

10110201

- VESTED RIGHT
1. Considered: February 24, 1983 Water Right No. 1267-1
2. Name of Applicant Rex or Alfreda Davis
3. Post Office Address Camp Crook Route Box 26, Belle Fourche, SD
4. Amount of Water Claimed 7.33 maximum acre feet
5. Source of Water Supply Forty Eight Mile Creek & Trib. Water Spreading
6. Water to be used for IRR acres to be irrigated 513 *
7. County Harding about 10 miles WEST of Harding
8. PROOF OF PUBLICATION: Received Not Received
- APPLICATION: Approved 2-24-83 Subject to
- Not Approved Action Deferred

PRIORITY
10-8-1901

Dated Received 1/6/83 Application complete-yes _____ no _____ FEE 13.00
Remarks _____

Corrected Application received Period of Annual Use 3/1 to 11/1

WATER
QUALITY

Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes _____ no _____ Remarks _____
not applicable is a vested right

Disapproved Returned

Diversion Point _____
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33-T17N R1E

Land to be irrigated 120 acres in SD
SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 30; W $\frac{1}{2}$ SW $\frac{1}{4}$
Sec. 29; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31 and
NW $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 32 all
in T17N R1E plus 393 acres in Montana

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth

Remarks * 393 ACIZES ARE IN MONTANA

MAP Map No. _____ Map located in Water Right _____ Map file _____
 Type of Map aerial and drawn Prepared by Le Roy Mernaugh DWNR

+++++

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:

February 7, 1983

Betty Westlund
 (Signed) Betty Westlund

+++++

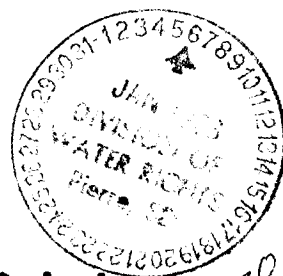
PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

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. 1267-1
 Map No. 1074-1 Water Division No. 1 Little Missouri R. District
 Above for Office Use 10110201



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

Check one of the following:

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Rex or Alfreda Davis Phone No. 797-4443Post Office Address Camp Crook Rt. Box 26, Belle Fourche State SD 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) completed3. Name of diversion work Davis Dam4. Amount of water claimed (cubic feet per second) 7.335. Source of water supply Forty Eight Mile Creek & tributaries
 6. Location of point of diversion 750'N and 100'E of the SW corner of Section 33, T17N, R1E
SW⁴SW⁴ (CC)
County Harding7. Annual period or periods during which water is to be used March to November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation - W.S.9. For irrigation use, Total number of acres to be irrigated 120 ac in SDList below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each. 393 ac in MT

Land Description	No. Acres Irr.
see attached sheet	

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

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.
11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Nation Center News

12. Principal Features of the Proposed Water Supply System.

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

storage dam - 36" CMP outlet - head gate

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

canals & ditches

C. Works proposed to apply water to beneficial use.

flooding - with spreader dikes & ditches

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

Estimated Total Cost \$ 100,000
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

 STATE OF SOUTH DAKOTA)
 County of Harding) ss.

 I, Floyd R. Davis Alfreda S. Davis the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed Floyd R. DavisSubscribed and sworn to before me this 4 day of Jan., 1983

Notary Public (or other qualified officer)



R 1E

Rex Davis

Office Copy

Map - $\frac{1}{8}'' = 1 \text{ mile}$,
Map by J. S. Munsell

Primary Spelling

200- 8.0' dia Riser
with 6.0' dia Barrels
allers

2. Ca + 0.44

WATER RIGHT APPLICATION APPROVAL

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

Rex or Alfreda Davis

Camp Crook Route, Box 26, Belle Fourche

(Applicant)

(Post Office Address)

South Dakota

57717

(State)

With the following qualifications.

"Vested Right" Claimed

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

Date of first receipt of application January 6, 1983
Date of return to applicant for correction, amendments or changes required, 19____
Date of receipt of corrected application, 19____
Approved February 24, 1983, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 1267-1

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

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

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 7.33 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before This Date _____; said water to be used during the following described annual period: March 1st to November 1st

Witness my hand this 26th day of April, 1983

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued April 26, 1983

Rex or Alfreda Davis

Paragraph 9 Irrigation Use

		Acres
SE $\frac{1}{4}$ SE$\frac{1}{4}$ NE	Sec 30, T17N, R1E	10
NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	20
SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	20
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec 29, T17N, R1E	6
SW $\frac{1}{4}$ SW $\frac{1}{4}$	"	22
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 31, T17N, R1E	16
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	2
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Sec 32, T17N, R1E	16
NE $\frac{1}{4}$ NW $\frac{1}{4}$	"	8

Total 120 Ac in South Dakota

The following land is in Montana

Lot #1	Sec 15, T62E, R5S	37
Lot #2	"	37
Lot #3	"	37
Lot #4	"	30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Sec 15, T62E, R5S	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	"	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$	"	40
Lot #1	Sec 22, T62E, R5S	23
Lot #2	"	10
NE $\frac{1}{4}$ NE $\frac{1}{4}$	"	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	"	19

Total irrigated
both States
120 + 393 = 513 ac

Total 393 ac in Montana

Note the lots are in the 40 acre areas in Montana
Next to the SD-Montana Line for this map only

WATER LICENSE NO. 1267-1

(1) WHEREAS, On the 6th day of January 83 A. D. 19

Rex or Alfreda Davis
1267-1 Vested Right
 made Water Right Application No. 7.33 for a permit to use 7.33 cubic feet per second of the waters
 of a Dam, Forty Mile Creek & Tributaries
 of Harding Irrigation
 County of _____, State of South Dakota, for _____

24th February 83 purposes; and
 Vested Right On the _____ day of _____ A. D. 19
1267-1 October 8, 1901
 Permit No. _____, with a date of priority of recognizing
 was issued to said applicant _____ 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 7.33 cubic feet
 per second of water for beneficial use and,

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

to irrigate the following lands located in South Dakota and Montana			
South Dakota land all in T17N-R1E		Montana land all in R 62E-R5S	
Section 30 Acres		Section 15 Lot 1	37 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 (AD)		Lot 2	37 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 (DA)		Lot 3	37 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 (DB)		Lot 4	30 Acres
Section 29		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres	(AA)
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 (CB)		SE $\frac{1}{4}$ N $\frac{1}{4}$ 40 Acres	(AD)
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22 (CC)		NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 Acres	(DA)
Section 31		SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 Acres	(DD)
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 16 (AA)		Section 22 Lot 1	23
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 (AD)		Lot 2	10
Section 32		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres	(AA)
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 DB		SE $\frac{1}{4}$ NE $\frac{1}{4}$ 19 Acres	(AD)
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8 BA		Montana Total	393 Acres
S.D. Total	120 ACRES		

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Rex or Alfreda Davis, Camp Crook Route, Box 26

_____ of Belle Fourche, South Dakota 57717

Vested Right
the holder S and owner S of said permit No. 1267-1 a water right, dating from October 8, 1901

_____ to use of 7.33 cubic feet per second of the waters of a dam, Forty mile Creek and Tributaries

in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 750' north and 100' east of the SW Corner of Section 33-T17N-R1E (CC)

and conducted to and upon lands located in South Dakota in Section 29, 30, 31 and 32 T17N-R1E and in Montana in Sections 15 and 22-T62E-T5S, more fully described in the face of this License.

for the purpose of Irrigation

This Water License No. 1267-1 is based on a Vested Right Claim ^{recognized} ~~filed~~ by the Water Management Board

Subject to any limitations listed in Water Right Permit No. 1267-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of April A. D.

Nineteen Hundred and Eighty-Three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 1267-1Water Division 1 Little Missouri River Water District
10110201REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Rex Davis or
Alfred Davis of Camp Crook Rt - Box 26, Belle Fourche, S.D. 57717 holder
of Permit No. 1267-1, bearing date of priority of 10-8-1981,
authorizing the diversion of 7.33 cu. ft. per second of the waters of Forty Eight Mile Creek + Tributaries
for Irrigation purposes, in Harding County.

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

The Water Use System consists of,

- A. Works used to divert the water:
Storage Dam with 36" CMP Outlet to Irrigation
Supply Ditch
For Dam information see Reverse Side of this form.
- B. Works used to transport water to place of use,
Irrigation Supply Ditch

- C. Works used to apply water to beneficial use.
spreader ditches
spreader dikes with CMP/head gates for Flood
Irrigation

The system is in the following condition: Good.The point of diversion is located 750' N and 100' E of the SW Corner of
Section 33, T17N R1EThe works are capable of diverting and conveying to the place of use 73.
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

See Attached Sheetcomprising a total of 513 acres of land.

see Reverse side of this form for dam information

license for 7.33 cfs.

Date Aug 4, 1982
LeRoy J. Mernaugh
(Signature)

Storage Dam Information .

Height = 28 ft.

Length = 1300 ft

Top width 12 ft.

Side Slopes. 3:1 down 4:1 up.

Water Depth 11.0 ft.

Primary Spillways 2 each 6 ft² dia CMP. / 8 ft dia Risers.

Emergency Spillway 100' wide

Freeboard. 3.0 ft.

36" CMP with headgate. for outlet into irrigation ditch

Storage. 585 Ac Ft

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9096

PIERRE, January 6, 1983

RECEIVED OF Floyd R Davis for Rex/Alfreda Davis, Camp Crook Rt. Box 26, Belle Fourche
the following amount in fees for services rendered as provided for by law: SD 57717

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	8 00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	2 50
Fee for inspecting Beneficial Use, and issuing Water License No. _____	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 ks

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) Rex or Alfreda Davis

Post Office Address Camp Crook Rt, Box 26 Belle Fourche, State SD 57717

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available) taken from Permit No. 0101-1
Date of Posting October 8, 1901 Date of Recording October 15, 1901

Recording Date _____

14. Date of start of construction of water supply system October 8, 1901

15. Date that water was first applied to beneficial use 1902

16. Name of owner of original water supply system Betsy M Davis

17. Amount of water originally applied to beneficial use 20 c. f. s.

18. Present Use of Water
Amount of water now being used 73 c. f. s. (system capacity)

Date that this amount of water was first used 1902

19. Chronological History of Water Use
1902 Betsy Davis began irrigating
1930's Floyd C Davis continued irrigating the land
1965 Rex Davis obtained the property and has irrigated from the system since.
The dam has been up dated at various times. In 1977 the dam was up dated to present condition.

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 Harding) ss.

Floyd R. Davis, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Floyd R. Davis

Subscribed and sworn to before me this 4 day of January, 1983

Helen Norton
(Notary Public - or other qualified Officer)

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.

Floyd R. (Rex) Davis
Alfreda S. Davis

D. Well Information

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

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

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

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

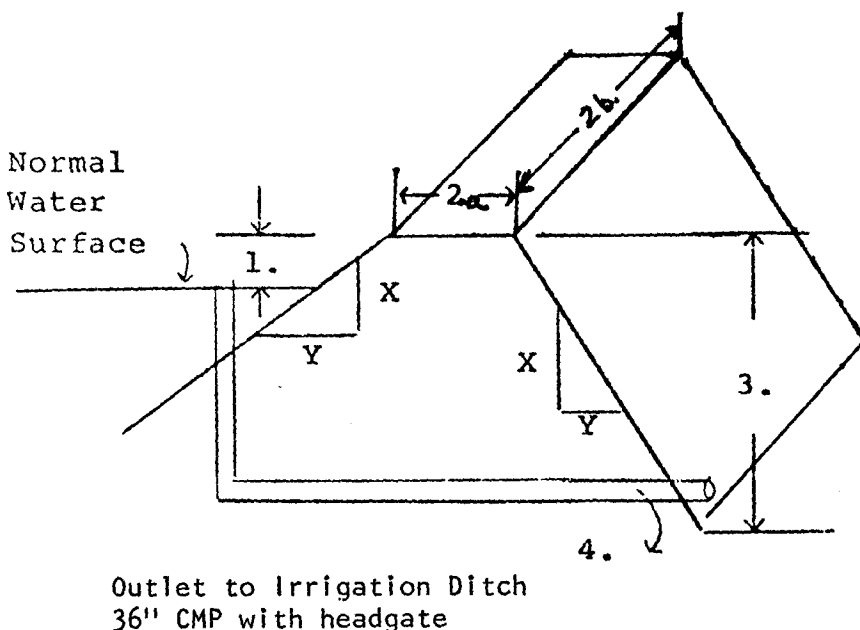
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

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



1. Freeboard 4.0'
- 2a Crest width 12' b. length 1300'
3. Height of Dam 28'
4. Outlet dimensions: 2 ea. 8.0' risers
Pipe diameter with 6.0' dia. barrels
Spillway width 100'
- X & Y slope: 4:1
Upstream 4:1
Downstream 3:1
- Surface area of impoundment 80 ac
- Drainage area above dam 15,000 ac
- Water Depth 11.0'
Storage 585 AF

Rex R. Davis
Alfreda S. Davis

*This is an agreement to split the water 50-50 between Davis and Bye.
See permits # 061-1 & # 0101-1.*

Agreement

*Rex Davis - Camp Crook Rt.
Box 26, Belle Fourche, S.D.*

We, George A. Davis and his wife Betsy M. Davis, both of Harding, in the County of Butte, State of South Dakota, the party of the first part do hereby agree with Oluf J. Bye and his wife Gundhild M. Bye, both of Capitol in the County of Custer, and State of Montana, the party of the second part.

1st. Whereas it is known and acknowledged by both of said parties that Betsy M. Davis did on the 13th day of October 1901 locate and file for record one certain water right so the amount of One thousand (1000) inches of the waters running and flowing in a Creek known as Forty-eight Mile Creek situated in Township 17 North of Range 1 East of the B.H.M. at a point about 300 feet North and about 450 feet east of the southwest corner of Section 33, in said Township and Range.

2nd. That said party of the first part hereby sell, convey and transfer unto the said party of the second part in and for the consideration of the sum of One (1) dollar to them in hand paid and the payment whereof is hereby acknowledged for the one half of the waters of from the above described water appropriation to have and to hold for themselves their heirs, executors, and administrators forever. Further it is herewith agreed that said water is to be divided at a point to be selected by both of said parties at a point at least five hundred feet below the main point of diversion of said water right on the right hand bank of main canal. That the means of dividing said water shall be by a lumber bridge or flume set across the full width of said main canal with a panel set to center so as to divide said water in two equal parts or quantities, one part of said water is to continue running in said canal to and from boards owned by said party of the first part, the other part of said water is to be run in a ditch or flume for a distance of at

least seventy-five feet from a grade same as grade of main canal, then or there to discharge into reservoir held, owned and controlled by the party of the second part, further as it herewith agreed that both of the said parties is to keep in repair and to maintain said canal and flume from point of diversion unto to point of herebefore described division of said water, also therefrom to point of discharge of the waters belonging so the parties of the second part.

3rd. Further is it herewith agreed by the said parties that at any time hereafter the party of the first part see fit and wish to use said water, that they at all times shall respect and use said means to divide said water as herebefore described, it is further agreed that the party of the second part shall have no right to draw any water from the reservoir owned and controlled by the party of the first part without the consent of said party, further is it agreed by said parties that the party of the first part shall have no right to run water in said main canal in no shape or manner which will bar the party of the second part from getting their part of said water as herebefore and after specified without the full consent of the said party of the second party.

4th. Further is it herewith agreed by the party of the second part that as being as this agreement shall exist between the parties herein named that the said party of the second part shall take as a substitute and as a sufficient supply in behalf of certain water right filed are placed for record by Oluf J. Bye and his wife Gundhild H. Bye on said Forty-eight Mile creek at a point West 22 degrees South at a distance of about 1254 feet from the east quarter corner of Section 32, in Township 17 North of Range 1 East of the B.H.M. in said Butte County, State of South Dakota, and that no claims of any water

running or being in the above said creek shall be held by the party of the second part under any water right whatsoever excepting a right to any and all wastewaters that hereafter may spill from the water appropriation herein described and owned by said party of the first part and said water shall be deemed or considered as a part of the one half of the waters herewith deeded by the party of the first part to the party of the second part on conditions as follows: that at any time hereafter the reservoir owned and controlled upon said creek by said party of the second part at the point here before described shall fill with water to the high water line or level, then during such times shall only be entitle to only one fourth of the water herbefore described and to be divided from the waters owned and controlled by the party of the first part; further it is herewith agreed by both of the said parties that the intention of this agreement is to divide the said waters in two equal parts running and being held by storage reservoirs on said creek by both of said parties to a point not to exceed below the point of O.J. and G.M. Bye's water appropriation described as follows, on said Forty-eight Mile Creek at a point west 22 degrees South, at a distance of about 1254 feet from east quarter corner of Section 32, of said Township 17 North of Range 1 East B.H.M. futher it is also agreed by both of said parties that they each for themselves herewith reserve the right to at any time hereafter to turn the water out of the reservoirs herein mentioned if the dams hereof should at any time be endangered by said waters, also further agreed by the party of the first part that they shall use reasonable judgement as to the time to turn the water out of their reservoir so that such waters can and shall be used in the irrigateable season of each year for irrigation purposes by both of the parties herein mentioned.

In Witness whereof we have set our hands this 6th day of July 1905.

Amended Location Certificate of Water Right.

Know all ment by these presents that we the undersigned citizens of the United States, claim One Thousand Inches, miners measurement, of the waters of Forty-eight Mile Creek, in Butte County, State of South Dakota, for agricultural, domestic, irrigating and other useful purposes. Said waters are diverted from the West side or bank of said Forty eight Mile Creek, at a point about eighty rods east of the center of section thirty two, in Township Seventeen North, Range one, East of the Black Hills Meridian in said Butte County, South Dakota. Said water was located and appropriated August 6th 1901, and this amended location certificate is filed to make more prefect and to correct any errors in the discription contained in the certificate of location filed for record in the office of the Register of Deeds, in and for said Butte County, on August Seventeenth 1901.

A90201LM.WR



No. 1267-1

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

April 26, 1983

Rex or Alfreda Davis
Camp Crook Route, Box 26
Belle Fourche, South Dakota 57717

Dear Mr. & Mrs. Davis:

Enclosed herewith are your Vested Right Permit; Water License No. 1267-1.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1267-1 FOR IRRIGATION

Date of Receipt of Claim January 6, 1983.

Date of Validation September 27, 1989.

The Water Management Board validated Vested Water Right Claim No. 1267-1 for irrigation purposes for Rex or Alfreda Davis, Camp Crook Rt, Belle Fourche SD 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1267-1 appropriates 7.33 cubic feet of water per second from Forty-eight Mile Creek and tributaries to irrigate 120 acres in South Dakota and 393 acres in Montana. Water is diverted by a storage dam (585 acre feet storage capacity) located in the SW1/4 SW1/4 section 33-T17N-R1E to the irrigated acreage located in the SE1/4 NE1/4, E1/2 SE1/4 section 30; W1/2 SW1/4 section 29; E1/2 NE1/4 section 31; N1/2 NW1/4 section 32; all in T17N-R1E (South Dakota); Lots 1,2,3,4, E1/2 NE1/4, E1/2 SE1/4 section 15; Lots 1,2, E1/2 NE1/4 section 22; all in T5S-R62E (Montana).
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 irrigated acre per year. Water is to be used during the following annual period: March 1 - November 30.
3. The priority date of the Vested Water Right is October 8, 1901.
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.

QUALIFICATIONS

Validation of Application No. 1267-1 as a Vested Right incorporates the applicable portions of Water Right Filing Nos. 0101-1 and 061-1 into No. 1267-1 and cancels abandoned portions of Water Right Filing Nos. 0101-1 and 061-1.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 1993

1267-1

Rex or Alfreda Davis
Camp Crook Route
Belle Fourche SD 57717

Dear Mr. and Ms. Davis:

The Water Management Board has validated the enclosed Vested Water Right No. 1267-1. 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

NOT TO SCALE

Montana

Dike

29

H 26.4

M 15.5

I 14.4

Floyd R. Davis 12.4

X 10.5

3.5

N 12.4

29.0

Floyd R. Davis

E 19.6

J 30.6

17-1

AA 13.0

AA 16.5

F1 10.3

F2 11.2

F3 8.3

F4 8.0

F5 7.9

NOT TO SCALE



NOT TO SCALE

17-1

R 36.9

P² 40.0

3-17L

Hoyd R. Davis

+ 33

map 32/R
32-17-1



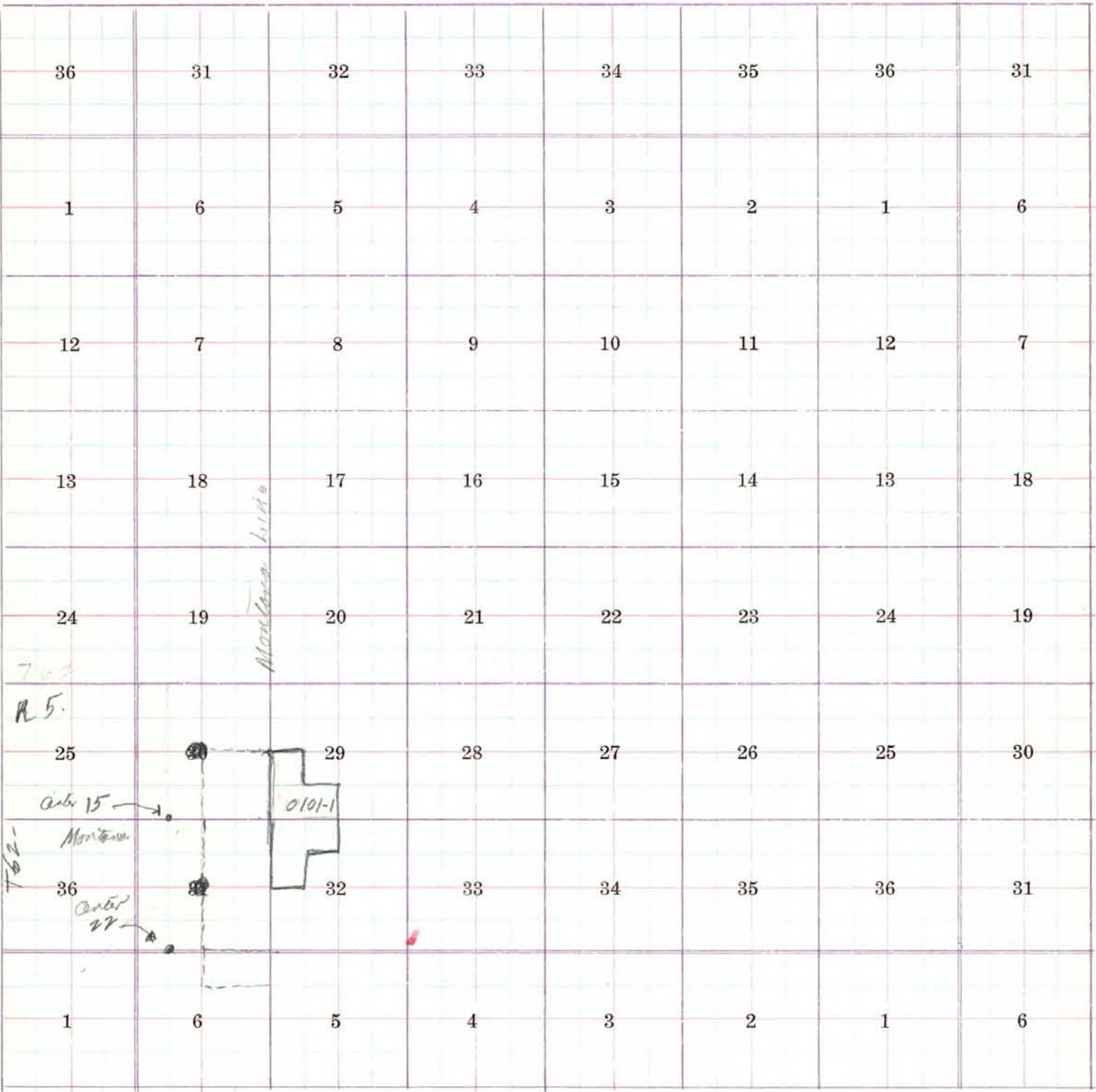
Rex Davis

Harding

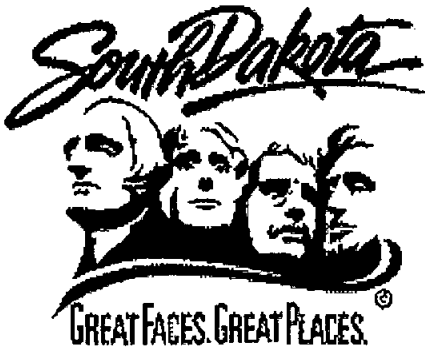
COUNTY, SOUTH DAKOTA

TOWNSHIP No. 17 N RANGE No. 1 E

(With surrounding tier of sections of adjacent townships)



Montana line 3-40 Ac patch E or W of sec. 15. = 3/4 mile



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 10, 2018

1267-1

Alfreda Davis
2103 12th Ave
Belle Fourche SD 57717

Dear Ms. Davis:

Thank you for contacting us regarding the need for an ownership change for Vested Water Right No. 1267-1.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the validated vested water right and the water license. You may keep these documents for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

Enclosures: vested right validation, water license, transfer form and a postage paid envelope

A-Trust

Davis Surviving Spouse
Alfreda S. Davis, Trustee
A- revocable trust

RECEIVED
NOV 05 2018
WATER RIGHTS
PROGRAM

C Trust

Davis Family By-Pass
Alfreda S. Davis, Trustee
A- irrevocable trust

All of the land in this listing
is $\frac{1}{2}$ of an undivided $\frac{1}{2}$
between Trust A and
Trust C.

NOTICE OF TRANSFER OF OWNERSHIP

PAID

NOV 05 2018

Ck# 1695

RECEIVED

NOV 05 2018

WATER RIGHTS
PROGRAM

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

No. 1267-1

Date: Nov 2, 2018

I/We request that Vested Water Right No. 1267-1

formerly owned by: Rex or Alfreda Davis

be transferred to: (name & address) Davis Surviving Spouse A Trust
Davis Family Bgt Pass C Trust

Alfreda S. Davis, Trustee of Both

2103 12th Ave Belle Fourche, S.D. 57717 Telephone No. 605-892-6387

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

120 acres in SD: SE ¼ NE ¼, E ½ SE ¼, Sec 30; W ½ SW ¼ Sec 29; E ½ NE ¼ Sec 31; N ½ NW ¼ Sec 32, all in T17N, R1E

Also listed on Vested Right: 393 acres in Montana – Lots 1-4, E ½ NE ¼, E ½ SE ¼ Section 15; Lots 1 & 2, E ½ NE ¼ Section 22, all in T5S, R62E

I/We understand that the validity of Vested Water Right No. 1267-1 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 Alfreda S. Davis, Trustee, the new owner, certify that the above information is true and correct.

Alfreda S. Davis

(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 **November 5**, 20 **18**

RECEIVED OF **F & A Davis Ranch 2103 12th Avenue Belle Fourche SD 57717**

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 1267-1		
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. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08796**

By *Jeanne Goodman*
Chief Engineer *cm*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 10, 2018

1267-1

Alfreda S Davis
2103 12th Ave
Belle Fourche SD 57717

Dear Ms. Davis:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Vested Water Right No. 1267-1.

The ownership change has been completed. Vested Water Right No. 1267-1 is now listed under **"Davis Surviving Spouse A Trust and Davis Family By-Pass C Trust"** with you listed as the trustee.

Enclosed for your records is Receipt No. 08796 in the amount of \$50. If you have any questions, please let me know.

Sincerely,

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

enclosure