

WATER PERMIT NO. 1409-1MAP No. sameName of Applicant Thompson Ditch Co., Inc. c/o Wesley W. Thompson, Pres.Post Office Address Route 1, Box 198A, Spearfish SD 57783Amount of Water Claimed 25.0 cfs Total Acres 725.6Source of Water Supply Redwater RiverWater to be used for irrigation County Butte and LawrenceAbout 7 miles NW of Spearfish.

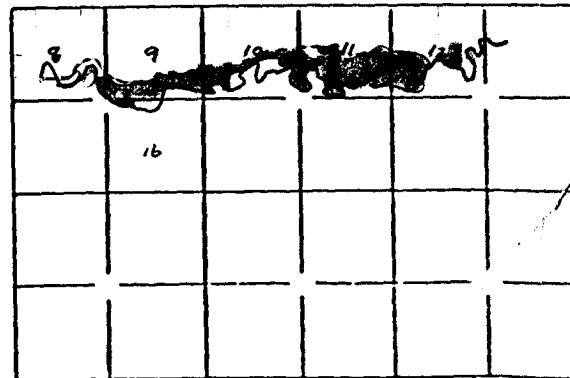
PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 3/1/89 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Jan 5, 1987 Fee \$15.00 Remarks _____see permitCorrected Application Received _____ Period of Annual Use Jan 1 - Dec 3WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Redwater River : SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 8 -T7N-R1ELand to be Irrigated SE $\frac{1}{4}$ sec 8; N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 16; SW $\frac{1}{4}$ SW $\frac{1}{4}$,E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ sec 9; SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 10; S $\frac{1}{2}$ NW $\frac{1}{4}$,SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 11; SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 12; all in T7N-R1EWell Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

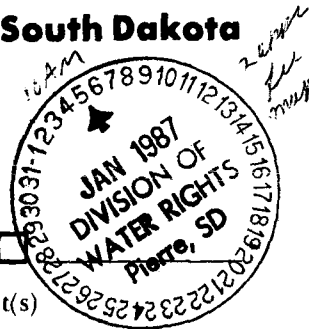
pe of Map plat PREPARED BY Robert Ralizo Reviewed and the Numbersigned on Sept 24, 1987 By Russol Ahadi

No. 1409-1 Hydrologic Unit 10120203
Map No. same Basin Belle Fourche R.
Newspaper Queen City Mail, Box 7 Spearfish (Wed)
Belle Fourche Daily Post, 1001 5th Ave

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☐ Vested Right ☒ Future Use ☐
☐ Application to amend Permit No. _____ with old priority date retained
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Thompson Ditch Co, Inc, Wesley W. Thompson, Pres Phone No. 642-4125
 Post Office Address Route 1, Box 198A Spearfish, South Dakota State 57783
 (Street, RR or Box) Zip Code
 2. Amount of water claimed (c.f.s) 25 cfs Total acres irrigated 725.6
 3. Source of Water supply Redwater River
 4. Location of point of diversion Approximately 1180 ft. N, 1400 ft E of SW Corner Section 8,
T7N-R1E B.H.W.
 _____ County Lawrence
 5. Counties where water will be used Butte-Lawrence
 6. Annual period during which water is to be used 1-1 through 12-31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SEE ATTACHED SHEET	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is an application to file a vested right claim pursuant to SDCL 46-5-49

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

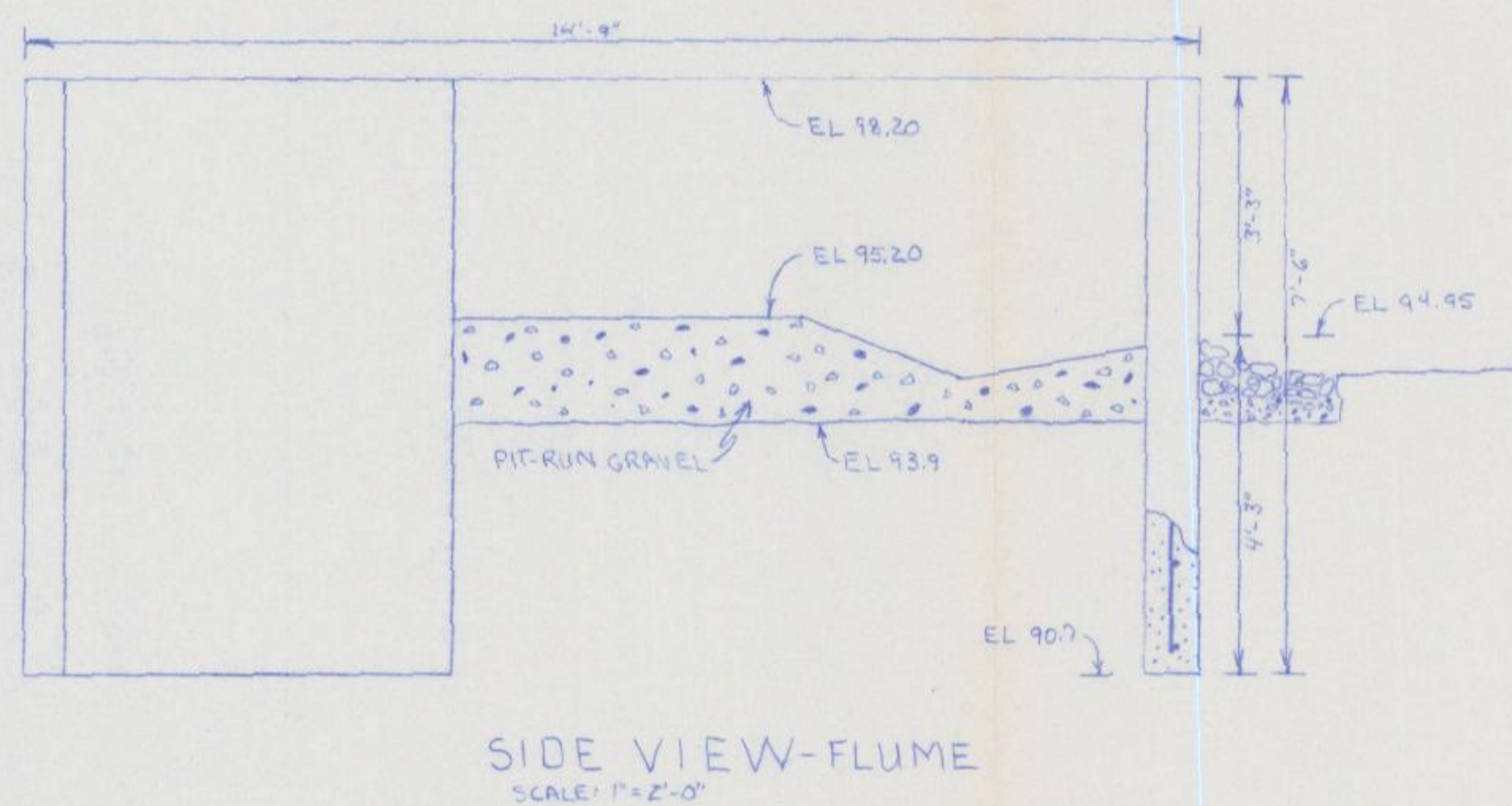
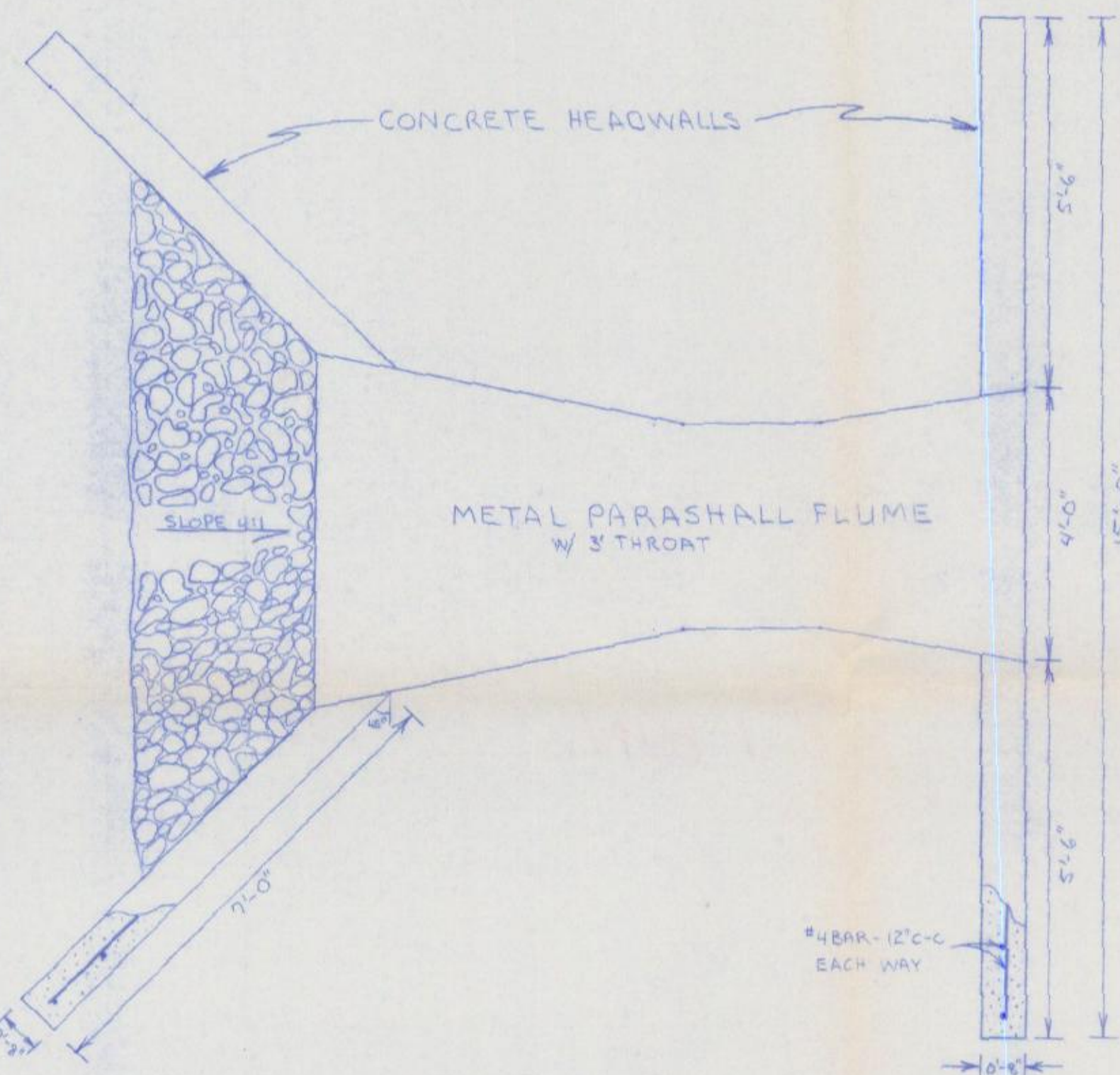
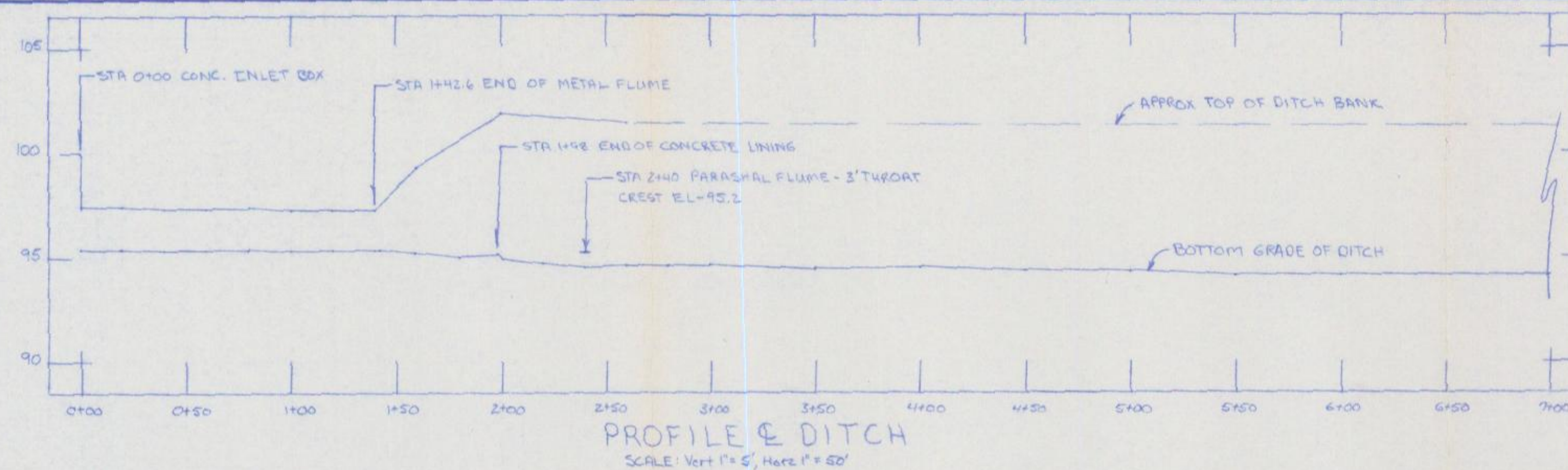
STATE OF SOUTH DAKOTA)
County of _____)

I, Thompson Ditch Co, Inc by Wesley W. Thompson the applicant, certify that I have read the foregoing application, 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 Wesley W. Thompson

Subscribed and sworn to before me this 1st day of December 1986

Brenda Park My Commission Expires OCT. 1, 1988
Notary Public (or other qualified officer)



FREE-FLOW DISCHARGE VALUES

HEAD (FT)	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.55	1.60	1.65	1.70	1.75	1.80	1.85	1.90	1.95
HEAD (FT)	.61	.97	1.32	1.62	1.82	2.32	2.86	3.44	4.05	4.70	5.39	6.12	6.86	7.65	8.46	9.30	10.2
HEAD (FT)	1.00	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.55	1.60	1.65	1.70	1.75	1.80
HEAD (FT)	12.0	13.0	13.9	14.9	16.0	17.0	19.1	19.2	20.3	21.5	22.6	23.8	25.1	26.3	27.6	28.8	30.1
HEAD (FT)	2.00	2.05	2.10	2.15	2.20	2.25	2.30	2.35	2.40	2.45	2.50						
HEAD (FT)	35.5	36.9	38.4	39.8	41.3	42.7	44.2	45.7	47.3	48.8	50.4						

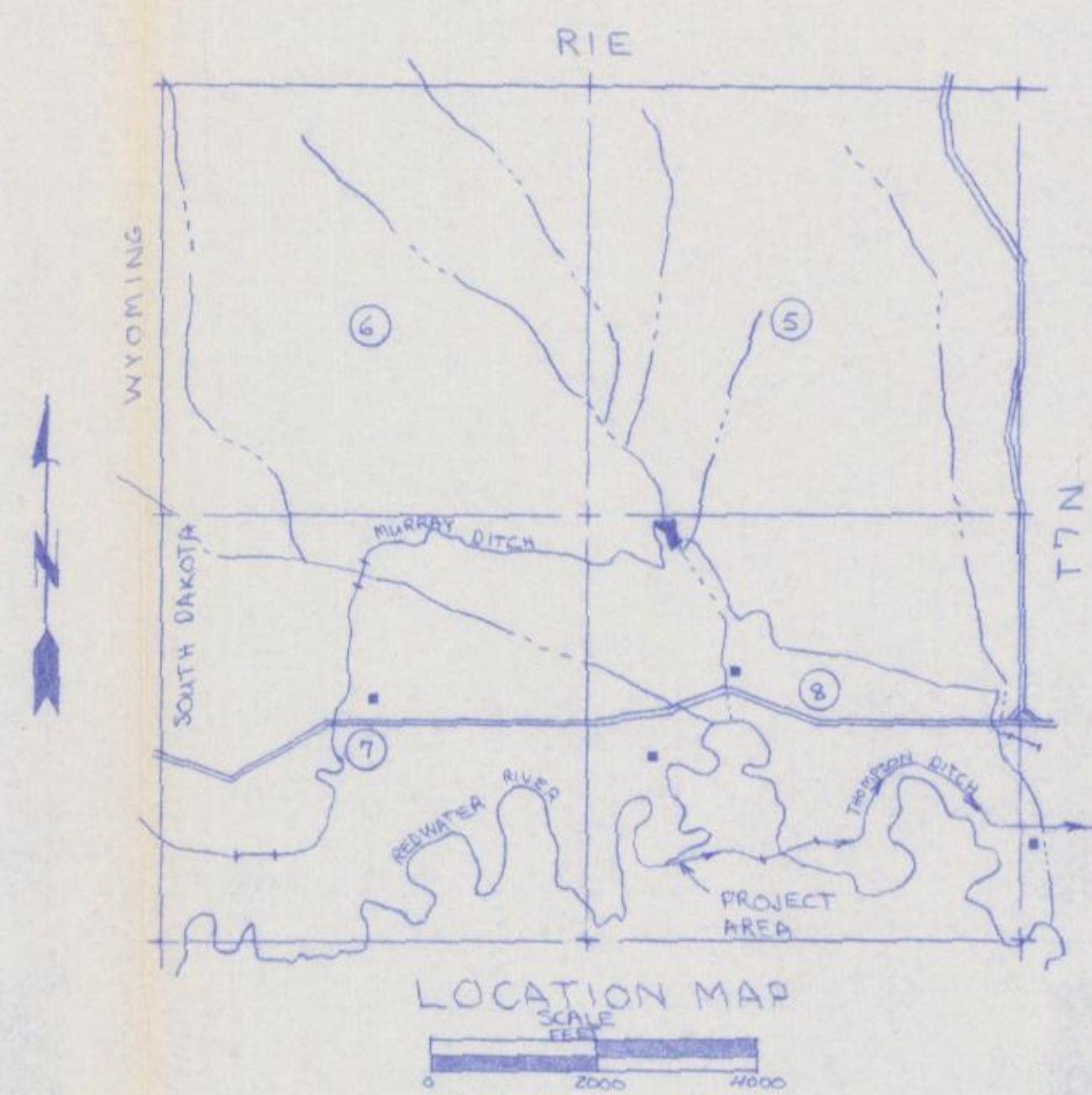
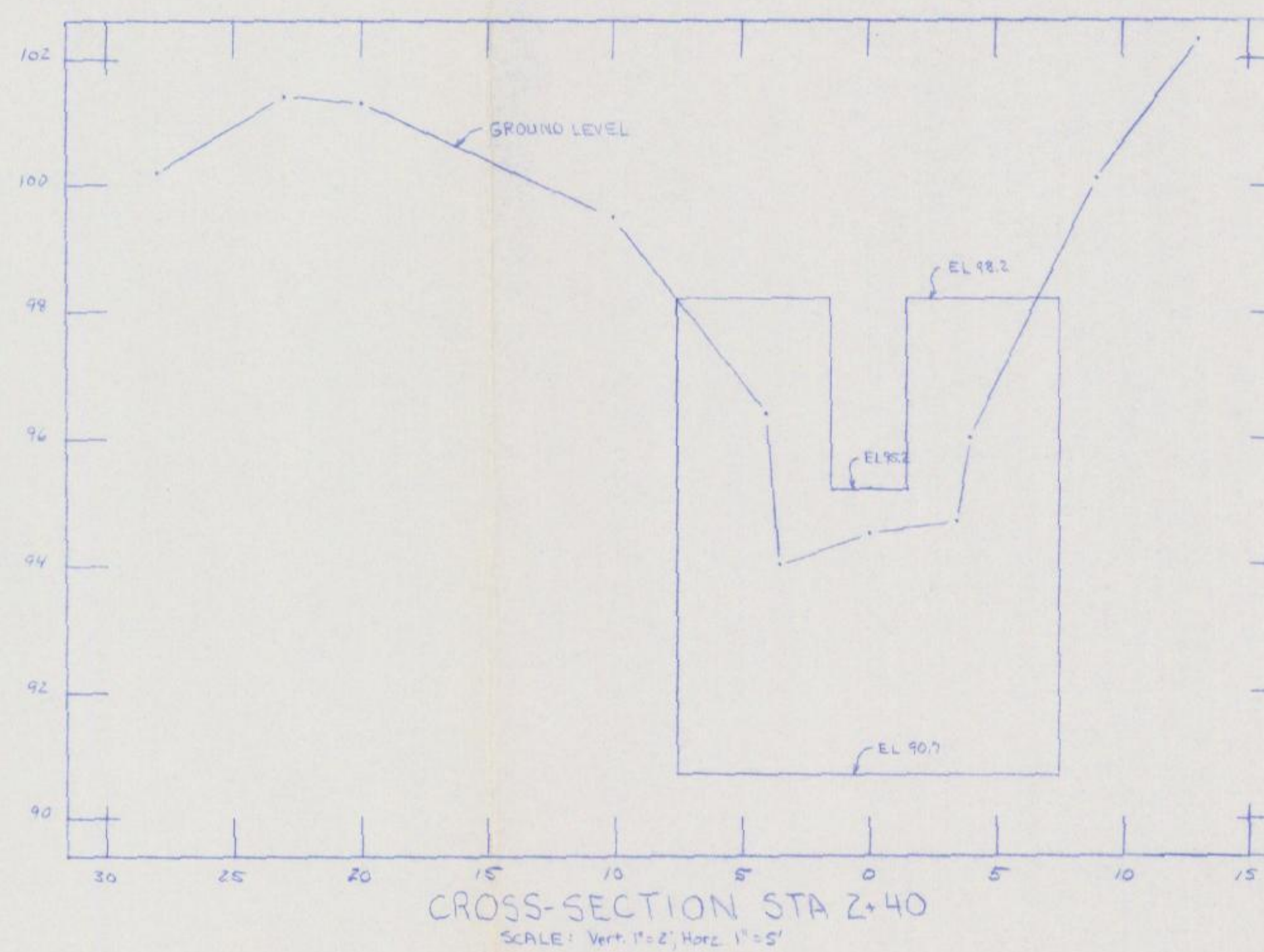
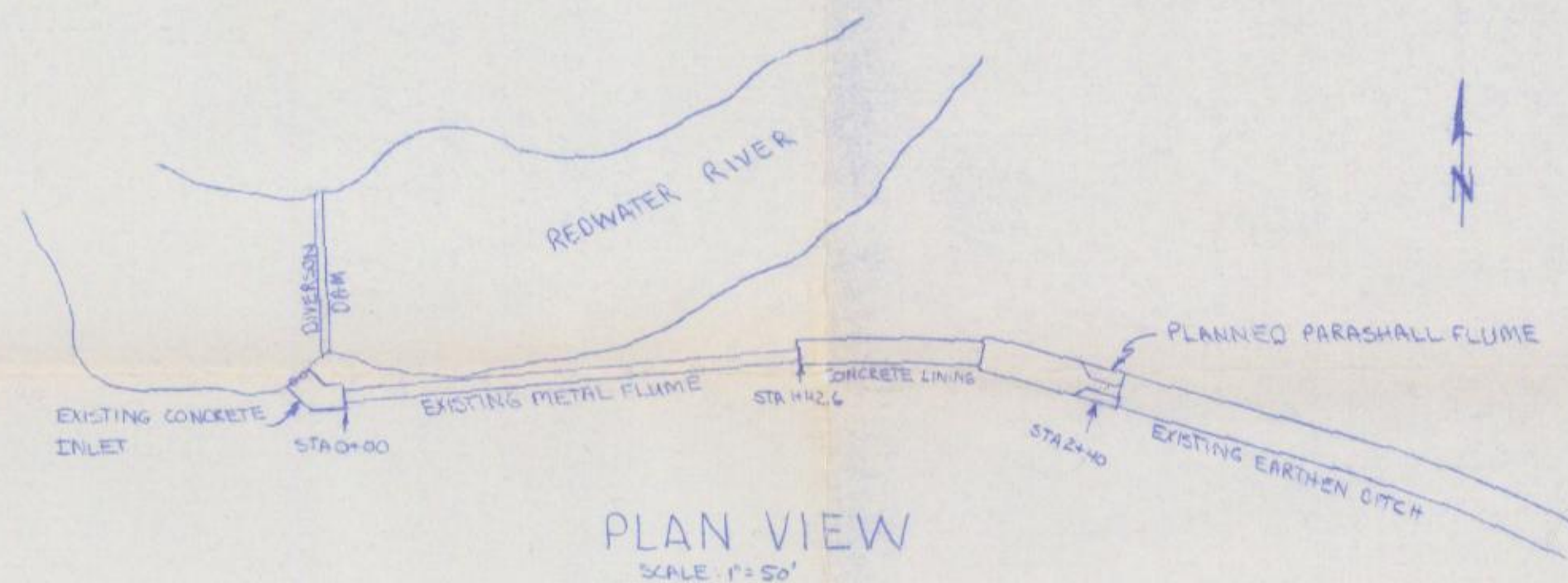


TABLE OF QUANTITIES

ITEM NO.	ITEM	UNIT	QUANTITY
1	METAL PARASHALL FLUME - 3' THROAT	EA	1
2	REINFORCED CONCRETE	CY	5.2
3	PIT RUN GRAVEL	CY	3.5
4	ROCK - WELL GRADED 6" to 2"	CY	1.0

NOTE: 1) HAND TAMP BACKFILL AROUND CONCRETE HEADWALLS & PARASHALL FLUME
2) PLACE ROCK AT BOTH THE INLET & OUTLET OF PARASHALL FLUME

SOUTH DAKOTA CONSTRUCTION & MATERIAL SPECIFICATIONS

- SD-7A EARTH FILL - CLASS A
- SD-8 ROCK RIPRAP & BEDDING
- SD-12A CONCRETE (CLASS 3500)
- SD-13 STEEL REINFORCEMENT

MAR 1988
DIVISION OF WATER RIGHTS
Pioire, SD

MEASUREING DEVICE - PARASHALL FLUME
THOMPSON DITCH
SEC 8, T1N-R1E BUTTE CO.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed: T. Ver Helst Date: 3/88
Drawn: T. Ver Helst Title: Engineer
Traced: No
Checked: No

Approved by: Thomas D. Ver Helst
Title: District Engineer
Sheet: No
Drawing No: No

SCS-ENG-313-B Rev. 10-75

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1409-1 FOR IRRIGATION

Date of Receipt of Claim January 5, 1987.

Date of Validation March 1, 1989.

The Water Management Board validated Vested Water Right Claim Permit No. 1409-1 for irrigation purposes for Thompson Ditch Company, Inc., c/o Wesley W. Thompson, President, RR #1, Box 198A, Spearfish, SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1409-1 appropriates 20.7 cubic feet of water per second from the Redwater River to irrigate 725.6 acres via the Thompson Ditch. The Redwater River diversion point for the Thompson Ditch is located in the SE1/4 SW1/4 Section 8 and the irrigated acreage is located in the SE1/4 Section 8; N1/2 NW1/4 Section 16; E1/2 SW1/4, SW1/4 SW1/4, SE1/4 Section 9; SW1/4, S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4 Section 10; S1/2 NW1/4, SW1/4, SE1/4, SE1/4 NE1/4 Section 11; SW1/4, SW1/4 NW1/4, NW1/4 SE1/4, SW1/4 NE1/4 Section 12; all in T7N-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. The water is to be used during the following annual period: January 1 - December 31.
3. The priority dates of the Vested Water Right are October 23, 1890 (317.7 acres), October 1, 1880 (60.6 acres), April 1, 1880 (56.0 acres), March 11, 1879 (127.5 acres), April 1, 1878 (31.8 acres), November 20, 1876 (132.0 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.

QUALIFICATIONS

1. That Vested Water Right No. 1409-1 is subject to domestic use rights. Diversion of water under Water Right No. 1409-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Thompson Ditch continue to be maintained and monitored as required by the Chief Engineer.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

AUG 1 1989

date

Division of Water Rights
Dept. of Water and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1409-1 FOR IRRIGATION

(1) Thompson Ditch Company, Inc. c/o Wesley W. Thompson, President of RR 1, Box 198A, Spearfish SD 57783 made Application No. 1409-1, January 5, 1987 for validation of a vested right claim to appropriate 25.0 cubic feet of water per second from Redwater River, Lawrence County, South Dakota for irrigation purposes. Vested Water Right No. 1409-1 was validated March 1, 1989 with priority dates of October 23, 1890; October 1, 1880; April 1, 1880; March 11, 1879; April 1, 1878; and November 20, 1876. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 20.7 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1180 feet north and 1400 feet east of the SW corner Section 8, T7N, R1E (SE 1/4 SW 1/4).

The location of the irrigated acreage is described on "Attachment A". The priority dates as they pertain to the acres irrigated are also described in the attachment.

(3) Pursuant to Section 46-5-30.1 Thompson Ditch Company, Inc. c/o Wesley W Thompson, President, of RR 1, Box 198A, Spearfish SD 57783 the holder(s) and/or owner(s) of Vested Water Right No. 1409-1 is issued a license to appropriate 20.7 cubic feet of water per second from Redwater River with priority dates of October 23, 1890; October 1, 1880; April 1, 1880; March 11, 1879; April 1, 1878 and November 20, 1876 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1409-1 and subject to South Dakota State Law.



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

AUG 1 1989

ATTACHMENT A
VESTED WATER RIGHT LICENSE NO. 1409-1

<u>Priority date</u>	<u>Location of the Land</u>	<u>Acreage</u>	
October 23, 1890	W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	14.9 Acres	
	N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T7N-R1E	13.0 Acres	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	40.0 Acres	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	.5 Acres	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	40.0 Acres	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	35.5 Acres	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	4.0 Acres	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	12.0 Acres	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	16.7 Acres	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	7.5 Acres	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T7N-R1E	5.0 Acres	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T7N-R1E	12.0 Acres	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	33.0 Acres	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	4.0 Acres	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	2.0 Acres	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T7N-R1E	9.4 Acres	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T7N-R1E	13.7 Acres	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	34.0 Acres	
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T7N-R1E	12.5 Acres	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T7N-R1E	7.0 Acres	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T7N-R1E	1.0 Acres	
	TOTAL -----		317.7 ACRES
	October 1, 1880	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	21.1 Acres
		NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	3.0 Acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	36.5 Acres
	TOTAL -----		60.6 ACRES
April 1, 1880	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	37.0 Acres	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	19.0 Acres	
TOTAL -----		56.0 ACRES	
March 11, 1879	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	25.8 Acres	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	39.0 Acres	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	34.5 Acres	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	28.2 Acres	
TOTAL -----		127.5 ACRES	
April 1, 1878	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T1N-R1E	2.0 Acres	
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T1N-R1E	13.8 Acres	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T1N-R1E	16.0 Acres	
TOTAL -----		31.8 ACRES	
November 20, 1876	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	40.0 Acres	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	24.0 Acres	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T7N-R1E	40.0 Acres	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T7N-R1E	28.0 Acres	
TOTAL -----		132.0 ACRES	
GRAND TOTAL		725.6 Acres	

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410035

Pierre, January 5, 1987, 19

RECEIVED OF Thompson Ditch Co., Inc., (Wesley W. Thompson, Pres.) Rt1, Box 198A Spearfish

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

SD 57703

Fee for Application for Permit No. 1409-1 to Appropriate Water, to construct works and to put water to beneficial use

15 00

VR

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 Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

15 00

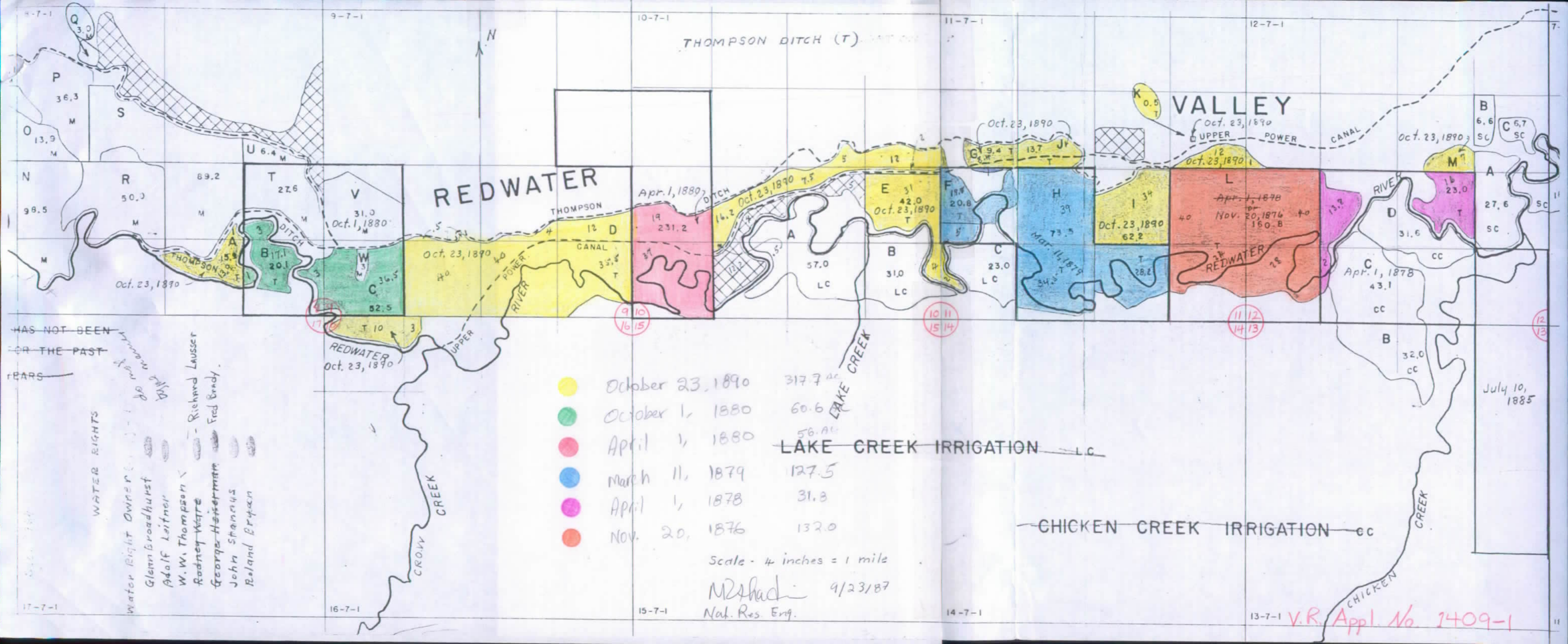
By

John Hatch

Chief Engineer

JOHN HATCH

ms



THOMPSON DITCH (T)

VALLEY

REDWATER

LAKE CREEK IRRIGATION

CHICKEN CREEK IRRIGATION

- October 23, 1890 317.7 ac
- October 1, 1880 60.6 ac
- April 1, 1880 56.6 ac
- March 11, 1879 127.5 ac
- April 1, 1878 31.8 ac
- Nov. 20, 1876 132.0 ac

Scale - 4 inches = 1 mile
M. Shad 9/23/87
Nat. Res. Eng.

WATER RIGHTS
HAS NOT BEEN FOR THE PAST YEARS
Water Right Owner
Glenn Broadhurst
Adolf Leitner
W.W. Thompson
Rodney Ware
George Heisterman
John Stannus
Roland Bryan
Richard Lausser
Fred Brady

V.R. Appl. No. 1409-1

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Thompson Ditch Co., Inc.; Wesley W. Thompson, Pres.

Post Office Address Route 1, Box 198 A, Spearfish South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

- A. Notice of Appropriation N/A Date of Posting N/A
March 9, 1891 Lawrence County 72 536
Date of recording August 26, 1904 Recording date Court Case Redwater Land & Canal Co.
Where Book Page vs.
B. Date of start of construction of water supply system See attached sheet D.T. Reed et al
C. Date that water was first applied to beneficial use See attached sheet
D. Name of owner of original water supply system W. Ure, W. Thompson, D. Reed, H. Reed, J. Burns
P. Reiley
E. Amount of water originally applied to beneficial use 1250 Miners Inches
Livestock water
F. Present Use of Water - Amount of water now being used irrigation, 1250 Miners Inches
Date that this water was first used See attached sheet

G. Chronological History of Water Use

To the best of my knowledge the ditch has always been in use with no period of non-use.

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)

I, Thompson Ditch Co., Inc.; Wesley W. Thompson, Pres the applicant, certify that I have read the foregoing (print or type) and that the matters therein stated are true.

Signed

Wesley W. Thompson

Subscribed and sworn to before me December 31, 1986

Brenda Parker Notary Public for the State of South Dakota
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.

Roland P. Boyan Jr.
Roland P. Boyan Jr. Dec 31 1986
(Print name)
OLIVER H. SWANSON
Oliver H. Swanson DEC 31 1986
(Print name)

As we indicated to Jim Winterton and Rasool Ahadi on December 2, 1986, we felt Form 2B, Affidavit of Water Use, did not apply to the way our water right was developed. On December 24, 1986, the above mentioned form was returned to us with changes your office felt would help it to apply. We still have some reservations.

We assume that N/A in item A means not applicable and are not so sure all four blanks should have been filled in N/A. Perhaps items B, C, E, and F also do not apply. We felt our water right and priority dates were established in the court case decisions of Redwater Land and Canal Co. vs D. T. Reed, David M. Dorsett, and Henry Keets dated Aug. 26, 1904, and Redwater Land and Canal Co. vs D. T. Reed, H. Reed, Pauline Thompson, John H. Burns, W. Ure, and Henry Keets dated March 10, 1905. The attached Affidavit of Water Use gives the location and dates established in these cases. It is assumed that water was applied to these lands in some manner or form on the dates indicated. On the lands dated October 23, 1890 not mentioned in the above mentioned court decisions, there is some question that earlier dates may apply. There may be other records which will become available and we request the right to submit such records when they become available.

Affidavit of Water Use

Priority dates for Thompson Ditch

The following priority dates were found pertaining to the Thompson Ditch.

Priority date	Location of the Land	Acreage
October 23, 1890	W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	14.9 Acres
	N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 16, T7N-R1E	13.0 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	40.0 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	.5 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	40.0 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	35.5 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	4.0 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T7N-R1E	12.0 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	16.7 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	7.5 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T7N-R1E	5.0 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, T7N-R1E	12.0 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	33.0 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7N-R1E	4.0 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	2.0 Acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T7N-R1E	9.4 Acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T7N-R1E	13.7 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	34.0 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T7N-R1E	12.5 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T7N-R1E	7.0 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T7N-R1E	1.0 Acres	
TOTAL -----		317.7 ACRES
October 1, 1880	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	21.1 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T7N-R1E	3.0 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T7N-R1E	36.5 Acres
TOTAL -----		60.6 ACRES
April 1, 1880	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	37.0 Acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T7N-R1E	19.0 Acres
TOTAL -----		56.0 ACRES
March 11, 1879	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	25.8 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	39.0 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T7N-R1E	34.5 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	28.2 Acres
TOTAL -----		127.5 ACRES
April 1, 1878	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T1N-R1E	2.0 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T1N-R1E	13.8 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T1N-R1E	16.0 Acres
TOTAL -----		31.8 ACRES
November 20, 1876	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	40.0 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7N-R1E	24.0 Acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T7N-R1E	40.0 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T7N-R1E	28.0 Acres
TOTAL -----		132.0 ACRES

MISCELLANEOUS DISCHARGE MEASUREMENTS

267

DATE	STMFAM- FLOW, INSTAN- TANFUUS (CFS) (00001)	DATE	STREAM- FLOW, INSTAN- TANFUUS (CFS) (00001)
------	--	------	--

443445104013001 - THOMPSON DITCH BELOW DIVERSION DAM (LAT 44 34 45 LONG 104 01 30)

MAY , 1960		SEP , 1961	
31... 7.2		06... 7.3	
JUN		13... 9.4	
13... 7.9		20... 6.8	
21... 7.0		27... 5.8	
27... 12		OCT	
MAY , 1961		04... 5.6	
03... 1.18		11... 5.4	
10... 8.6		18... 7.1	
17... 7.2		25... 7.0	
24... 6.7		NOV	
31... 6.5		28... .00	
JUN		MAY , 1962	
07... 6.9		02... .00	
14... 7.3		09... 10	
21... 6.7		16... 11	
28... 7.4		JUL	
JUL		25... 13	
05... 15		AUG	
12... 6.6		01... 13	
26... 6.8		08... 11	
AUG		15... 6.9	
02... 9.4		22... 6.5	
09... 6.7		29... 7.0	
16... 9.8		SEP	
23... 7.5		05... 7.4	
30... 8.0			

443445104013001 - THOMPSON DITCH BELOW DIVERSION DAM (LAT 44 34 45 LONG 104 01 30)--Continued

SEP , 1962		AUG , 1963	
12... 9.0		21... 13	
19... 6.3		28... .00	
26... 7.3		SEP	
OCT		04... 8.2	
03... 7.2		11... 6.2	
10... .00		18... 6.8	
17... .00		25... 7.1	
24... .00		OCT	
MAY , 1963		02... 7.0	
08... .00		09... 7.1	
15... 9.4		16... 9.0	
22... 9.2		23... 11	
29... 10		30... .00	
JUN		MAY , 1964	
05... 8.4		04... .00	
12... 12		11... .00	
19... 7.8		20... .00	
26... 6.8		27... 9.2	
JUL		JUN	
03... 6.3		03... 6.6	
10... 7.2		JUL	
17... 12		01... .00	
24... 5.0		08... .00	
31... 2.9			
AUG			
07... 8.4			
14... 13			

443445104013001 - THOMPSON DITCH BELOW DIVERSION DAM (LAT 44 34 45 LONG 104 01 30)--Continued

JUL , 1964		SEP , 1964	
15... .00		09... 6.3	
22... .00		16... 6.3	
29... .00		23... 5.8	
AUG		30... 6.0	
05... 9.8		OCT	
12... 11		07... 5.6	
19... 11		14... 4.8	
26... 7.3		21... 3.8	
SEP		28... 4.9	
02... 7.1			

Redwater Land & Canal vs. Reed, Dorsett & Keets

Keets X E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 11
 340 ac. X W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 12
 • V E $\frac{1}{2}$ SW $\frac{1}{4}$
 • V W $\frac{1}{2}$ SE $\frac{1}{4}$
 X - Nov. 20, 1876 O SE $\frac{1}{4}$ SE $\frac{1}{4}$ ↓
 V - April 1, 1878 O E $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 13
 O - July 10, 1885 O NE $\frac{1}{4}$ SE $\frac{1}{4}$

T7N-R1E

Dorsett X SE $\frac{1}{4}$ NE $\frac{1}{4}$ • sec. 12 T7N-R1E
 395 acres. NE $\frac{1}{4}$ NE $\frac{1}{4}$ ↓
 X lots 2 & 3 sec. 7 T7N-R2E
 X - Oct. 15, 1876 V E $\frac{1}{2}$ NW $\frac{1}{4}$
 V - July 13, 1877 V SW $\frac{1}{4}$ NE $\frac{1}{4}$ • sec. 7 T7N-R2E
 O - Jan. 1, 1878 O NW $\frac{1}{4}$ NE $\frac{1}{4}$ •
 O E $\frac{1}{2}$ NE $\frac{1}{4}$ • sec. 7 7N-2E

D.T. Reed • NW $\frac{1}{4}$ SW $\frac{1}{4}$
 • E $\frac{1}{2}$ SW $\frac{1}{4}$ } sec. 11 7N-1E
 March 11, 1879 • SW $\frac{1}{4}$ SE $\frac{1}{4}$

Redwater Land & Canal vs. D.T. Reed, H. Reed, Pauline
Thompson J. H. Burns &
Henry Keets

Priority Date: March 11, 1879

SW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓

1 inch per acre

SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓ sec. 11 - 7N - 1E

N $\frac{1}{2}$ SW $\frac{1}{4}$ ✓ 160 acres

April 1, 1878

W $\frac{1}{2}$ SW $\frac{1}{4}$ } sec. 10

SW $\frac{1}{4}$ NW $\frac{1}{4}$ } 7N - 1E

SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 9 160 acres

Oct. 1, 1880

E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 8 ●

W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 9 ● 7N - 1E. 160 acres

April 1, 1878

E $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 11 ✓

W $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 12 ✓ 7N - 1E

Redwater Land & Canal Co.

US.

Henry Keets, David M. Dorsett
and Daniel T. Reed

decree dated Jan. 5, 1911

<u>Priority date</u>	<u>Color</u>	
November 20, 1876		Thompson Ditch 132 Acres
October 15, 1876	■	Schuff 58.9 Acres
July 13, 1877	■	Kemper 4 Schuff
January 1, 1878	■	Kemper 4 Schuff
April 1, 1878	■	Thompson Ditch 31.8 Acres
March 11, 1879	■	Thompson Ditch 127.5 Acres
July 10, 1885	■	NO Irrigation

Redwater Land & Canal Co.

US.

D.T. Reed, H. Reed, Pauline Thompson,
J.H. Burns & Henry Keets

decree dated March 10, 1905

<u>Priority date</u>	<u>Color</u>	
April 1, 1878	■	Thompson Ditch 56 Acres
October 1, 1880	■	Thompson Ditch 59.6 Acres Murray Ditch 61.6 Acres



Department of Water & Natural Resources

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

January 2, 1986

Randall Hodge, Attorney
3202 W Main
Rapid City SD 57702

RE: Dr. Ferrell's Vested Right

Dear Mr. Hodge:

As per your request, enclosed you will find two letters which were sent to the vested right holders on Murray and Thompson Ditches by Mr. Joe Grimes then Chief Engineer in 1961 and other documents and maps pertaining to Murray and Thompson Ditch. The letter to Thompson Ditch is a summary of the court cases in which the priority dates for Thompson Ditch were established.

The letter to Murray Ditch is a summary of the location notices which were filed by George Murray, et al; in Lawrence and Butte Counties in South Dakota and also in Crook County in Wyoming.

It would be appreciated if you would inform me of any new information or data which you find applicable pertaining to these two ditches in order to collect a complete record.

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

Sincerely,

RASSOOL AHADI
Natural Resources Engineer

RA:ks

enclosures

WATER RIGHTS DIVISION
(605) 773-3352

December 23, 1986

Wesley Thompson
Route 1, Box 198 A
Spearfish, South Dakota 57783

Dear Wes:

Enclosed you will find the application forms to file your vested right claim. Please review the forms, acreages, and the priority dates for accuracy.

The forms should be signed in the presence of a notary and returned to us not later than December 31, 1986. The fee to file the vested right will be \$15.00. If there is any problem with the priority dates or the acreages, please inform me immediately.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

THOMPSON DITCH

PRIORITY AND WATER RIGHT AMOUNTS

On March 9th 1891 an agreement was filed in Book 72, Page 536 in Lawrence County South Dakota, wherein seven individuals agreed to construct an irrigation ditch. The agreement was dated October 23, 1890. The agreement does not specify the amount of water claimed but does state that the dam and ditch shall be of such capacity to be agreed upon later by a majority of the members of the company.

Redwater Land and Canal Company was the plaintiff and D. T. Reed, H. R. R. Pauline Thompson, John H. Burns and Henry Meets were the defendants in a court case heard in Eighth Judicial Court in Butte County during September and October 1903. The Decision, Findings of Fact and Conclusions of Law dated August 26, 1904 were filed in the office of the Clerk of Court - Butte County. Likewise the Decree dated March 10, 1905 is also filed. A stipulation dated March 17, 1905, also filed, states that this case has the same questions of law as the Redwater Land and Canal Company vs Daniel T. Reed, David M. Dorsett and Henry Meets and the findings of the Supreme Court as applied to that case would also apply to the Thompson ditch case.

The findings of fact were that more that one Peter Riley did settle on the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 11-7N-1E and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of section 12-7N-1E. That this land had been purchased by the defendant Henry Meets that Peter Riley had settled on the land April 1, 1878.

REPORT OF OBSERVATIONS

Name of Creek. Thompson Creek Location. NEUWATER RIVER

Indication. To view Thompson, in box. Baroque, T. 10.10.10.10

Quadrant point. NW 1/4, SW 1/4, Sec. 8, T. 10.10, R. 10.10, S. 10.10.

Approximate Dimensions. 10.51 Acres. 10.51 Acres. 10.51 Acres. 10.51 Acres.

Description of Land Surveyed.		By	My	(Owner)	(Owner)
T. 10.10, R. 10.10, S. 10.10.		APR	APR	(Owner)	(Owner)
A	Sec. 8				Glenn
	NW 1/4, SE 1/4	1			Brundhurst
	SW 1/4, SE 1/4	1.1			
	SE 1/4, SE 1/4 *	1	19.1	(10.1)	(10.1)
B, C	Sec. 10				Adair
	NW 1/4, NW 1/4	1.0			Leigh
	NE 1/4, NW 1/4	1			
	Sec. 9				
D	SW 1/4, SW 1/4	1.0.5	72.6	(1)	
	NE 1/4, SW 1/4	1			
	SE 1/4, SW 1/4	1.0			
	NW 1/4, SE 1/4	1			
	SW 1/4, SE 1/4	1.0			
	NE 1/4, SE 1/4	1.0			
	SE 1/4, SE 1/4	1.0.5			W. W. Thompson
	Sec. 10				
	NW 1/4, SW 1/4	1.0.5			
	SW 1/4, SW 1/4	1.0			
	NE 1/4, SW 1/4	1.0.5			
	SE 1/4, SW 1/4	1.0			
E, G, H	SW 1/4, NW 1/4	1.0			
	NW 1/4, SW 1/4	1.0.5			
	NE 1/4, SW 1/4	1.0.5			
	SE 1/4, SW 1/4	1.0.5			
	SW 1/4, NW 1/4	1.0			
	NW 1/4, SE 1/4	1.0			
	SE 1/4, NE 1/4	1.0			
	NW 1/4, SE 1/4 *	1.0	23.2		
	NE 1/4, SE 1/4 *	1.0			
	SE 1/4, SE 1/4	1.0			
	Sec. 11				Rudolf Ward
	NW 1/4, SW 1/4 *	1.0		(10.1)	
I, J, K	SW 1/4, SW 1/4	1.0	4.2	(10.1)	
	SW 1/4, NW 1/4	1.0.5			
	NW 1/4, SW 1/4 *	1.0.5		(10.1)	
	NE 1/4, SW 1/4	1.0.5			George Hargreaves
	SE 1/4, SW 1/4	1.0.5	103.7	(10.1)	
	SE 1/4, NW 1/4	1.0.5			
	NW 1/4, SE 1/4	1.0			
	SW 1/4, SE 1/4	1.0.5			
	SE 1/4, NW 1/4 *	1.0	76.4		John Starnes
	SE 1/4, NW 1/4 *	1.0			
	NW 1/4, SE 1/4	1.0.5			
	SE 1/4, SE 1/4	1.0.5			
L, M	Sec. 12				
	SW 1/4, NW 1/4	1.0			Roland Bryan
	NW 1/4, SW 1/4	1.0.5			
	SW 1/4, SW 1/4	1.0			
	NE 1/4, SW 1/4	1.0.5			
	SE 1/4, SW 1/4	1.0			
	SW 1/4, NW 1/4	1.0			
	NW 1/4, SE 1/4	1.0.5			
	SW 1/4, SE 1/4	1.0	11.1		
	NE 1/4, SE 1/4	1.0	72.6		
	SW 1/4, SE 1/4	1.0			
	NW 1/4, SE 1/4	1.0.5			

Route 1 Box 198A
Spearfish, South Dakota 57783

December 31, 1986

S. D. Department of Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Dear Sirs:

Enclosed please find the requested materials to file a
vested right water claim for the Thompson Ditch Company,
Incorporated.

If you have any questions, please contact us.

Sincerely,

Wes Thompson

Wesley W. Thompson, President
Thompson Ditch Co, Inc.



8.61

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

December 14, 1961

Mr. E. W. Thompson, President
Thompson Ditch
NEB #1
Spearfish, S. Dak.

Re: Thompson Ditch

Dear Mr. Thompson:

The State Water Resources Commission has been making a study of water use pertaining to the surface flows of Redwater River and its tributaries in South Dakota.

As a part of this study, a search has been made for written records and documents which pertain to the diversions of the water. The Commission found the following pertaining to the Thompson Ditch:

(1) An agreement, dated October 23, 1890, and filed for record on March 9, 1891 in Book 72, page 536, Lawrence County. In this agreement six persons agreed to construct a water ditch and irrigation canal. This agreement did not specify the amount of water that was going to be diverted, but did state the ditch would be of a capacity to be agreed upon later by a majority of the members of the company.

(2) A water right deed, dated July 29, 1893, filed January 20, 1894 in Book 2 of Deeds, page 306-7, Lawrence County, wherein Elizabeth McAlister was granted 20 inches of water from the ditch in return for the ditch right-of-way.

(3) The decision, including Findings of Fact and Conclusions of Law, dated August 26, 1904, and the Decree dated March 10, 1905 of the case, held in Eighth Judicial Circuit Court, between Redwater Land and Canal Company v. D. T. Reed, H. Reed, Pauline Thompson, John H. Burns and Henry Keets.

8.61 Co.
(4) The Circuit Court Findings of Fact and Conclusions of Law, dated August 26, 1904, the Circuit Court Decree, after the Supreme Court Opinion, dated January 5, 1911, and the Supreme Court Opinion, filed November 26, 1910, in the case of Redwater Land and Canal Company v. D. T. Reed, David M. Burnett and Henry Keets. While this case involved the Reed Ditch, it now concerns the Thompson Ditch apparently, since lands then described as being irrigated from the Reed Ditch are now being irrigated from the Thompson Ditch. → 1 inch - A PLSE

9-193

Mr. W. T. Thompson

December 14, 1961

(5) The stipulation, dated March 17, 1905, in which the Redwater Land and Canal Company and D. T. Reed, H. Reed, Pauline Thompson, John H. Burns and Henry Keets agreed that the Redwater v. Reed case was similar to the Redwater v. Thompson case and, as the Reed case was being appealed to the Supreme Court, both parties agreed that any Supreme Court action affecting the Reed case would apply to the Thompson case.

(6) A copy of the complaint, dated March 12, 1907 and the Judgment dated September 1, 1909 of the case of Pauline Thompson v. Henry Keets et al, regarding changing and enlarging the Thompson Ditch.

In the Court cases outlined in (3) and (4) above, the Court decisions specified that the following described lands, now irrigated from the Thompson Ditch, were settled on before February 1, 1879, which was the date the Court recognized as the water right location date for the Redwater Land and Canal Company Ditch, and that the owners of these lands have a right prior to that of the Redwater Land and Canal Company to use and divert from Redwater River sufficient water for the proper irrigation of all arable land upon these lands, and for domestic and agricultural purposes connected therewith:

1/2 Sec 11, T7N, R1E, S4R.M. April 1, 1878
1/2 Sec 12, T7N, R1E, S4R.M.

In Redwater v. Thompson, the Court found the settlement date on above lands to be April 1, 1878. However, in Redwater v. Reed, the Court found the settlement date on these same lands to be November 20, 1876.

1/2 Sec 12, T7N, R1E, S4R.M.)
1/2 Sec 12, T7N, R1E, S4R.M.) settled on April 1, 1878

In these Court cases, the Court decisions specified that owners of the following described lands, now irrigated from the Thompson Ditch, were settled on after February 1, 1879, and have the right to divert and use upon these lands sufficient water for irrigation, after first allowing sufficient water to flow past their lands to enable the Redwater Land and Canal Company to obtain 2200 miner's inches of water through the headgate of its ditch or canal.

1/2 Sec 11, T7N, R1E, S4R.M.)
1/2 Sec 11, T7N, R1E, S4R.M.) Settled on March 11, 1879
1/2 Sec 11, T7N, R1E, S4R.M.)

Dr. J. L. Thompson

December 14, 1961

NE 1/4, Section 10, T7N, R1E, S4R.M.)
NW 1/4, Section 10, T7N, R1E, S4R.M.) settled on April 1, 1880
SE 1/4, Section 9, T7N, R1E, S4R.M.)
SW 1/4, Section 8, T7N, R1E, S4R.M.)
SW 1/4, Section 9, T7N, R1E, S4R.M.) settled on October 1, 1880

These Court cases did not mention the following described lands, portions of which are now irrigated from the Thompson Ditch. The only record found concerning water rights, which may apply to portions of these lands, was the agreement dated October 23, 1880.

NE 1/4, Section 8, T7N, R1E, S4R.M.
SE 1/4, Section 9, T7N, R1E, S4R.M.
SW 1/4, Section 9, T7N, R1E, S4R.M.
NE 1/4, Section 10, T7N, R1E, S4R.M.
NW 1/4, Section 10, T7N, R1E, S4R.M.
SE 1/4, Section 10, T7N, R1E, S4R.M.
SW 1/4, Section 10, T7N, R1E, S4R.M.
NE 1/4, Section 11, T7N, R1E, S4R.M.
NW 1/4, Section 11, T7N, R1E, S4R.M.
SE 1/4, Section 11, T7N, R1E, S4R.M.
SW 1/4, Section 11, T7N, R1E, S4R.M.
NE 1/4, Section 12, T7N, R1E, S4R.M.

One of the "Findings of Fact" in the Redwater v. Thompson Court case was that the Thompson Ditch consisted of two ditches, one on the north, and one on the south side of Redwater River with one ditch having a capacity of 400 miner's inches the other having a capacity of 100 miner's inches.

It would be advisable for you to check to see if you can locate additional records that pertain to the Thompson Ditch. The Water Resources Commission would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as possible, and would arrange to have a representative meet with you to discuss the information contained in this letter and such additional information as you might find, if you so desire.

A letter dated January 14, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. With your help these fields and acreages have been revised. Enclosed, for your information, is a copy of the revised map and the revised list of owners and acreages.

Sincerely,

Encs: List and Map
of Letter and List to:
(See attached List)

J. W. GRUBBS
Executive Officer and
Chief Engineer

W. W. Thompson

December 14, 1961

Glenn Broadhurst
RFD 1
Spearfish, S. Dak.

Adolph Leitner
RFD 1
Spearfish, S. Dak.

Redney Vare
RFD 1
Spearfish, S. Dak.

John W. Stannus
740 8th
Spearfish, S. Dak.

Oliver H. Swanson
RFD 1
Spearfish, S. Dak.

George Heiserman
RFD 1
Spearfish, S. Dak.

J. Heiserman
RFD 1
Spearfish, S. Dak.

Roland Bryan
RFD 1
Spearfish, S. Dak.

LETTER
IT IS HEREBY CERTIFIED THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND IS NOT A MISREPRESENTATION OF THE FACTS.
DATE RECEIVED
5-4-83
S-4-83
RECEIVED
JAN 10 1962

THOMPSON DITCH

<u>Name</u>	<u>Field</u>	<u>Acres</u>	<u>Total</u>
Glenn Broadhurst	A	15.9	15.9
Adolph Leitner	B	20.1	
	C	52.5	72.6
W. W. Thompson	D	251.2	251.2
Redney Ware	E	42.0	42.0
George Weisman	F	20.8	
	G	9.4	
	H	73.5	103.7
John Stammes	I	62.2	
	J	13.7	
	K	0.5	76.4
Roland Byron	L	160.8	
	M	23.0	183.8
Ditch Total			725.6

SOUTH Dakota Department of
Water & Natural Resources

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

September 28, 1987

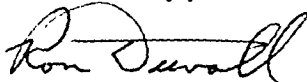
Thompson Ditch Co., Inc.
c/o Wesley W. Thompson
Rt 1, Box 198A
Spearfish SD 57783

Dear Mr. Thompson:

This letter is to inform you that the vested right claim for Thompson Ditch Co., Inc. has been reviewed. A report on the investigation of the vested right claim is being prepared. When the report is finalized your application will be complete pursuant to SDCL 46-2A-2. A recommendation will then be prepared and notice of hearing will be given stating the time and place the Water Management Board will consider the vested right claim. Tentatively, the hearing is to be scheduled for December 2 and 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,



RON DUVALL
Water Resources Engineer
605 773-3352

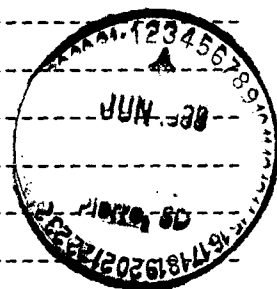
DIVERSION RATE RE
Ditch Company Thompson
Ditch President W. Thompson
Type of Measuring Device?

Month MAY
Year 88

☒ (VA) Parshall Flume: Throat Width 5 ft.

☐ B) Weir: Crest Length _____ ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16	9:17 AM	.92	75.7	THOMPSON & SWANSON	Turn on NOT Fall
17	10:30 AM	1.37	75.7	W. THOMPSON	Full to test. Flume needs leveling
18	7:45 AM	.94	104.7	"	Boards off.
19			104.7		Road muddy - Thompson's watering
20	7:45 AM	.94	104.7	"	54 cords of rock
21	"	.94	104.7	W. THOMPSON	Bryans filling
22	"	.94	92.2	"	dam for cattle
23	"	.94	105.8	"	"
24	6:00 AM	.80	105.8	"	"
25	11:00 AM	1.12	137	"	Boards on
26	7:45 AM	1.22	152	"	added plastic
27	3:00 PM	1.22	152	"	Redwater low
28	7 AM	1.20	141.6	"	can't fill ditch
29	7 AM	1.16	141.6	"	"
30	4 PM	1.12	119.6	"	"
31	11 AM	1.24	134.6	"	"



DIVERSION RATE RECORD

Ditch Company Thompson

Month June

Ditch President Wes Thompson

Year 88

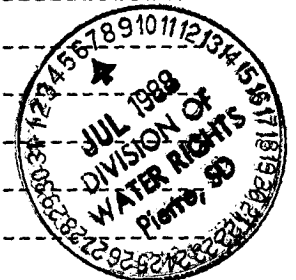
Type of Measuring Device?

☒ A) Parshall Flume: Throat Width 3 ft.

☐ B) Weir: Crest Length _____ ft.

☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	6 AM	1.24	50.8	WT	Thompson 54 head Bryan's 46 cows
2	"	1.20	50.8	"	"
3	"	.98	50.8	"	"
4	7:30 PM	.90	50.8	"	"
5	1:30 PM	.60	0	"	Shut down to hay
6	"	.66	0	"	"
7	7:30 PM	.58	0	"	"
8		"	0		"
9		"	17		"
10		"	17		"
11		"	34		
12		"	17		
13		"	0		
14		"	0		135 cows
15		"	14		"
16		"	14		"
17		"	31		16 cows
18		"	17		"
19	7 AM	.56	17	WT	"
20	8 PM	.72	81.7	"	Turn gate up again
21	7 AM	1.24	111.7	"	"
22	4 PM	1.30	141.7	"	Gate wide open - can't fill
23	5 PM	1.02	141.7	"	ditch as creek is pretty low.
24	6 PM	.82	141.7	"	"
25	6 PM	.76	146.7	"	"
26	6 PM	.70	133.7	John Swanson	"
27	8 AM	.70	128.5	WT	"
28	8 AM	.80	149.5	"	Thompson shut off to let lower guys
29	7 AM	.88	119.5	"	have water
30	4 PM	.92	94.5	"	Rationing
31					



5 heads in 3 fields

Watering call

DIVERSION RATE RECORD

Ditch Company THOMPSON Month JULY
 Ditch President WES THOMPSON Year 88

Type of Measuring Device?

☒ (A) Parshall Flume: Throat Width 3 ft.
☐ (B) Weir: Crest Length ft. ☐ (C) Other:



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	7 AM	0.92	135.5	WT	Creek too low to get
2	"	1.10	"		maximum diversion
3	6:30 PM	1.12	"		all month. Taking
4	7 AM	1.08	"		turns with what
5	8 PM	0.96	"		we have.
6	"	0.98	45.1		Shut off lower 1/2
7	"	1.00	45.1		to kill moss.
8	"	"	59.9		
9	"	"	59.9		
10	"	0.64	34.9		Fluctuation due to
11	"	0.64	36.5		upstream use.
12	"	1.06	53		
13	9 AM	0.86	34		
14	10 AM	"	16.5		Thompson shut off
15	8 PM	0.90	30.5		
16	9 PM	0.98	93.3		15 cow 3 fall
17	7 PM	"	96.8		watering
18	8 PM	1.14	96.8		"
19	"	1.20	105.5		"
20	"	1.00	76		"
21	"	1.00	58.5		"
22	"	0.96	94.3		"
23	"	"	80.3		"
24	"	0.92	60.2		"
25	"	"	60.2		"
26	"	0.90	60.2	✓	"
27					Shot off to kill
28					moss.
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Thompson

Month Aug.

Ditch President W. Thompson

Year 88

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width 3 ft.

☐ B) Weir: Crest Length _____ ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	8 AM	.92	78	Bryan	45 cow calf pairs water all month
2	"	"	78	Thompson	
3	"	"	78	"	
4	"	"	70	"	
5	"	"	70	"	
6	6 PM	.90	70	"	
7	7 PM	.90	70	"	
8	"	"	70	"	
9	"	"	70	"	add 16 cow calf pairs 2 Bulls 1 heifer
10	"	"	70	"	"
11	"	"	112	"	"
12	"	"	112	"	"
13	6:30 PM	.80	108.5	"	"
14	7 PM	.74	66.5	"	"
15	8 AM	.84	170	"	"
16	8 PM	.80	154.5	"	"
17	5:30 PM	.68	154.5	"	16 cow calf pairs off
18	"	.70	103.5	"	
19	"	.74	103.5	"	
20	7:30 AM	.76	103.7	"	
21	"	.76	164.4	"	
22	7 AM	.82	164.4	"	
23	"	.82	134.2	"	
24	"	"	134.2	"	
25	"	"	149.2	"	
26	"	"	43.7	"	
27	"	"	43.7	"	
28	"	"	43.7	"	
29	"	"	13.7	"	
30	7 AM	.86	13.7	"	
31	7 AM	.86	0	"	

DIVERSION RATE RECORD

Ditch Company THOMPSON
Ditch President W. THOMPSON

Month Sept
Year 88

Type of Measuring Device?

☒ (A) Parshall Flume: Throat Width 3 ft.

☐ (B) Weir: Crest Length _____ ft. ☐ (C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	7pm	.86	30	WT	Watering livestock 46 cows all month - 16 cows
2		.86	30		"
3		.86	0		"
4		.86	0		"
5	6:30pm	.68	0		"
6		.68	0		"
7		.68	0		"
8	7pm	.33	0		"
9	"	.33	0		"
10	"	.30	0		"
11		.30	0		"
12		.30	0		"
13		.30	0		"
14		.30	0		"
15	7AM	.76	7		7 cows - 2 horses
16	7pm	.76	7		"
17		.76	7		"
18		.76	8		"
19		.76	8		"
20	9AM	.68	0		"
21		.68	0		"
22		.68	0		"
23		.68	0		"
24	7:30am	.24	8		"
25	9am	.47	23	R. Boyan	"
26		"	23		"
27		"	23		"
28		"	23		"
29		0	0		Horses + cattle off
30		0	0		"
31		0	0		"



DIVERSION RATE RECORD

Ditch Company THOMPSON

Month Oct.

Ditch President W. THOMPSON

Year 1988

Type of Measuring Device?

☒ (A) Parshall Flume: Throat Width 3 ft.

☐ (B) Weir: Crest Length _____ ft. ☐ (C) Other: _____



ate	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		0			
2		0			
3	8:30 AM	.46	28 28	WT	Finishing dry spots on field
4	"	.46	28		"
5	"	.40	28		"
6	"	0	0		Shut off headgate for season
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company THOMPSON
Ditch President W. THOMPSON

Month Nov.
Year 1988



Type of Measuring Device?

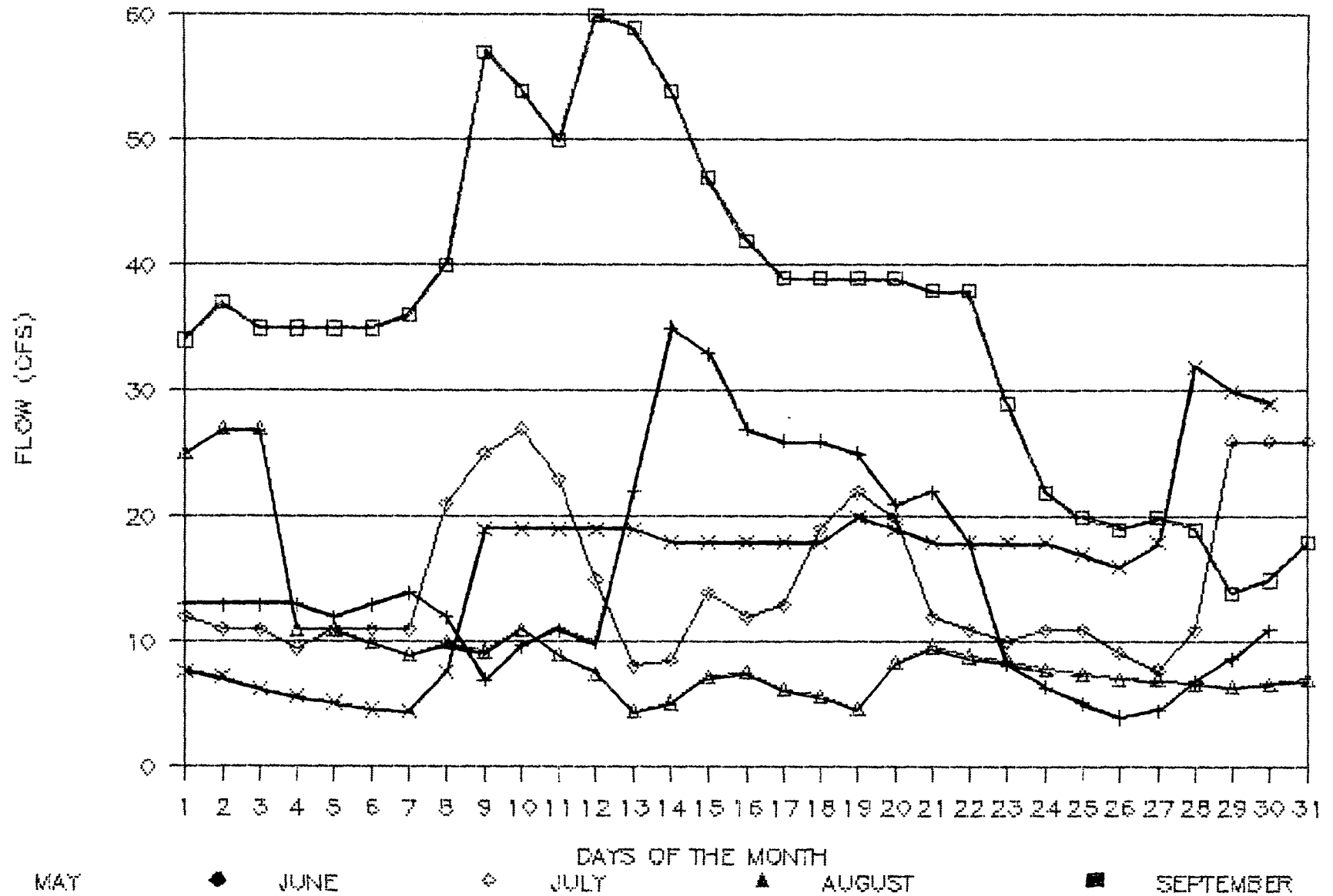
☒ (A) Parshall Flume: Throat Width 3 ft.

☐ (B) Weir: Crest Length _____ ft. ☐ (C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1			0		
2			0		
3			0		
4			0		
5			0		
6	7 AM	0.16	0	W.T.	Fixing water system in
7		"	0		barn yard & needed to
8		"	0		water 17 calves out of ditch.
9		"	0		Also watering 26 heifers
10		"	0		on alfalfa fields.
11		"	0		
12		"	0		
13	5 pm	"	0	W.T.	Shut off for season.
14		0			
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

HYDROGRAPH

REDWATER RIVER AT WY-SD LINE-1988

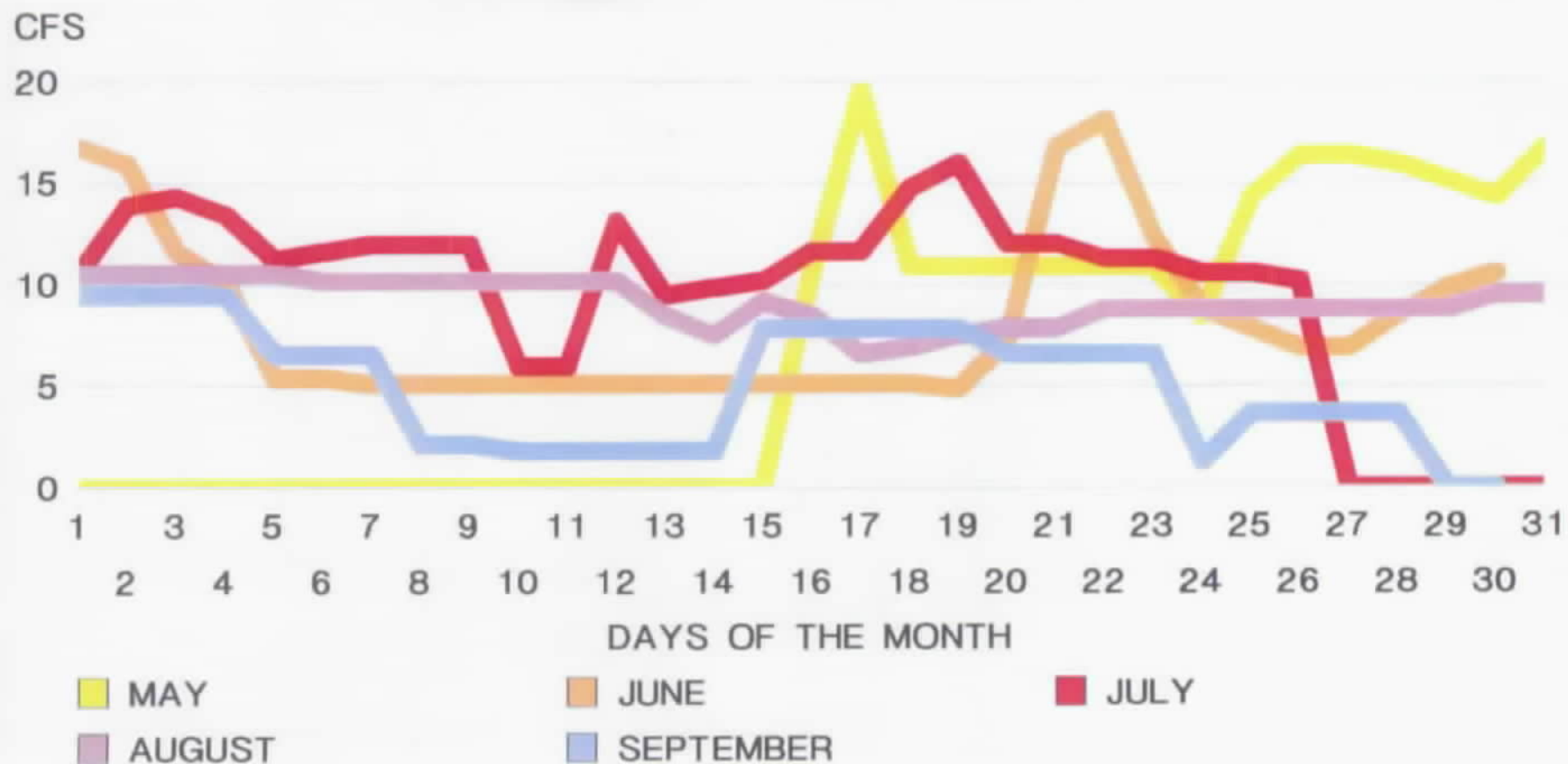


MSHadi

12/9/88

THOMPSON DITCH

DIVERSION RATE-1988 IRRIGATION SEASON



Rt. 1 Box 198A
Spearfish, South Dakota 57783

July 10, 1986



Department of Water & Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501

Dear Sirs:

Enclosed please find the completed Diversion Ditch Service form that Mr. Rassoll Ahadi, your Natural Resources Engineer, requested we fill out. We understand that this will lead to the issuance of a water license to our ditch company by October 1, 1986. If you have any questions please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Wes Thompson".

Wesley W. Thompson, President
Thompson Ditch Company

DIVERSION DITCH SERVICE

NAME OF THE DITCH: Thompson Ditch Company

ADDRESS: Rt. 1 Box 198A Spearfish, South Dakota 57783

DIVERSION POINT: SW $\frac{1}{4}$ S $\frac{1}{4}$ SEC. 8 T 7 N-R 1 E; SOURCE: Redwater

MAXIMUM DIVERSION RATE: 25 A.C.F.S.

ACREAGE SERVED: 725.6 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
Bill Lambert	Sec 8 T 7 N-R1E	15.9	
Robert Ferrell	Sec 8 T 7 N-R1E Sec 9 T 7 N-R1E Sec 16 T 7 N-R1E	72.6	
W. W. Thompson & Sons.	Sec 9 T 7 N-R1E Sec 10 T 7 N-R1E	231.2	
Richard Lausser	Sec 10 T 7 N-R1E Sec 11 T 7 N-R1E	42.0	
Fred Brady	Sec 11 T 7 N-R1E	103.7	
Cliver Swanson	Sec 11 T 7 N-R1E	76.4	
Roland P. Bryan, Jr.	Sec 11 T 7 N-R1E Sec 12 T 7 N-R1E	183.8	
		725.6	



Thompson Ditch.

Flume Capacity:

$$Q = V \cdot A$$

$$V = \frac{1.49}{n} R^{\frac{2}{3}} S^{\frac{1}{2}}$$

$$V = \frac{1.49}{.02} \times 1 \times (.004)^{\frac{1}{2}}$$

$$V = 4.71 \text{ FPS}$$

$$Q = V \cdot A = 4.71 \times 6.2832 \Rightarrow$$

$$\text{Flume Cap. } Q = \underline{29.6 \text{ CFS}}$$

$$\text{Gates Cap. } Q = \underline{61 \text{ CFS}}$$

Gate Capacity:

$$Q = C'd(b - 2nH_1)\sqrt{g} H_1^{\frac{3}{2}}$$

$$H_1 = 3.5'$$

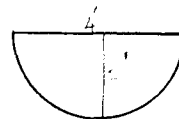
$$b = 3.5'$$

$$n = .1$$

$$C'd = .587$$

$$g = 32.2 \text{ ft/s}^2$$

$$\text{Vested Right } Q = \underline{25 \text{ CFS}}$$



11

(1)

• *strongly* *binding*.

8400 : 100 : 100, 1970.

Richard A. Garke

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair, viewing a screen displaying a target (a red dot) and a starting point (a green dot). The subject's hand is positioned at the starting point, and the target is located at a distance of 10 cm from the starting point. The subject is instructed to move their hand from the starting point to the target. The distance between the starting point and the target is labeled as 10 cm.

This Indenture made and entered into this 29th day of July 1893, by and between William Ure, William Thompson, Daniel T. Reed and Horace E. Reed of the County of Butte in the State of South Dakota, parties of the first part, and Elizabeth McAleer of the County of Lawrence in the State of South Dakota, party of the second part: Witness, that the said parties of the first part for and in consideration of a deed of even date herewith from the party of the second part and James McAleer, her husband, conveying to the said parties of the first part herein a tract of land sixteen feet in width across the Northeast quarter ($\frac{1}{4}$) of the Southwest quarter ($\frac{1}{4}$) and (and) the North West quarter ($\frac{1}{4}$) of the Southeast quarter ($\frac{1}{4}$) of section Ten (10) Township Seven (7) North, Range One (1) East B.H.M. in Butte County South Dakota for right of way along the line of a certain irrigating ditch belonging to the parties of the first part herein and others, and of the further consideration hereinafter mentioned do hereby grant and convey unto the said party of the second part her heirs and assigns twenty inches of water. (miners measurement.) together with full right to the use of the same and to be taken from said ditch on said described land: the said party of the second part to have no interest in any water or right that may be sold by the owners of said ditch and to contribute one twentieth of all expenses necessarily incurred in keeping order for proper use. The dam at the head of said ditch in Red Water creek on the South East quarter of the Southwest quarter of Section Eight Township seven North Range One East B.H.M. and the said ditch from said dam to the lower end of said ditch at a point at the east line of the land belonging to Horace E. Reed The said party of the second part to be subject to the same forfeiture of right as the owners of said ditch as provided in an agreement by the parties of the first part hereto and others, made and entered into on the 23rd day of October 1890 which agreement is recorded in Book 72, Page 536 in the office of the Register of Deeds for Lawrence County, South Dakota In Witness Whereof the parties of the first part have hereunto set their hands and seals this 29th day of July 1893.

William Ure

William Thompson

Daniel T Reed

Horace E Reed

State of South Dakota }
County of Lawrence } ss

Be it remembered that on this 29th day of July 1893

before me Daniel F. Potter a Notary Public within and for said County and State personally appeared William Ure, William Thompson, Daniel T Reed and Horace E Reed well known to me

to be the persons who are described in and who executed the within and foregoing instrument and they duly acknowledged to me that they executed the same freely. In Witness Whereof I have hereunto set my hand and Notarial seal the day and year above written

Seal

Daniel T. Potter

Notary Public

Office of Register of Deeds)
Butte County South Dakota)SS

Received for record the 20th day of January A.D. 1894

at 11:30 o'clock A.M. And recorded in Book 2 of Deeds Page 306-7.

F N. Fuller

Register of Deeds

By S. W. P. Sellers Deputy.

State of South Dakota) ss
County of Butte

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT
IS A TRUE, CORRECT AND COMPLETE COPY OF THE
ORIGINAL INSTRUMENT AS RECEIVED IN MY OFFICE
ON THE 20 DAY OF Jan 1894
AT 11:30 O'CLOCK A.
IN BOOK 2 PAGE 306-7 NO 3414
DATED July 13 1890

Ethel Rosen
Register of Deeds

By _____
Deputy

RECEIVED
JUL 19 1960

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Report on the Thompson Ditch (Redwater River)
Vested Water Right Application No. 1409-1
October 16, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Thompson Ditch has filed an application to validate a vested right claim. The application claims 25.0 cfs of Redwater River water to irrigate 725.6 acres of land in Sections 8, 9, 10, 11, 12, and 16, T7N-R1E, in Butte and Lawrence Counties. The diversion point is located in the SE1/4 SW1/4 Section 8, T7N-R1E, in Lawrence County.

Document Search

The following documents were found pertaining to the Thompson Ditch:

- 1) Agreement No. 52746 which was dated October 23, 1890, and filed in Lawrence County on March 9, 1891, and recorded in Book 72, Page 536. In this agreement, six persons agreed to construct a water ditch and an irrigation canal. This agreement did not specify the amount of water that was going to be diverted, but did state the ditch would be of a capacity to be agreed upon later by a majority of the members of the company.
- 2) Water Right Deed No. 5414, dated July 29, 1893, filed January 20, 1894, in Lawrence County and recorded in Book 2 of Deeds, Page 306-7. The Deed stated that Elizabeth McAleer was granted 20 miner's inches of water from the ditch in return for the ditch right-of-way.
- 3) The decision, including Findings of Facts and Conclusions of Law, dated August 26, 1904, and the Decree of the case, dated March 10, 1905, held in Eighth Judicial Circuit Court, between Redwater Land and Canal Company vs. D.T. Reed, H. Reed, Pauline Thompson, John H. Burns, and Henry Keets.
- 4) The Circuit Court Findings of Fact and Conclusions of Law, dated August 26, 1904, the Circuit Court Decree, after the Supreme Court Opinion, dated January 5, 1911, and the Supreme Court Opinion, filed November 26, 1910, in the case of Redwater Land and Canal Company vs. D.T. Reed, David M. Dorsett, and Henry Keets. While this case involved the Reed Ditch, it now apparently concerns the Thompson Ditch, since lands then described as being irrigated from the Reed Ditch are now being irrigated from the Thompson Ditch.

In the above court cases, the court decisions specified that the following described lands, now irrigated from the Thompson Ditch, were settled on before February 1, 1879, which was the date the court recognized as the water right location date for the Redwater Land and Canal Company Ditch, and that the owners of these lands have a right prior to that of the Redwater Land and

Canal Company to use and divert from Redwater River sufficient water for the proper irrigation of all irrigable land and for domestic and agricultural purposes connected therewith:

 E1/2 SE1/4 Section 11, T7N-R1E

 W1/2 SW1/4 Section 12, T7N-R1E

In Redwater vs. Thompson, the court found the settlement date on the above lands to be April 1, 1878. However, in Redwater vs. Reed, the court found the settlement date on the same land to be November 20, 1876.

It also found that the settlement for the following lands to be April 1, 1878:

 E1/2 SW1/4 Section 12, T7N-R1E

 W1/2 SE1/4 Section 12, T7N-R1E

In these court cases, the court decisions specified that owners of the following described lands, now irrigated from the Thompson Ditch, were settled on before February 1, 1879, and have the right to divert and use upon these lands sufficient water for irrigation, after first allowing sufficient water to flow past their lands to enable the Redwater Land and Canal Company to obtain 2,200 miner's inches of water through the headgate of its ditch or canal.

The court specified that the following land was settled on March 11, 1879:

 SW1/4 SE1/4 Section 11, T7N-R1E

 SE1/4 SW1/4 Section 11, T7N-R1E

 N1/2 SW1/4 Section 11, T7N-R1E

That the following land was settled on April 1 1880:

 W1/2 SW1/4 Section 10, T7N-R1E

 SW1/4 NW1/4 Section 10, T7N-R1E

 SE1/4 NE1/4 Section 9, T7N-R1E

That the following land was settled on October 1, 1880:

 E1/2 SE1/4 Section 8, T7N-R1E

 W1/2 SW1/4 Section 9, T7N-R1E

- 5) The stipulation, dated March 17, 1905, in which the Redwater Land and Canal Company and D.T. Reed et al; agreed that the Redwater vs. Reed case was similar to the Redwater vs. Thompson case and, as the Reed case was being appealed to the Supreme Court, both parties agreed that any Supreme Court action affecting the Reed case would apply to the Thompson case.
- 6) A copy of the complaint, dated March 12, 1907, and the Judgement dated September 1, 1909, of the case of Pauline Thompson vs. Henry Keets et al; regarding changing and enlarging the Thompson Ditch.

These court cases did not mention the following described lands, portions of which are now irrigated from the Thompson Ditch. The only record found concerning water rights, which may apply to portions of these lands, was the agreement dated October 23, 1890.

W1/2 SE1/4	Section 8,	T7N-R1E
E1/2 SW1/4	Section 9,	T7N-R1E
SE1/4	Section 9,	T7N-R1E
E1/2 SW1/4	Section 10,	T7N-R1E
N1/2 SE1/4	Section 10,	T7N-R1E
SE1/4 SE1/4	Section 10,	T7N-R1E
S1/2 NE1/4	Section 10,	T7N-R1E
SW1/4 SW1/4	Section 11,	T7N-R1E
S1/2 NW1/4	Section 11,	T7N-R1E
NW1/4 SE1/4	Section 11,	T7N-R1E
SE1/4 NE1/4	Section 11,	T7N-R1E
SW1/4 NE1/4	Section 12,	T7N-R1E

One of the "Findings of Fact" in the Redwater vs. Thompson Court Case was that the Thompson Ditch consisted of two ditches, one on the north, and one on the south side of Redwater River with one ditch having a capacity of 400 miner's inches the other having a capacity of 100 miner's inches.

Discussion

The Water Resources Commission investigated the irrigation from Thompson Ditch in the early 1960's. At that time, 725.6 acres were mapped as being irrigated from the ditch. The maximum diversion rate was stated to be 1 miner's inch per acre for a total of 725.6 miner's inches (14.51 cfs).

Recent investigations by Water Rights Division engineers have found that the same acreage is being served by the Thompson Ditch as in the 1960's. The measurements of the headgate and the flume show that the headgate has a capacity to divert in excess of the amount claimed and the flume can carry approximately 30 cfs.

To determine the amount of water needed to irrigate 725.6 acres, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs is necessary to irrigate 70 acres, 10.36 cfs will be needed to irrigate 725.6 acres. Considering the efficiency of flood irrigation in the area, which according to SCS is 50% for this area, the total diversion rate will be 20.7 cfs.
- 2) Using SCS, S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3.0 feet of water every irrigation season, a total of 2176.8 acre-feet of water is needed for the season, from which 627.0 acre-feet or 10.2 cfs will be used in the

Month of July. Considering a 50% loss due to the system, the total diversion rate needed to irrigate 725.6 acres will be 20.4 cfs.

Conclusions and Recommendations

- 1) The headgate and the flume are capable of diverting and carrying the 25.0 cfs claimed. However, the amount of water claimed appears to be in excess of what would be considered reasonable to irrigate 725.6 acres.
- 2) Based upon the 1.0 cfs per 70 acres criteria plus a 50% loss calculation, the peak quantity of water needed to irrigate the land under the Thompson Ditch would be 20.7 cfs. Comparing this to the SCS, South Dakota Irrigation Guide calculations, this quantity of water appears to be reasonable.
- 3) It is recommended that the Thompson Ditch Vested Water Right claim be validated for a diversion rate of 20.7 cfs for irrigation of 725.6 cfs as described in Application No. 1409-1 with priority dates as listed on the attached summary.
- 4) It is recommended that if the Thompson Ditch Vested Water Right Application No. 1409-1 is validated, that the applicable portions of Agreement No. 52746 and Water Right Deed No. 5414 be incorporated into No. 1409-1, and that the abandoned portions of Agreement No. 52746 and Water Right Deed No. 5414 be cancelled.



Rassool Ahadi
Natural Resources Engineer

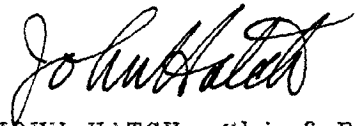
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1409-1, Thompson Ditch Company, Inc.

Pursuant to SDCL 16-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1409-1, Thompson Ditch Company, Inc., c/o Wesley W. Thompson, President, Route 1, Box 103a, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1409-1 for 20.7 cfs and that the applicable portions of Agreement No. 52746 and Water Right Deed No. 5414 have been incorporated into No. 1409-1 and the abandoned portions of Agreement No. 52846 and Water Right Deed No. 5414 have been cancelled, because 1) water has been appropriated as described for irrigation use with priority dates of October 23, 1890 for 317.7 acres, October 1, 1880 for 60.6 acres, April 1, 1880 for 50.0 acres, March 11, 1879 for 127.5 acres, April 1, 1879 for 31.8 acres and November 20, 1879 for 132.0 acres, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1409-1 is subject to domestic use rights. Diversion of water under Water Right No. 1409-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Thompson Ditch Company within one year of validation of Vested Water Right No. 1409-1. The measuring device shall be permanently installed. The design shall be approved prior to construction by the chief engineer.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 22, 1987

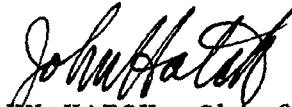
REVISED RECOMMENDATION
OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER RIGHT
APPLICATION NO. 1409-1, Thompson Ditch Company, Inc.

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right No. 1409-1, Thompson Ditch Company, Inc., c/o Wesley W. Thompson, President, Rt 1, Box 198A, Spearfish SD.

The Chief Engineer is recommending VALIDATION of Application No. 1409-2 for 20.7 cfs and that the applicable portions of Agreement No. 52746 and Water Right Deed No. 5414 have been incorporated into No. 1409-1 and the abandoned portions of Agreement No. 52846 and Water Right Deed No. 5414 have been cancelled, because 1) water has been appropriated as described for irrigation use with priority dates of October 23, 1890 for 317.7 acres, October 1, 1880 for 60.6 acres, April 1, 1880 for 56.0 acres, March 11, 1879 for 127.5 acres, April 1, 1878 for 31.8 acres and November 20, 1876 for 132.0 acres, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1409-1 is subject to domestic use rights. Diversion of water under Water Right No. 1409-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Thompson Ditch continue to be maintained and monitored as required by the Chief Engineer.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 19, 1989

Instruction to Newspaper - Publish first publication of the following Notice on or before November 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1409-1 to Appropriate Water

Notice is hereby given that Thompson Ditch Co., Inc. c/o Wesley W Thompson, President whose mailing address is Route 1, Box 198A, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 25.0 cubic feet of water per second (cfs) from Redwater River to irrigate 725.6 acres via the Thompson Ditch with claimed priority dates of October 23, 1890 (317.7 acres), October 1, 1880 (60.6 acres), April 1, 1880 (56.0 acres), March 11, 1879 (127.5 acres), April 1, 1878 (31.8 acres) and November 20, 1876 (132.0 acres). The Redwater River diversion point for the Thompson Ditch is located in the SE 1/4 SW 1/4 Section 8, T7N, R1E. The irrigated acreage is located in the SE 1/4 Section 8; N 1/2 NW 1/4 Section 16; E 1/2 SW 1/4, SW 1/4 SW 1/4, SE 1/4 Section 9; SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; S 1/2 NW 1/4, SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 11; SW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Section 12; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1409-1 for 20.7 cfs and that the applicable portions of Agreement No. 52746 and Water Right Deed No. 5414 be incorporated into No. 1409-1 and that the abandoned portions of Nos. 52746 and 5414 be cancelled because 1) water has been appropriated as described for irrigation with the above specified priority dates, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

(continued)

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
October 29, 1987

BELLE FOURCHE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1409-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Thompson Ditch Co., Inc. c/o Wesley W Thompson, Rt 1, Box 198A, Spearfish SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 29, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1409-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Thompson Ditch Co., Inc. c/o Wesley W Thompson, Rt 1, Box 198A, Spearfish SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 29, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPERS RIGHT AWAY.

Thompson Ditch Co., Inc.
c/o Wesley W Thompson
Rt 1, Box 198A
Spearfish SD 57783

Dear Mr. Thompson:

Your Application No. 1409-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCE DAILY POST printed at Belle Fourche SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

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

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Queen City Mail

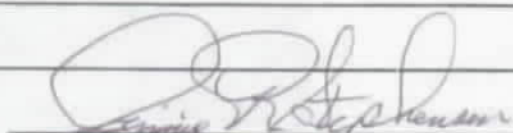
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Spearfish

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

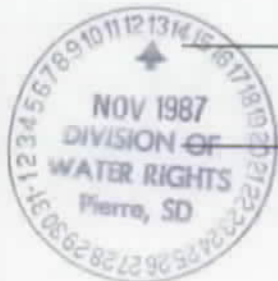
November 4th, 1987

November 11th, 1987


(Signature)

Publisher
(Title)

11-11-87
(Date Signed)



Cost of Printing: _____

117 lines x .2564 = 30.00

117 lines x .2051 = 24.00

Total = 54.00

NOTICE OF HEARING

To Validate Vested
Right Application No. 1409-1
To Appropriate Water

Notice is hereby given that Thompson Ditch Co., Inc., c/o Wesley W. Thompson, President, whose mailing address is Route 1, Box 198A, Spearfish, South Dakota, has filed an application to validate a vested right claim to appropriate 25.0 cubic feet of water per second (cfs) from Redwater River to irrigate 725.6 acres via the Thompson Ditch with claimed priority dates of October 23, 1890 (317.7 acres), October 1, 1880 (60.6 acres), April 1, 1880 (56.0 acres), March 11, 1879 (127.5 acres), April 1, 1878 (31.8 acres) and November 20, 1876 (132.0 acres). The Redwater River diversion point for the Thompson Ditch is located in the SE 1/4 SW 1/4 Section 8 township 7 North Range 1 E. Irrigated acreage is located in the SE 1/4 Section 8; N 1/2 NW 1/4 Section 16; E 1/2 SW 1/4, SW 1/4 SW 1/4, SE 1/4 Section 9; SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 10; S 1/2 NW 1/4, SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 11; SW 1/4, SW 1/4 NW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4 Section 12; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1409-1 for 20.7 cfs. and that the applicable portions of Agreement No. 52746 and Water Right Deed No. 5414 be incorporated into No. 1409-1 and that the abandoned portions of Nos. 52746 and 5414 be cancelled because 1) water has been appropriated as described for irrigation with the above specified priority dates 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City, SD, December 2, 1987 at 1:00 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to

participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition. This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing on an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days unless the applicant has filed a petition to or person who has filed a petition to oppose or support the application. The [redacted] with the Chief Engineer by November 20, 1987.

No. 1409-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Belle Fourche Daily press

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

City of Belle Fourche

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

November 4, 1987

November 11, 1987

Marion Lucas
(Signature)

Editor

(Title)

November 11, 1987
(Date Signed)

Cost of Printing: 47.80



Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1409-1
to Appropriate Water

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Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City, SD, December 2, 1987 at 1:00 p.m.

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This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-13, 46-2-3.1, 46-2-9, 46-2-11, 46-2-12, 46-2-17, 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1, 46-5-11, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 thru 74:02:01:19

**South Dakota
Department of
Game, Fish and Parks**

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 20, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the filings made by the S.D. Department of Game, Fish and Parks to the attached list of applicants, some confusion exists regarding the intent of the filings. For your information when dealing with inquiries to the nature of the GF&P interest in the upcoming hearings the following information should be useful.

GF&P intends to participate in the upcoming water right validations by supporting the water rights staff recommendations that will bring each water right into legal compliance with existing laws, e.g. appropriate quantities of water for the land base, appropriately sized and gauged headgates for the right in question, abandonment of unused quantities of water, etc. GF&P filed with your office and each applicant so that we would officially be parties to the hearing process and be able to carry out the mandated duties of the Department under SDCL Chapter 41. We also are of the opinion that the Department would have been negligent in not participating in proceedings that relate to water resource allocation directly affecting waters that support fish and wildlife values.

I hope this information will aid you in describing the nature of the interest the Department of Game, Fish and Parks has in the upcoming proceedings. If you have any questions you can contact me at 773-5511.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Koth".

Ron Koth
Water Permits Coordinator

RK/ld

November 23, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested
Right Application No. 1409-1, Thompson Ditch Company,
Inc.

For :

Wesley W. Thompson, President
Thompson Ditch Company, Inc
Route 1, Box 198A
Spearfish SD 57783

represented by :

Thomas E. Carr, attorney
704 7 Street
Belle Fourche SD 57717

Interested :

Richard J. Beringson, Secretary
Anderson Building
445 E. Capitol
Pierre SD 57501

Against :

B. E. Martin, Regional Director
Bureau of Reclamation
Missouri Basin Region
P.O. Box 36900
Billings MT 59107-6900

Bruce Laymon

U.S. Bureau of Reclamation
P.O. Box 266
Newell SD 57760

South Dakota
Department of
Game, Fish and Parks

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 16, 1987



Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1409-1 on Redwater River, Butte and Lawrence County.

GF&P is an interested and potentially affected party by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water right claim could affect the quantity of water available for natural resource management.

Thank you for the opportunity to comment on this pending water right application.

Sincerely,

Richard J. Beringson
Secretary

RJB/ld

cc: Thompson Ditch Co., Inc. % Wesley Thompson, Pres.

WATER RIGHTS DIVISION
(605) 773-3352

November 19, 1987

Duane Helton
17th and Market, Suite 700
1331 17th Street
Denver, Colorado 80202

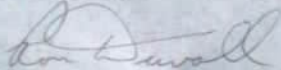
Dear Mr. Helton:

This letter is in response to our phone conversation on November 18, 1987 regarding South Dakota Water Rights Law and Thompson Ditch. Enclosed is the following information:

1. Application No. 1409-1 and attachments.
2. Water Rights Law.
3. General Rules Chapter 14:02:01.
4. Summary of SD Water Rights Law.
5. U.S.G.S. flow records for Thompson Ditch.
6. Petition to intervene submitted by the SD Department of Game, Fish and Parks.

Please contact us if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



United States Department of the Interior
BUREAU OF RECLAMATION
Missouri Basin Region
P.O. Box 36900
Billings, Montana 59107-6900



IN REPLY
REFER TO: MB-450
870.

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57301

NOV 19 1987

Dear Mr. Hatch:

Pursuant to South Dakota Civil Law 1-26, we hereby make known our objections to Applications to Validate Vested Water Rights (applications) Nos. 1388-1, 1390-1, 1394-1, 1395-1, 1399-1, 1400-1, 1402-1, 1405-1, 1408-1, 1409-1, 1410-1, 1411-1, 1412-1, 1413-1, 1415-1, 1417-1, 1423-1, and 1425-1. These applications are scheduled for consideration by the Water Management Board in Rapid City, South Dakota, on December 2, 1987, at 1:00 pm.

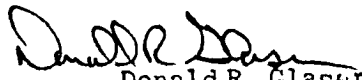
We concur with the Chief Engineer's recommendations regarding the diversion rates for the applications listed above and would object to increases in the diversion rates above those recommended by the Chief Engineer. The Bureau of Reclamation (Bureau) is the owner of water rights for the Belle Fourche Irrigation Project (Project) located on the Belle Fourche River. Most of the vested rights (with the exception of application No. 1423-1) have points of diversion located on tributaries to the Belle Fourche River upstream of the Project diversion dam. The Project could be adversely impacted if the applications are validated with flow rates in excess of those historically utilized.

Finally, we request that you send a copy of the Chief Engineer's recommendation regarding each of the applications listed above to Bruce Laymon who will be representing the Bureau's interests at the hearings. His mailing address is listed below.

U.S. Bureau of Reclamation
Attention: Bruce Laymon
Belle Fourche Project Office
P.O. Box 226
Newell, SD 57760

If you have any questions regarding our interest in these matters, please contact Dave Nelson at (406) 657-6639 or Bob Pike at (406) 657-6469.

Sincerely yours,


Donald R. Glaser

For B. E. Martin
Regional Director

Enclosure

Identical letters sent to attached listing

Mr. Ralph Bahm
RR 1, Box 196
Spearfish, SD 57783

Ms. Della Crago
RR 1, Box 24
Belle Fourche, SD 57717

Mr. Dick Cundy
St. Onge Road
Spearfish, SD 57783

Homestake Mining Company
P.O. Box 875
Lead, SD 57754

Mr. Albert Jeffery
RR 1
Spearfish, SD 57783

Mr. Leland Johnson
Mr. Keith Johnson
RR 1, Box 1011
Spearfish, SD 57783

Mr. Richard Lausser
RR 1, Box 195
Spearfish, SD 57783

Redwater Irrigation Association
P.O. Box 351
Belle Fourche, SD 57717

Mr. R. Thornton Vallery
Star Route, Box 188
Nisland, SD 57762

Mr. James Chenowith
Box 248
Woodrow, CO 80757

Mr. Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

Mr. Melvin Delzer
Box 1045
Spearfish, SD 57783

Mr. Robert Humphrey
Rt. 1, Box 170
Spearfish, SD 57783

Mr. James Jennings
RR 1, Box 182C
Spearfish, SD 57783

Mr. William Lambert
Box 335
Beulah, WY 82712

Mr. Josef Meier
421 Meier Street
Spearfish, SD 57783

Mr. Wesley W. Thompson
Rt. 1, Box 198A
Spearfish, SD 57783

GORS, BRAUN AND ZASTROW

ATTORNEYS AT LAW

(605) 224-6281

115 EAST SIOUX AVENUE

POST OFFICE BOX 1115

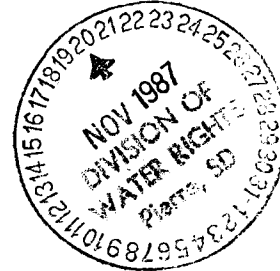
PIERRE, S.D. 57501-1115

MAX A. GORS
DAVID L. BRAUN
LAURENCE J. ZASTROW

November 20, 1987

Investigator
JOHN CULBERSON

John Hatch
Water Rights Division
South Dakota Department
of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



RE: Thompson Ditch Company, Inc. - Application 1409-1

Dear Mr. Hatch:

Pursuant to SDCL 46-2A-5, Thompson Ditch Company, Inc., requests postponement of the hearing to validate its vested right Application No. 1409-1 scheduled for December 2, 1987, at 1:00 p.m. in Rapid City, South Dakota.

Also, please take notice that Thompson Ditch Company, Inc., intends to oppose your recommendation regarding cancellation of portions of Agreement No. 52746 and Water Right Deed No. 5414.

Sincerely,

CARR AND PLUIMER

for Thomas E. Carr
Attorney for Thompson Ditch Co.



Department of Water & Natural Resources

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

November 24, 1987

NOTICE

TO: Wesley W Thompson, President
Thompson Ditch Company, Inc.
Rt 1, Box 198A
Spearfish SD 57783

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

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned to the right of the "FROM:" field.

SUBJECT: Automatic Continuance of Hearing on Vested Right Application No. 1409-1,
Thompson Ditch Company, Inc.

The Water Management Board will NOT consider Vested Right Application No. 1409-1 at the December 2, 3 and 4, 1987 Board meeting. A request for an automatic continuance of hearing was received from Thomas E Carr, attorney for Thompson Ditch Company, on November 20, 1987. The hearing on Application No. 1409-1 is automatically continued pursuant to SDCL 46-2A-4 and 46-2A-5. Application No. 1409-1 is rescheduled for hearing on March 2, 1987 at 10:30 am, in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the notice of hearing published on November 4 and 11, 1987 in the Belle Fourche Daily Post and Queen City Mail will still apply at the hearing.

cc: Thomas E Carr
John Guhin, Assistant Attorney General
Harold Deering, Assistant Attorney General
Water Management Board
Ron Koth, Department of Game, Fish and Parks

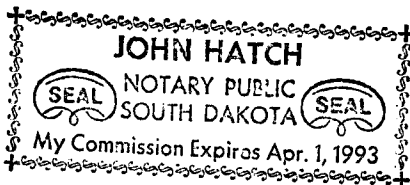
CERTIFICATION

I hereby certify that on November 24, 1987 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice on the Automatic Continuance of Hearing on Vested Right Application No. 1409-1, Thompson Ditch Company, Inc. addressed to those persons listed in the Parties of Record Sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of November, 1987.



John Hatch
Notary Public

WATER RIGHTS DIVISION
(605) 773-3352

February 1, 1988

Thomas A. Carr
P.O. Box 580
Belle Fourche, South Dakota 57717

RE: Blank Vested Right Water License Form.

Dear Mr. Carr:

Enclosed you will find a blank Vested Right Water License Form requested today by Wes Thompson.

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

Sincerely,

Rassool Ahadi
Natural Resource Engineer

RA:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

February 1, 1988

Thompson Ditch Company, Inc.
c/o Wesley W. Thompson, President
Route 1, Box 198 A
Speaffish, South Dakota 57783

RE: Blank Vested Right Water License Form

Dear Wes:

Per our telephone conversation today enclosed you will find a blank Vested Right Water License form.

If you have any questions please contact this office.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

CARR & PLUIMER, P.C.

LAWYERS
907 STATE STREET
P.O. BOX 580

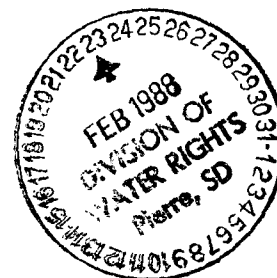
THOMAS E. CARR
RICHARD A. PLUIMER

BELLE FOURCHE, SOUTH DAKOTA 57717-0580
TELEPHONE (605) 892-6383

OFFICE MANAGER
DONNA BRADLEY

February 22, 1988

South Dakota Department of Water
& Natural Resources
Water Rights Division
c/o John Hatch
Chief Engineer
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Thompson Ditch Company, Inc.
Application No. 1409-1

Dear Mr. Hatch:

This letter and the requests contained herein are being forwarded to you pursuant to my telephone conversations with Jim Winterton concerning the Thompson Ditch Company, Inc. continued hearing. We would respectfully request that the hearing continued for March 2, 1988 on Application No. 1409-1, be continued and that the board defer consideration of the above described application. We would respectfully request that the board defer consideration of this application on the same basis of deferrals allowed to other ditch companies, in particular, the deferral granted to Cook-Burns Ditch Company. The request for deferral on behalf of the Thompson Ditch Company, Inc. is to allow collection of flow data from the Thompson Ditch during the 1988 irrigation season. The ditch company is willing to establish a flow measuring device to be installed at or near the point of diversion with the design being subject to approval of the Chief Engineer.

During the course of my conversations with Jim Winterton concerning this matter, we would also request that the company have the right to amend their application concerning the amount of flow, if the diverted amount exceeds the diversion amount contained on the application. When they made application under Application No. 1409-1, they did not know the capacity or amount of water diverted into the Thompson Ditch from the Red Water River and were guessing at the amount diverted. In addition, the only other concern the ditch company may have is that if we have an unusual year, too wet (something we wish for in Western South Dakota but very seldom see) or too dry. We assume that the staff and the board would want to have accurate readings based on normal flow conditions. If we do have any unusual year, Jim has indicated that the board would, in all probability, agree for an additional year to monitor the stream flow. In this way, we would hope that we would have accurate data with which we are all working.

Mr. John Hatch
February 22, 1988
Page Two

Lastly, Jim indicated that you and the board would probably approve this request for deferral and that it would not be necessary for anyone from or on behalf of the ditch company to appear at the scheduled hearing on March 2. If this is not the case, please contact me as soon as possible so that arrangements may be made for an appearance on behalf of the company, otherwise we will assume it will not be necessary to appear.

The Thompson Ditch Company has already made contact with Tom Verhulst of the local SCS office regarding the design and installation of the flow metering device so the same may be installed prior to the 1988 irrigation season.

Thank you very much for your time and cooperation in this matter. If you have any questions or concerns, please feel free to contact me.

Sincerely yours,



Thomas E. Carr

TEC/dgb

cc: Thompson Ditch Company
c/o Wesley W. Thompson
Route 1, Box 198-A
Spearfish, SD 57783



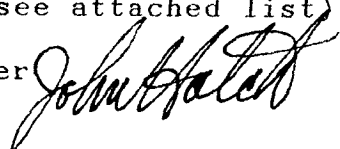
Department of Water & Natural Resources

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

March 8, 1988

NOTICE

TO: Thompson Ditch Company, Inc., c/o Wesley W Thompson
Route 1, Box 198A
Spearfish SD 57783
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Consideration of Vested Right Application
No. 1409-1

The Water Management Board deferred Vested Right Application No. 1409-1 at the March 2 and 3, 1988 Board meeting in Pierre. The Board deferred consideration of the application to allow collection of flow data for Thompson Ditch during the 1988 irrigation season. Notice will be given when Application No. 1409-1 is rescheduled for hearing.

The Board included in the motion to defer, that a permanent flow measuring device is to be installed on Thompson Ditch at or near the point of diversion. Design is subject to approval by the Chief Engineer. The device is to be used for measuring ditch flows during the 1988 irrigation season. After approval of a device design, a method of record-keeping will then be determined cooperatively between the Division of Water Rights and Thompson Ditch. A measuring device design will need to be submitted to the Chief Engineer by April 1, 1988 to ensure approval of the design and installation of the device prior to the beginning of the 1988 irrigation season.

cc: Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General

CERTIFICATION

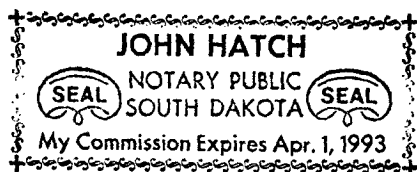
I hereby certify that on March 8, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Deferral of Consideration of Vested Right Application No. 1409-1 addressed as stated on the Parties of Record Sheet.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 1988.



John H. H. H.
Notary Public



Department of Water & Natural Resources

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

March 11, 1988

Thompson Ditch
c/o Wes Thompson
Rt 1, Box 198A
Spearfish SD 57783

RE: Diversion Rate Records, Vested Water Right Application
No. 1409-1

Dear Mr. Thompson:

I am writing to ask for your comments on the enclosed draft of a "Diversion Rate Record" form for recording your ditch flow measurements. The Water Management Board at the March 2 and 3, 1988, Board Meeting in Pierre, deferred your vested right claim until ditch flows could be measured during the 1988 irrigation season. The Board's motion required a permanent flow measuring device to be installed on the ditch at or near the point of diversion. The motion also stated that a method of record keeping will cooperatively be determined between the Division of Water Rights and the Ditch Company.

The flow measurements will need to be made when water is being diverted and on a daily basis. If the flow is to be recorded following opening or closing the headgate, the gauge reader will need to wait for the flow to stabilize before reading the gauge. The recording time and name of the gauge reader must be recorded. If possible, the number of acres being irrigated should be recorded. The "Remarks" column is provided for any comments you may have during data collection, i.e. "Rainy day, no diversion" etc.

The diversion rate records will need to be submitted to us at the end of each month. If you have any questions or comments regarding the "Diversion Rate Record" form or any suggested changes, please let us know.

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
605 773-3352

Thompson Ditch Company
Rt. 1 Box 198A
Spearfish, South Dakota 57783

March 28, 1988



South Dakota Department of Water & Natural Resources
Water Rights Division
c/o John Hatch, Chief Engineer
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Enclosed please find the design of the flow measuring device for the Thompson Ditch Company as per Water Management Board motion at March 2 and 3, 1988 meeting at Pierre. Please inform us as soon as possible whether or not the design meets with your approval so we can proceed with construction. If we continue to be abnormally dry we will want to begin the irrigation season much sooner than normal this year.

After approval of the device design we would like to work cooperatively with the Division of Water Rights in determining a method of record-keeping for the Thompson Ditch.

Your prompt consideration of the submitted design will be much appreciated.

Sincerely,

Wesley W. Thompson, President
Thompson Ditch Company

WWT/dmt

enc.

cc: Thomas E. Carr



Department of Water & Natural Resources

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

April 6, 1988

Thompson Ditch Company
c/o Wesley Thompson, President
Route 1, Box 198A
Spearfish, S.D. 57783

RE: Approval of the Plans and Specifications for a Measuring
Device

Dear Mr. Thompson:

We have reviewed plans and specifications for your measuring device, designed by the Soil Conservation Service, to be used to measure the flow in Thompson Ditch. The plan proposes to use a Parshall Flume with a three foot throat. The plans and specifications are approved as submitted.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

CARR & PLUIMER, P.C.

LAWYERS
907 STATE STREET
P.O. BOX 580

BELLE FOURCHE, SOUTH DAKOTA 57717-0580
TELEPHONE (605) 892-6383

THOMAS E. CARR
RICHARD A. PLUIMER

OFFICE MANAGER
DONNA BRADLEY

November 14, 1988

Mr. James E. Winterton
Water Resources Engineer
Division of Water Rights
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Re: Thompson Ditch Company, Inc.

Dear Mr. Winterton:

This letter is a follow-up to our recent telephone conference concerning the deferral of consideration on Vested Right Application #1409-1. As you recall, this matter was deferred to allow collection of flow data from the Thompson Ditch during the 1988 irrigation season. As I indicated to you, the ditch company is satisfied that the amount of water that you have recommended on their vested right application is the amount of water that they have been historically diverting and utilizing and they are satisfied with that amount.

If this is agreeable with you and the Division of Water Rights, we would respectfully request that the continued hearing be set and the application for vested right be heard. You indicated during the course of our telephone conversation, that it would be unlikely that the matter would be heard at the December meeting because of the shortness of time and the requirements for publication. I believe you indicated to me that the matter would probably be heard at the March meeting, which is scheduled for Rapid City and would probably be more convenient for the board and the company and any interested parties. If you could follow-up on this matter, it would be appreciated and we can then let the ditch company know where this matter stands. March will be potentially a very busy time for them because most of the ditch company members will be in the process of lambing and calving. Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas E. Carr".

Thomas E. Carr

TEC/mmr

cc: Mr. Wesley Thompson



Department of Water & Natural Resources

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

January 11, 1989

Thomas E. Carr, P.C.
907 State Street
P.O. Box 580
Belle Fourche, S.D. 57717-0580

Dear Mr. Carr:

I am writing in response to the Thompson Ditch Company, Inc. Vested Right Application No. 1409-1 which was deferred to allow collection of flow data from the Thompson Ditch during the 1988 irrigation season. You stated in your letter dated November 14, 1988 that the ditch company is satisfied that the amount of water that we recommended on their vested right application is the amount of water that they have been historically diverting and using.

During the 1988 irrigation season, the flow diverted by Thompson Ditch was measured. According to the records, the maximum amount of water diverted by the ditch company when a test of the ditch capacity was conducted was 19.64 cfs. The maximum diverted by the ditch during a non test period was 18.1 cfs. Our original recommendation was to validate the claim for 20.7 cfs.

We realize it was a dry year and the flow conditions in the Redwater River may have limited the amount of water which was capable of being diverted by the ditch. Because of the low flow conditions in the Redwater River during the 1988 irrigation season, it is reasonable to assume that 20.7 cfs may be capable of being diverted if the flows were higher.

Based on the information that we have to date, we will continue the hearing as you requested. We will recommend that the validation of the vested right be for the diversion rate that was originally computed by us (20.7 CFS).

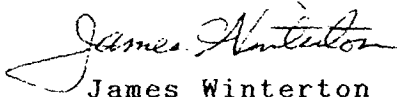
However, we will recommend a qualification that the flow measuring device be maintained and monitored as required by the Chief Engineer. This is needed to help us establish a data base for diversions by the ditch company so it can be used for future decisions regarding water availability and water use.



January 11, 1989
Thomas E. Carr, P. C.
Page 2

Let us know if you have any questions, you will be sent a notice of the time and place the hearing will be scheduled. The meeting date will be 1st of March 1989 and will be held in Rapid City.

Very truly yours,

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

James Winterton
Natural Resources Engineer
605 773-3352



Department of Water & Natural Resources

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

January 24, 1989

NOTICE

TO: Thompson Ditch Company, Inc., c/o Wesley W Thompson
Route 1, Box 198A
Spearfish SD 57783
and Parties of Record (see attached list)

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

SUBJECT: Reconsideration of Deferred Vested Right Application
No. 1409-1

Pursuant to a written request from Thomas E Carr dated November 14, 1988, the Water Management Board will reconsider Vested Right Application No. 1409-1 at 11:00 am, March 1, 1989 in the Roosevelt Room, Howard Johnson's, I-90 and La Crosse, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 11:00 am due to prior agenda items. The Board deferred Application No. 1409-1 for one year at the March 2 and 3, 1988 Board meeting to allow collection of flow data for the ditch during the 1988 irrigation season.

The Chief Engineer is recommending validation of Application No. 1409-1 with qualifications for 20.7 cfs to irrigate 725.6 acres (revised recommendation enclosed). Applicable provisions of the Notice of Hearing published on November 4 and 11, 1987 in the Belle Fourche Daily Post and Queen City Mail will still apply at this hearing.

cc: Larry Donovan, Assistant Attorney General



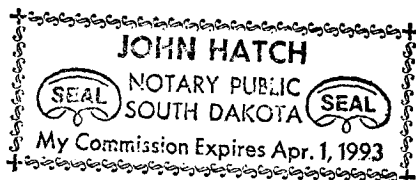
CERTIFICATION

I hereby certify that on January 24, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Reconsideration of Deferred Vested Right Application No. 1409-1 addressed as shown on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of January, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

March 7, 1989

NOTICE

TO: Thompson Ditch Company, Inc., c/o Wesley W Thompson
Route 1, Box 198A
Spearfish SD 57783
and Parties of Record (see attached list)

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

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style. It is positioned to the right of the typed name "John Hatch, Chief Engineer" in the "FROM:" line.

SUBJECT: Validation of Vested Water Right Application No. 1409-1

This Notice is to inform you that on March 1, 1989, the Water Management Board validated Vested Right Application No. 1409-1 for 20.7 cfs from the Redwater River to irrigate 725.6 acres via Thompson Ditch. Validation of Vested Right No. 1409-1 is subject to the qualifications in the revised Chief Engineer's recommendation dated January 19, 1989.

Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

CERTIFICATION

I hereby certify that on March 7, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Validation of Vested Water Right Application No. 1409-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

AUG 1 1989

Thompson Ditch Company, Inc.
c/o Wesley W Thompson, President
RR 1, Box 198A
Spearfish SD 57783

Dear Mr. Thompson:

Enclosed are your Validated Vested Water Right and Water License No. 1409-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

