

VESTED WATER PERMIT NO. 1732-1

Name of Applicant: **Thompson Ranch, Inc.**

Address: **HC 75 Box 134, Sturgis SD 57785** Phone: **605 347-3183**

Amount of Water Claimed: **0.44 cfs** Total Acres: **31**

Source of Water Supply: **dry draws**

Water to be used for: **irrigation (waterspreading)** County: **Meade**

Type of Waste Disposal System:

Location: 15 miles east of Sturgis

PRIORITY Date Received: **6-30-2000** Fee: **\$15**

Corrected Application Received:: Period of Annual Use: **March 15 – November 15**

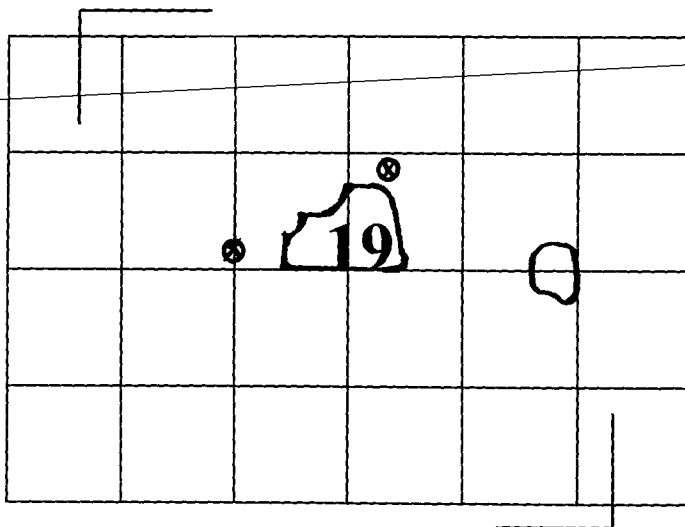
Remarks: **Claimed priority date of January 1, 1953**

Diversion Point: S ½ NW ¼ and SW ¼ NE ¼

Sec 19-T5N-R8E

Land to be Irrigated: SE ¼ NW ¼,

S ½ NE ¼, NE ¼ SE ¼ Sec 19-T5N-R8E

Depth of Well: NA

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Ron Duvall**

Reviewed and the Number Assigned on: **7-14-2000**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
VESTED WATER RIGHT NO. 1732-1 FOR IRRIGATION

Date of Receipt of Claim February 9, 2000.

Date of Validation September 28, 2000.

The Water Management Board validated Vested Water Right Claim No. 1732-1 for irrigation purposes for Thompson Ranch, Inc., HC 75 Box 134, Sturgis SD 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1732-1 appropriates 0.44 cfs from dry draws located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 for irrigation via a waterspreading system of 31 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; all in T5N-R8E. An additional 21 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19-T5N-R8E covered by Vested Right No. 347-1 are also irrigated from the above diversion points for Claim No. 1732-1.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: March 15 – November 15.
3. The priority date of the Vested Water Right is January 1, 1953.
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 must not be unlawfully impaired by this appropriation.

QUALIFICATION

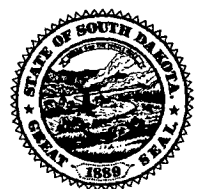
Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2000

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1732-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche River</u>	
	Newspaper <u>Meade Co. Times-Tribune</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: New ☒ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Thompson Ranch, Inc Phone 347-3183
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC-76, Box 134, Sturgis, S. Dak State 57185
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.30 ^{0.44} *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply dry draw Total Acreage → 31 acres
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2,450 feet S and
1,320 feet E from the NW corner section 19-T5N-R8E
(S 1/2 NW 1/4) also 1,700' S and 2,300' W from NE corner sec 19-T5N-R8E (SW 1/4 NE 1/4) County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used 3/10/00 to 11/15 April 1 - Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 NW 1/4 19-SN-8E	11	SE 1/4 NE 1/4 19-SN-8E	5
SW 1/4 NE 1/4 19-SN-8E	10	NE 1/4 SE 1/4 19-SN-8E	5

8. Give a description of the project. (Attach sheet if more space is needed)

STATE OF SOUTH DAKOTA) SS
County of Meade

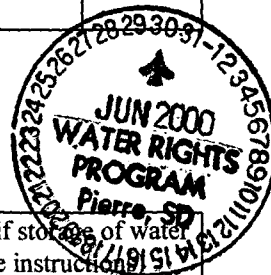
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Ed Thompson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed by Ed Thompson

Subscribed and sworn to before me this 8th day of February 2000

Carlene M. Roenigman
Notary Public



My commission expires 8/19/04

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

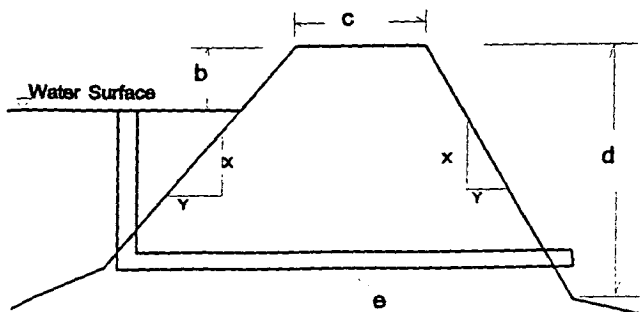
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

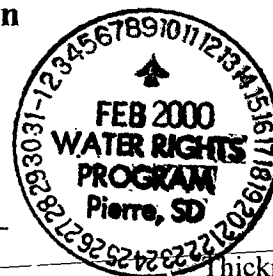
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard 5 ft.
- c) Crest Width _____
Crest Length _____
- d) Height 15 ft.
- e) Primary Outlet Capacity open ditch
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width N/A
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment no impoundment
- i) Storage N/A Acre Feet
- j) Drainage Area Above Dam 1500 Acres

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

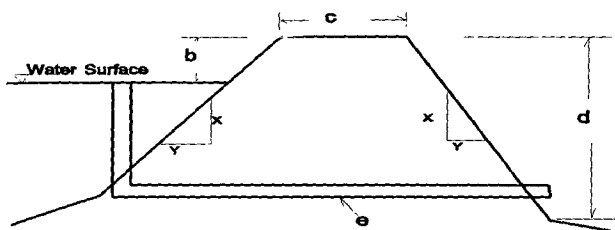
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams *See map p. 17*

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:
- _____
- _____



- b) Freeboard 5 ft
- c) Crest Width _____
Crest Length _____
- d) Height 15 ft
- e) Primary Outlet Capacity open ditch
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width n/a
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment no impoundment
- i) Storage none Acre Feet
- j) Drainage Area Above Dam 1500 Acres

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, 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 Ranch
- Mailing Address HC 75 Box 134, Sturgis, SD 57785
(Street, RR or Box) (City) (State) (Zip Code)
- ✗ Notice of Appropriation _____ Date of Posting _____
- Date of Recording _____ Recording Date _____
- ✓ B. Date of start of construction of water supply system 1953
- C. Date that water was first applied to beneficial use _____
- ✓ D. Name of owner of original water supply system Louis Carlson
- E. Amount of water originally applied to beneficial use _____
- F. Present use of water - amount of water now being used _____
- ✓ Date that this water was first used 1953
- ✓ G. Chronological History of Water 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)

County of Meade)

I, Thompson Ranch by Ed Thompson the applicant, certify that I have read the foregoing and that
(print or type) the matters therein are true.

Signed Thompson Ranch by Ed Thompson
Subscribed and sworn to before me 29th Day of June 2000 (Print)
Carlene M. Rosencranz
Notary Public expires 8/19/04

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 are true.

_____, 19_____
(Print Name)

_____, 19_____
(Print Name)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416568

Pierre, July 6, 2000

RECEIVED OF Thompson Ranch, Inc., HC 75, Hereford Rt., Box 134, Sturgis, SD 57785-8908
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1732-1 to Appropriate Water, to construct
and to put water to beneficial use _____

15 00

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

15 00

By

Chief Engineer

Harold Ebel (C)

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP 1732-1





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 25, 1999

Ed Thompson
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

I am writing in response to inspection of several of your vested water right claims and a water right permit on July 14, 1999. After reviewing the irrigated acreage, the following actions need to be taken:

No. 345-1

This vested right claim is for 302.9 acres in sections 24, 25; all in T5N-R8E. The inspection found 302.9 acres being irrigated within the areas described on the original claim. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. Claim No. 345-1 will be scheduled for validation by the Water Management Board for irrigation of 302.9 acres from the diversion points described on the claim. A transfer of ownership form is also enclosed to change the name on No. 345-1 from LeRoy Thompson to you.

No. 346-1

This vested right claim is for 151 acres located primarily in section 18-T5N-R8E. The inspection found that 151 acres have been developed for irrigation with 5 additional acres outside of the area described on the original claim. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. Claim No. 346-1 will be scheduled for validation by the Water Management Board for irrigation of 151 acres from the diversion points described on the claim. Enclosed is a partially-completed application form and map for the 5 additional acres and a second diversion point not included on No. 346-1. As I recall, the second diversion point and four acres (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of the five acre area were developed at a later date. If so, this application should be treated as a new application as opposed to another vested water right claim. If I am incorrect and all of the project was completed on or before March 2, 1955, then you may claim a vested right. An Affidavit of Water Use form is enclosed if you intend to claim a vested water right for the additional acreage. A transfer of ownership form is also enclosed to change the name on No. 346-1 from LeRoy Thompson to you.

During the inspection, it was also noted that a large area was also being irrigated in section 13-T5N-R7E from a diversion near the center of the section. Water Right No. 1198-1 covers this area and no action is needed.

No. 347-1

This vested right claim is for 21 acres in section 19-T5N-R8E. The inspection found that the 21 acres are being irrigated as described on the original claim. However, the legal description of the diversion point on the claim (SE $\frac{1}{4}$ NW $\frac{1}{4}$) does not match legal description on the original map (SW $\frac{1}{4}$ NE $\frac{1}{4}$) which is the actual location. To correct this error, the Notice of Validation will need to be readvertised at our expense to describe the correct location of the diversion point. After readvertisement, the vested right can be scheduled for validation by the Water Management Board for irrigation of 21 acres. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. A transfer of ownership form is also enclosed to change the name on No. 347-1 from Keffeler Ranch Inc to you.

On a related matter, there is an additional area near the center of section 19 that you pointed out as being irrigated. This area, coincidentally, is also 21 acres in size. After reviewing our files, I could not find a water right for irrigation of the area. Enclosed is a partially-completed application form to cover the acreage with a map showing the acreage and diversion point. This application can be for either a new water right permit or a vested right claim depending on when the acreage was first developed for irrigation. In order to qualify for vested status the project needs to have been developed on or before March 2, 1955. If you intend to claim a vested right, there is an Affidavit of Water Use form that needs to be filled out to document when the project was developed.

No. 348-1

This vested right claim is for 158 acres primarily in section 28-T5N-R8E. The inspection found 158 acres being irrigated as described on the original claim with the irrigated area shifted slightly to the south since the section lines were not properly drawn on the original map. The legal description of the irrigated acreage in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ section 28 does not match legal description on the original claim (NE $\frac{1}{4}$ SE $\frac{1}{4}$). To correct this error, the Notice of Validation will need to be readvertised at our expense to describe the correct location of this part of the irrigated acreage. After readvertisement, the vested right can be scheduled for validation by the Water Management Board for irrigation of 158 acres. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. A transfer of ownership form is also enclosed to change the name on No. 348-1 from Keffeler Ranch Inc to you.

No. 349-1

This vested right claim is for 358 acres in sections 19, 20, and 21; all in T5N-R8E. The inspection found 336 acres being irrigated within the area described on the claim. The remaining acreage (358 - 336 = 22 acres) is not being irrigated. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. Claim No. 349-1 will be scheduled for validation by the Water Management Board for irrigation of 336 acres from the diversion points described on the claim. A transfer of ownership form is also enclosed to change the name on No. 349-1 from Keffeler Ranch Inc to you.

October 25, 1999
Ed Thompson
Page 3 of 3

No. 1523-1

This water right permit was issued to you on February 26, 1992, for irrigation of 388 acres in sections 17, 18, 19, and 20; all in T5N-R8E. Portions of the acreage in sections 19 and 20 are also irrigated from Alkali Creek under No. 349-1. The inspection found 299 acres developed for irrigation under No. 1523-1. Enclosed is a copy of the inspection report and map. Based on the inspection, Permit No. 1523-1 is ready to be licensed for 299 acres upon receipt of the \$50.00 licensing fee. Licensing this permit is the final step in obtaining a water right.

I apologize for the length of this letter and the number of enclosures. I have tried to layout the enclosures and provide directions as clearly as possible. If you have any questions, please give me a call at (605) 773-3352 and I will try to assist you.

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 12, 2000

Ed Thompson
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

I am writing to followup on my letter of October 25, 1999 regarding your vested water right claims and water right permit. Enclosed is a copy of the letter and instruction sheet.

To date, we have not received a response. Please take a look at the packet of information I sent you in October and let me know if you have any questions. I can be reached at (605) 773-3352. We can not validate your vested right claims or license your permit until we get your response to the items mentioned.

Thank you again for taking the time to show me around. I look forward to your response.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1732-1, Thompson Ranch, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1732-1, Thompson Ranch, Inc., HC 75, Box 134, Sturgis, SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1732-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 16, 2000

Report on Vested Water Right Claim No. 1732-1 Thompson Ranch, Inc.

August 1, 2000

Background

Vested Water Right Claim No. 1732-1 claims an appropriation of 0.44 cubic feet of water per second from two dry draw diversions to irrigate 31 acres via a waterspreading system. On July 14, 1999, a field inspection completed for purposes of validating Vested Water Right Claim No. 347-1 found 21 acres being irrigated as described on the vested right claim. However, while the current location of the diversion point for No. 347-1 matches the map filed by with No. 347-1, the location does not match the location described on the original vested right claim. As a result, the notice of publication for No. 347-1 described the incorrect diversion point and needs to be readvertised to correct the location. The field inspection also found 31 acres being irrigated nearby and an additional diversion point that were not covered by No. 347-1. Mr. Thompson indicated that this 31 acre area in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and additional diversion point in the S $\frac{1}{2}$ NW $\frac{1}{4}$; all in section 19-T5N-R8E had been in use since development of the original irrigation project. Consequently, Vested Right Claim No. 1732-1 with a claimed priority date of 1953 was filed to cover the additional diversion point and 31 acres not included on No. 347-1. The additional diversion point is also used to irrigate the 21 acres covered by No. 347-1 located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ section 19-T5N-R8E.

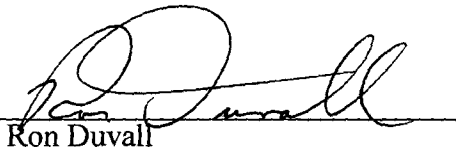
Review of Existing Water Permit/Rights

Application No. 1732-1 is located on a side draw to Alkali Creek. ~~The drainage area located above the diversion points for No. 1732-1 is approximately 2.3 square miles.~~ The nearest downstream water right, other than those also held by Thompson Ranch Inc, is held by Nancy L and Todd J Collins (No. 334-1) and is located approximately 3 miles downstream as the crow flies. Vested Water Right No. 334-1 authorizes irrigation of 199 acres with a diversion of 2.84 cfs from Alkali Creek and some side draws. The approximate drainage area contributing to the Alkali Creek diversion point for No. 334-1 is 90 square miles including the 2.3 square miles located above the Thompson diversion points. Therefore, about 97% of the drainage to the Collins vested water right is not affected by Application No. 1732-1. Due to the small acreage being irrigated under No. 1732-1 and the large drainage available to No. 334-1, there has been no unlawful impairment of Vested Water Right No. 334-1 held by Nancy and Todd Collins. Aside from No. 334-1, there are no other water rights located on Alkali Creek between Application No. 1732-1 and the confluence of Alkali Creek with the Belle Fourche River. In addition, there is no file documentation in Vested Water Right No. 347-1 of any water use disputes with downstream water right holders. According to Ed Thompson, water has been on-going since 1953.

Conclusions

According to South Dakota Codified Law 46-1-9(1), Application No. 1732-1 qualifies as a vested right since water use was applied to a beneficial use on March 2, 1955, or within three years immediately prior to that date. In addition,

1. The amount of water being claimed corresponds with the amount of water originally placed to beneficial use,
2. Water use has been continuous according to a conversation with Ed Thompson following the on-site investigation of the area,
3. There has been no unlawful impairment of existing rights due to development of this waterspreading system, and
4. Irrigation is a beneficial use of water.



Ron Duvall
Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 17, 2000

Ed Thompson
Thompson Ranch, Inc.
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

Thank you for finishing up the applications I sent to you. I have completed a report on each application and the chief engineer has prepared a recommendation for each application. A copy of the report and recommendation is enclosed for Application Nos. 1731-1 and 1732-1.

The next step is to publish a notice for Application No. 1731-1 and 1732-1. A copy of the notice is enclosed for your review and a copy of the notice has also been sent to the Meade County Times-Tribune at Sturgis SD -- phone 347-2503. Be sure to contact the newspaper to authorize publication of your Notice. You will be responsible for the cost of publishing this notice.

In addition, a second notice that needs to be published is enclosed for your review. This notice is a readvertisement to correct publication errors made concerning two of your vested rights -- Nos. 347-1 and 348-1. These errors concerned the legal description of the diversion point and irrigated acreage published back in 1988 when all of the vested rights in the state were being advertised for validation. The cost of this readvertisement publication will be paid by the Water Rights Program and a copy of this Notice has also been provided to the Meade County Times-Tribune. The paper has been directed by us to publish this notice since we are paying for the notice. However, feel free to remind the paper to publish the notice when you call concerning the notice for Application Nos. 1731-1 and 1732-1.

Finally, there is one more notice enclosed which does NOT need to be published. This is personal notice to you that the Water Management Board will consider validation of your Vested Water Right No. 349-1. You are being given personal notice concerning this vested right because we are recommending the vested right be validated for fewer acres than described on the vested right claim. Based on my inspection last year, we are recommending validation of 336 acres rather than for the 358 acres described on the original claim. All of your other vested rights will be validated by the board for the same number of acres and same amount of water as described on the original vested right claims.

Please feel welcome to attend the Water Management Board on September 28, 2000 at the Radisson Motel in Rapid City SD. However, if no one contests anything in the publication notices and you agree with validation of No. 349-1 for 336 acres, then there is no reason that you would need to attend the board meeting. But again, you are certainly welcome to attend anyway.

If you have any questions, please give me a call at 605 773-3352. I will try to help in any way possible. Thank you again for all of your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", written in a cursive style.

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached publication notices. The Water Management Board will then consider your concerns during the hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 17, 2000

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785-0069

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 1731-1 & 1732-1 to Appropriate Water to be published twice. Please publish the first notice on August 23, 2000 with the second publication 7 days later.

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 Ranch, Inc., HC 75, Box 134, Sturgis SD 57785 (Ph # 605 347-3183).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, ~~please send us an affidavit or use the enclosed Proof of Publication form.~~ The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1731-1 & 1732-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of August 17, 2000 enclosing Notice of Hearing to Appropriate Water by Application Nos. 1731-1 & 1732-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 23, 2000 with the second publication 7 days later. Thompson Ranch, Inc. is responsible for payment.

Notice of Application No. 1731-1 to Appropriate Water and
~~Validate Vested Water Right Claim No. 1732-1~~

Notice is given that Thompson Ranch, Inc., HC 75, Box 134, Sturgis SD 57785 has filed the following applications for a permit to appropriate water.

Application No. 1731-1 appropriates 0.07 cubic feet of water per second (cfs) from a dry draw at points located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ to irrigate 5 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 18-T5N-R8E. An inspection of an existing vested water right (No. 346-1) found the 5 additional acres described above being irrigated and the addition of the second diversion point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ section 18. The additional diversion point is also used for irrigation of the 151 acres covered by Vested Water Right No. 346-1 located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13-T5N-R7E and NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18-T5N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1731-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Vested Water Right Claim No. 1732-1 appropriates 0.44 cfs from dry draws located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 for irrigation via a waterspreading system of 31 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; all in T5N-R8E. The water use has a claimed priority date of January 1, 1953. An additional 21 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 19-T5N-R8E covered by Vested Right No. 347-1 are also irrigated from the above diversion points for Claim No. 1732-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1732-1 because 1) water has been appropriated as described for waterspreading irrigation with a priority date of January 1, 1953, 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.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 11, 2000.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Joan M. Lewis, being duly sworn, says: That the Meade County Times-Tribune, is and, during all the times hereinafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Dickson Media, Inc.; that affiant is and, during all of said times, was employed as an accountant by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>August 23</u>	200	<u>0</u>	_____	200	_____
<u>August 30</u>	200	<u>0</u>	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____
_____	200	_____	_____	200	_____

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 59.25, insures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

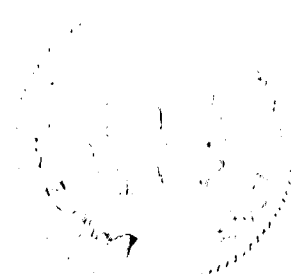
Joan M. Lewis
Bookkeeper

Subscribed and sworn to before me this

30th day of August, 2000

Tanjee Stansbury
Notary Public, South Dakota

Tanjee Stansbury
Notary Public
My commission expires January 4, 2006





vested water right (No. 346-1) found the 5 additional acres described above being irrigated and the addition of the same diversion point in the SE1/4 NW1/4 Section 18. The additional diversion point is also used for irrigation of the 151 acres covered by Vested Water Right No. 346-1 located in the SE1/4 SE1/4 Section 13-T5N-R7E and NE1/4 SW1/4, S1/2 SW1/4, W1/2 SE1/4 Section 18-T5N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 1731 -1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Vested Water Right Claim No. 1732-1 appropriates 0.44 cfs from dry draws located in the S1/2 NW 1/4 and SW1/4 NE1/4 Section 19 for irrigation via a waterspreading system of 31 acres located in the SE1/4 NW1/4, S1/2 NE1/4, and NE1/4 SE1/4 Section 19; all in T5N-R8E. The water use has a claimed priority date of January 1, 1953. An additional 21 acres located in the S1/2 NE1/4 Section 19-T5N-R8E covered by Vested Right No. 347-1 are also irrigated from the above diversion points for Claim No. 1732-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1732-1 because 1) water has been appropriated as described for waterspreading irrigation with a priority date of January 1, 1953, 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.

In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 11, 2000.

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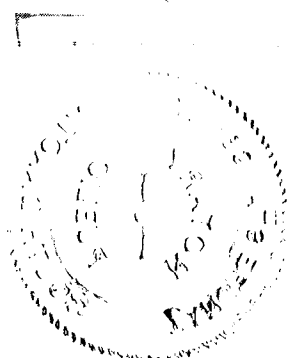
Publ Aug. 23 and 30, 2000
Meade County Times-Tribune

Water application

Notice of Application No. 1731-1 to Appropriate Water and Validate Vested Water Right Claim No. 1732-1

Notice is given that Thompson Ranch, Inc., HC 75, Box 134, Sturgis SD 57785 has filed the following applications for a permit to appropriate water.

Application No. 1731-1 appropriates 0.07 cubic feet of water per second (cfs) from a dry draw at points located in the NW1/4 NW1/4 and the SE1/4 NW1/4 to irrigate 5 acres located in the SE1/4 NW1/4, NW1/4 SW1/4, all in Section 18-T5N-R8E. An inspection of an existing



Vested Right No. 1732-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 14, 1999, made a thorough examination of the water use system owned by Thompson Ranch, Inc. of HC 75 Box 134, Sturgis SD 57785 holder of Vested Water Right No. 1732-1, bearing the priority of January 1, 1953 authorizing the diversion of 0.44 cu. ft. per second of the waters of dry draw runoff for irrigation purposes, in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Ed Thompson, owner**

A. Works used to divert the water (no storage):

Diversion Information (SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 19):

- 1) Height to crest 15 feet
- 2) Height to primary spillway 10 feet
- 3) Spillway length open ditch
- 4) Approx. storage none ac-ft
- 5) Date constructed: 1953

Diversion Information (S $\frac{1}{2}$ NW $\frac{1}{4}$ sec 19):

- 1) Height to crest 15 feet
- 2) Height to primary spillway 10 feet
- 3) Spillway length open ditch
- 4) Approx. storage none ac-ft
- 5) Date constructed: 1953

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

The same works (ditch/dike combinations) as described on the "Proof of Application Water to Beneficial Use" for No. 347-1 (with improvements to more evenly spread water) are used for No. 1732-1. A diversion dam\ditch in the S $\frac{1}{2}$ NW $\frac{1}{4}$ section 19 irrigates 21 acres near the center of section 19 (see map) and water continues to the second diversion point then across land covered by No. 347-1 and finally over to the remaining 10 acres covered by No. 1732-1.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable
- 3) Exceptions to compliance are: none

The system is in good condition with the points of diversion located as follows: **Diversion dams: 2,450 feet S and 1,320 feet E from the NW corner section 19 (S $\frac{1}{2}$ NW $\frac{1}{4}$) and 1,700 feet S and 2,300 feet W from the NE corner section 19 (SW $\frac{1}{4}$ NE $\frac{1}{4}$); all in T5N-R8E.** The works are capable of diverting and conveying to the place of use 0.74* cu. ft. per second of water which is to be used for waterspreading irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in section 19-T5N-R8E (1732-1)

SE $\frac{1}{4}$ NW $\frac{1}{4}$	11 ac	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10 ac	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	5 ac	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	5 ac	Total 31 acres

All in section 19-T5N-R8E (347-1) *

SW $\frac{1}{4}$ NE $\frac{1}{4}$	10 ac	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	11 ac	Total 21 acres

***No. 347-1 (0.30 cfs and 21 acres) is to be incorporated into No. 1732-1**

Report of Examination of Works

Permit No. 1732-1

comprising a total of 52 acres of land and the license should be issued for 0.74 cfs.

Comments or other permit(s) associated with the project: **347-1** | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 2, 2000

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1732-1

(1) Thompson Ranch, Inc., HC 75 Box 134, Sturgis SD 57785 made Application No. 1732-1, February 9, 2000 for a vested right to divert 0.44 cubic feet of water per second (cfs) from a dry draw, Meade County, South Dakota for irrigation purposes. Vested Water Right No. 1732-1, with a priority date of January 1, 1953 was validated September 28, 2000 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

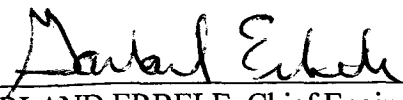
Vested Water Right No. 347-1 with a priority date of January 15, 1953 authorizes 0.30 cfs from a dry draw to irrigate 21 acres. On September 28, 2000, the Water Management Board validated Vested Water Right No. 347-1. The applicable portions of Vested Water Right No. 347-1 are incorporated into this Water License No. 1732-1.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.74 cubic feet of water per second for beneficial use. The location of the diversion points are: 2,450 feet south and 1,320 feet east from the northwest corner Section 19 (S ½ NW ¼) and 1,700 feet south and 2,300 feet west from the northeast corner of Section 19 (SW ¼ NE ¼); all in T5N-R8E.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 19-T5N-R8E	SE ¼ NW ¼	11 acres
	SW ¼ NE ¼	20 acres
	SE ¼ NE ¼	16 acres
	NE ¼ SE ¼	5 acres
Total 52 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Thompson Ranch, Inc., HC 75 Box 134, Sturgis SD 57785 the holder and/or owner of Incorporated Water Right No. 1732-1 is issued a license to appropriate water, the right to use 0.74 cubic feet of water per second from a dry draw with priority date of January 1, 1953 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 1732-1 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2000

date





1732-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Ed Thompson
Thompson Ranch, Inc.
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

On September 28, 2000, the Water Management Board took action to validate and approve your water rights based on the inspections conducted by Ron Duvall, staff engineer. For your records, enclosed are the following:

- Vested Water Right and Reissued Vested Water Right No. 345-1.
- Vested Water Right No. 346-1, Water Permit No. 1731-1 and Water License No. 1731-1 (which incorporates the applicable portions of No. 346-1).
- Vested Water Right No. 347-1, Water Permit No. 1732-1 and Water License No. 1732-1 (which incorporates the applicable portions of No. 347-1).
- Vested Water Right and Reissued Vested Water Right No. 348-1.
- Vested Water Right and Reissued Vested Water Right No. 349-1.
- Water License No. 1523-1.
- Receipts for payment of transfer fee for Nos. 345-1, 346-1, 347-1, 348-1 and 349-1.
- Receipts for payment of license fee for Nos. 1731-1, 1732-1 and 1523-1.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures