of 2.14 cfs on June 24, 2021 at that gage to verify its calibration, which was within two weeks of the shutoff order being issued. Mr. Dobesh indicated that his son was pumping from the river and water was flowing past after pumping on the date the shutoff order was mailed to the date four days later when they received the order by mail. I told Mr. Dobesh that the decision to issue the shutoff order was based on the best information we had available at that time.

Mr. Dobesh voiced concerns that if it stays dry and the Chief Engineer has to issue another shutoff order, how do we know the situation won't reoccur. Eric Gronlund stated that prior to issuing a shutoff order again we would have a staff person go out to the Belle Fourche River to verify the flow conditions.



Mark D Rath
Natural Resources Engineer III
SD DANR-Water Rights Program

Water Rights Program - DANR**File Documentation for No. 1258-1****County:** Butte**Name of Person:** Dobesh Ranches LLC – Frank and Dane Dobesh**Address:** 18449 Dobesh Ranch Road, Belle Fourche SD 57717**Date:** August 31, 2021**RE:** Splitting Vested Water Right No. 1258-1 into two separate water rights.**Comments:**

On July 6, 2021 the Chief Engineer issued shutoff orders for water rights on the Belle Fourche River between the Wyoming – South Dakota state line and the Belle Fourche Irrigation District diversion dam because natural flow in the river had gone to zero. Dane Dobesh contacted us and asked why we shutoff both his priority dates to irrigate from the river. I explained the District had ordered water releases from Keyhole Reservoir and the only water available in the river was purchased water. We discussed how if there was limited natural flow available, the senior priority, July 20, 1891, for 4.90 cfs and 345 acres predated the 1904 priority date for Belle Fourche Irrigation District water right could continue to divert water, but the portion of the vested right bearing a January 1, 1920 priority date for 3.27 cfs and 229 acres could not.

After discussing the issue with Mr. Dobesh and Eric Gronlund the Chief Engineer, it was agreed that to avoid future misunderstandings concerning shutoff orders, Vested Water Right No. 1258-1 should be split into two separate vested water rights based upon the priority dates.



Mark D Rath
Natural Resources Engineer III
SD DANR-Water Rights Program

1258-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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SEP 07 2021

1258A-1

1258B-1

Frank Dobesh
Dobesh Ranches LLC
18449 Dobesh Ranch Rd
Belle Fourche SD 57717

Dear Mr. Dobesh:

Enclosed are Reissued Vested Right Water License Nos. 1258A-1 and 1258B-1.

Vested Water Right No. 1258-1 was divided and reissued to reflect the acreage and diversion rate pertinent to each priority date as follows:

- **No. 1258A-1** carrying a priority date of July 20, 1891 for 4.90 cfs and 345 acres
- **No. 1258B-1** carrying a priority date of January 1, 1920 for 3.27 cfs and 229 acres

The division of the original water license should help clarify when future shutoff orders are needed for your vested rights.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures