

No. 228-1

Division No. 1

Belle Fourche River District

PERMIT

to appropriate water from

Belle Fourche River

Butte County, South Dakota.

Name of applicant

Philip Vallery

Name of diversion works

Philip Vallery Ranch

Date of first receipt at office of State

Engineer May 26 1951

Returned to applicant for Correction

June 4 1951

Corrected application received

August 3 1951

Date of water right

May 26 1951

Recorded in Book 3 Page 11

One-fifth of work to be completed

April 20 1952

Whole work to be completed

October 20 1952

Final proof of use of water Oct. 20, 1953

Approved October 20 1951

DEAN W. LOUCKS, State Engineer.

Corrected
RECEIVED

8:30

AUG 3 1951

Form 2—Application for Permit to Appropriate Water—Original Map No. 210-1

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

NO. 228-1

Water Division No. 1

Belle Fourche River

(Blanks to be filled by the State Engineer.)

District

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

1. Name of applicant

Postoffice address

County

State

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Quantity of water claimed cubic feet per second.

4. Source of water supply

5. Location of point of diversion

6. Annual periods during which water is to be used

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written as a part of this application. Same must also be shown on accompanying map.)

NE of NE, 0.13 acres; NW of NE, 32.97 acres; NE of NE, 10.53 acres;

SE of NE, 0.06 acres; SW of NE, 7.34 acres; SE of NE, 2.44 acres. All

are in Section 15, Township 8, Range 4.

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 210-1

8. Estimated cost of works:

(a) Head gates, \$ 100 (b) Pumping plant, \$ 5,000
 (c) Fluming, \$ (d) Canal-earth, \$ 100 Rock, \$
 (e) Other structures \$ Total, \$

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet, length at top feet; thickness at bottom feet; thickness at top feet; slope at front (water) face; slope of back face; material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH FEET OF DEPTH AT OUTLET—ACRES	ACRE-FEET CAPACITY

(c)* Head gate: Width 16 in corrugated pipe feet; height feet;
 Material

(d) Canal: Total length 1 1/2 miles.

LOCATION BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work one years.

11. Time required for complete application of water to the proposed beneficial use years.

12. Choice of newspaper for publication of notice of intention to appropriate

Belle Fourche Bee, Belle Fourche, S.D.

STATE OF SOUTH DAKOTA.

County of Butte

I, Philip Vallery being first duly sworn

on my oath depose and say That my relation to the above described undertaking is that of Owner
 (owner), that I have read the above

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Signed

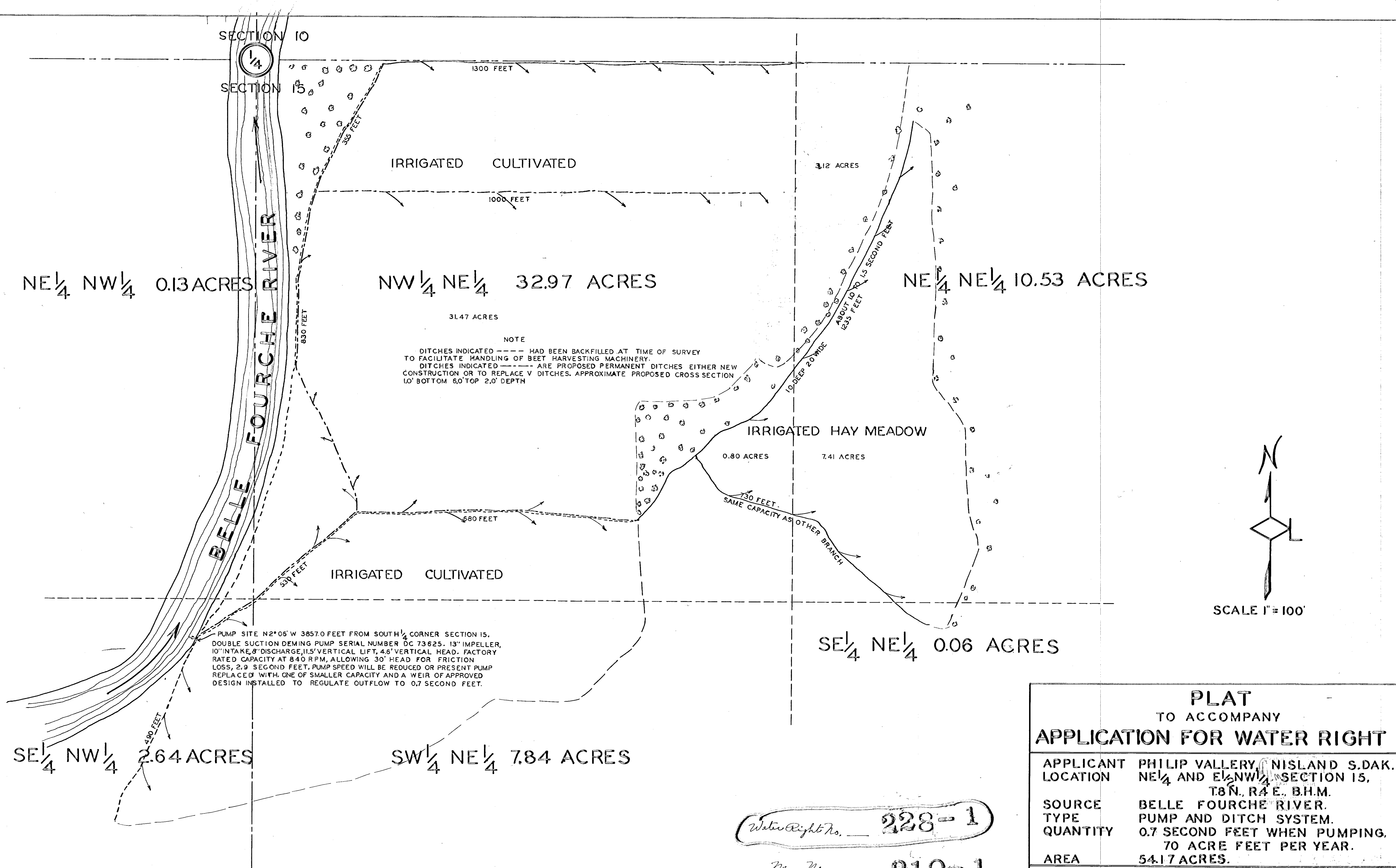
Philip Vallery

Subscribed and sworn to before me this 24 day of May, 1917.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Cyle P. Miller
Notary



Water Right No. **228-1**

Map No. **210-1**

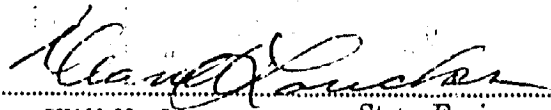
PLAT TO ACCOMPANY APPLICATION FOR WATER RIGHT	
APPLICANT	PHILIP VALLERY, NISLAND S.DAK.
LOCATION	NE $\frac{1}{4}$ AND E $\frac{1}{2}$ NW $\frac{1}{4}$ SECTION 15, T8N. R4E. B.H.M.
SOURCE	BELLE FOURCHE RIVER.
TYPE	PUMP AND DITCH SYSTEM.
QUANTITY	0.7 SECOND FEET WHEN PUMPING, 70 ACRE FEET PER YEAR.
AREA	54.17 ACRES.
SURVEYOR'S CERTIFICATE I, BEN WOOD, A REGISTERED LAND SURVEYOR IN THE STATE OF S.DAK. HEREBY CERTIFY THAT, AT THE REQUEST OF THE APPLICANT, I HAVE SURVEYED AND PLATTED THE LAND AND THE APPURTENANCES PERTAINING TO THIS APPLICATION AND THAT THE DETAILS OF THESE ARE ACCURATE AND CORRECT AS SHOWN HEREON. STATE OF S.DAK. S.S. <i>Ben Wood</i> REGISTERED LAND SURVEYOR SUBSCRIBED AND SWORN TO BEFORE ME THIS <u>9</u> DAY OF APRIL 1951 <i>Lyle P. Miller</i> NOTARY PUBLIC	

Remarks by State Engineer:

STATE OF SOUTH DAKOTA, }
County of Hughes }

Pierre, South Dakota, October 20, 1951

This is to certify that the foregoing application was received at this office at 8:30 o'clock
a.m. upon the 3rd day of August, 1951 and that after examination it
was found to comply with the South Dakota water laws, was published in accordance with the provisions
thereof and consideration given to any and all information presented.


IVAN W. LOUCKS State Engineer.

Number of permit 228-1

Date of first receipt of application May 26, 1951

Date of return to applicant for correction June 4, 1951

Date of receipt of corrected application August 3, 1951

Date from which applicant may claim right May 26, 1951

Approved October 20, 1951, Recorded in Book 3 Page 11

This is to certify that I have examined the foregoing application for a permit to appropriate water
of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the
following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or be-
fore April 20, 1952

2nd. The whole of said work is to be completed on or before October 20, 1952

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is October 20, 1953

4th. The water appropriated shall be used for the purpose of providing irrigation

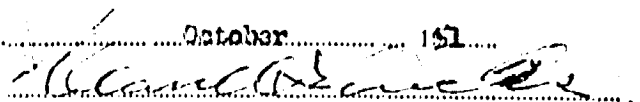
5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota,
have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 0.7 cubic
feet of water per second of time; neither shall it exceed the capacity of the above described system
of diversion works, nor the least amount of water that experience may hereafter indicate as necessary
for the production of crops in the exercise of the best husbandry; and further said appropriation must
be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time
for each acre of land to which water is actually and beneficially applied for irrigation on or before

October 20, 1953; said water to be used during the following described annual
period:

May 1st to September 30 inclusive.

Witness my hand this 20 day of October, 1951


IVAN W. LOUCKS State Engineer.

Certificate of Construction issued 19

Water License issued 19

STATE OF SOUTH DAKOTA

REVISED WATER LICENSE No. 228-1

WHEREAS, On the 26th day of May A. D. 1951
Philip Vallery

of Nisland County of Butte and State of
South Dakota duly made application (No. 228-1) to us for a permit to use .72
cubic feet per second of the waters of the Belle Fourche River
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 26th day of September A. D. 1961
Permit No. 228-1 was issued to said applicant for the diversion of said water, ~~XXXXXXXXXX~~ **recognizing the**
completion of the works of diversion therein described ~~XXXXXXXXXX~~ **XXXX**
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
water ~~XXXXXXXXXX~~ **XXXX** ~~XXXXXXXXXX~~
and,

WHEREAS, On the 9th day of November A. D. 1953
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.3
cubic feet per second of said waters, as evidenced by our Certificate No. 228.1
dated November 13, 1953 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 0.7 cubic feet per second of water, with date of
priority of 1925 and May 26, 1951 and,

WHEREAS, On the 18th day of September A. D. 1953
proof was duly made of the application to beneficial use of 0.7 cubic feet per second of said water
for irrigation of 54.17 acres in Section 15, T 8N, R 4E

NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Philip & Thornton Vallery
 of Nisland the holder and owner of said permit No. 228-1
 a water right, dating from 1925 and May 26, 1951 to the use of .72
 cubic feet per second of the waters of the Belle Fourche River
 in the County of Butte and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point N 2° 6' W 3,857' from
the S 1/4 corner Sec. 15, T 8N, R 4E
 and conducted to and upon portions of Sec. 15, consisting of 5 1/2 acres more
specifically described in the Certificate of Completion of Works
 for the purpose of irrigation
 subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 26th day of September A. D. Nineteen
 Hundred and sixty-one

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

County

Am't C. F. S.

Point of Diversion

Place of Use

Purpose

Date of Priority

Recorded

in Book of Page

Permit No. 228-1Water Division No. 1 Belle Fourche River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Philip and Thornton Vallery

of Minland, County of Butte, and State of South Dakota, the holder of Permit No. 228-1, issued upon Application No. 228-1, bearing date of priority of 1925 and May 26, 1951, authorizing the diversion of .72 cu. ft. per second of the waters of the Belle Fourche River County of Butte, State of South Dakota, at a point N 2°06' W, 3857.0' from the S $\frac{1}{2}$ corner, Section 15, T. 8N, R. 4E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.3 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in Section 15, T. 8N, R. 4E

<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>0.13 acres</u>
<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>32.97 acres</u>
<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>10.53 acres</u>
<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>0.06 acres</u>
<u>SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>7.84 acres</u>
<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>2.61 acres</u>

Total 54.17 acres

Witness my hand this 26th day of September A. D. 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Remarks by State Water Resources Commission:

This revised permit is based on supporting data submitted by the applicant, and cancels Permit 228-1 dated October 20, 1951. Priority dates established under this permit are done so under the "Vested Right" section of the Water Laws.

STATE OF SOUTH DAKOTA

Hughes

County of

ss.

Pierre, South Dakota, September 26, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a.m. upon the 26th day of May, 1961.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 228-1

Date of first receipt of application May 26, 1951

Date of return to applicant for correction, amendments or changes required as follows: - , 19 -

Date of receipt of corrected application - , 19 -

Date from which applicant may claim right .38 from 1925, .14 from May 26, 1951, 19 -

Approved September 26, 1961, Recorded in Book 3, Page 11 A

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~therefore~~

2nd. The whole of said work is ~~not~~ completed ~~therefore~~

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is completed

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .72 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually used

and beneficially applied for irrigation on or before July 1, 1955; said water to be used during the following described annual period:

May 1 to September 30

Witness my hand this 26th day of September, 1961

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Certificate of Construction Issued September 26, 1961

Water License Issued September 26, 1961

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA,
COUNTY OF BUTTE,

ss.

K. F. Olsen

of said County

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

Belle Fourche Bee

is a legal weekly newspaper of general circulation, and an official newspaper as required by the Laws of the State of South Dakota, printed, and published in Belle Fourche, in said County and State, by THE BEE PUBLISHING COMPANY and has been such newspaper during the times

hereinafter mentioned, and that K. F. Olsen

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

headed Appropriation of Water

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

the first publication being made on September 13, 1951

Date of second publication September 20, 1951

Date of third publication September 27, 1951

Date of fourth publication _____, 195____

Date of fifth publication _____, 195____

Date of sixth publication _____, 195____

Date of seventh publication _____, 195____

and the last publication on October 4, 1951

that the full amount of the fees charged for publishing same, to-wit: the sum of \$12.60 inures solely to the benefit of the BELLE FOURCHE BEE; that no arrangement or understanding or a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

K. F. Olsen

Subscribed and sworn to before me this 5 day October, A. D. 1951

MY COMMISSION EXPIRES OCT. 27, 1952

R. J. Benderburg
Notary Public Butte County.

Received from _____, \$ _____

in full of advertising fees in the attached notice.

Publisher.

(First Publication September 13, 1951)
APPROPRIATION OF WATER
Office of State Engineer, Pierre, So. Dak., Sept. 5, 1951.

Notice is hereby given that Philip Vallery whose postoffice address is Noland, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.72 cubic feet of water per second of time from the Belle Fourche River through the Philip Vallery Ranch Diversion, the point of diversion of which is to be located on the right bank of said stream in the SE1 of the NW1 of Section 15 Twp. 8N, Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

NE1 and E1 NE1, Sec. 15, T. 8N, R. 4E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 18 day of October, 1951, at 2:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that an allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

913 104

DEAN W. LOUCKS
State Engineer

RECEIVED

OCT 17 1951

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Attorney's Affidavit, Ex. Rel.

STATE OF SOUTH DAKOTA,
COUNTY OF BUTTE,

ss.

being first duly sworn

on his oath says, that I am _____; that I directed the publication of annexed notice: that no understanding of any division of the fees therefor has been made with any person whomsoever, and that no part thereof has been refunded or rebated by the party, or parties, publishing said notice.

Subscribed and sworn to before me this _____ day of _____, A. D. 195____

Notary Public.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 228-1

WHEREAS, On the 24th day of May A. D. 1951

PHILIP VALLERY

of Nisland County of Butte and State of S. Dak. duly made application (No. 228-1) to me for a permit to use 0.7

cubic feet per second of the waters of Belle Fourche River

County of Butte, State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 20th day of October A. D. 1951

Permit No. 228-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 20th day of

October

A. D. 1952 and for the application to beneficial use of said

water on or before the 20th day of October

A. D. 1953

and,

WHEREAS, On the 9th day of November A. D. 1953

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.3

cubic feet per second of said waters, as evidenced by my Certificate I.O. 228-1

dated November 13, 1953

confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 0.7 cubic feet per second of water, with date of

priority of May 26, 1951

and, and,

WHEREAS, On the 16th day of September A. D. 1953

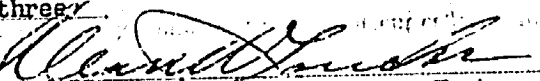
proof was duly made of the application to beneficial use of 0.7 cubic feet per second of said water;

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota,
I hereby grant and confirm to PHILIP VALLERY
of Wisland the holder and owner of said permit No. 228-1
a water right, dating from May 26, 1951 to the use of 0.7
cubic feet per second of the waters of Belle Fourche River
in the County of Butte and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point N 2° 6' W
3,857' from S¹ corner Sec. 15 T 8N R 4E
and conducted to and upon NE of NW, 0.13 acres; NW of NE, 32.97 acres; NE of NE, 10.53
acres; SE of NE 0.06 acres; SW of NE 7.81 acres; SE of NW, 2.61 acres. All are
in Section 15, Township 8, Range 4.
for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of my office at Pierre, South Dakota,

this 13th day of November A. D. Nineteen
Hundred and fifty-three


DEAN W. TOUCKS, State Engineer.

State of South Dakota

Water License No. 228-1

To Philip Vallery

Wisland, S. Dak.

Source of Supply

Belle Fourche River

County

Butte

Am't 0.7 Sec. Feet

Point of Diversion N 2° 6' W

3857' from the south ¹ corner
of Sec. 15 T 8N R 4E

Place of Use

See description on reverse side

Purpose irrigation

Date of Priority May 26, 1951

Recorded October 20, 1951

in Book 3 of 2B Page 11

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE)

SS.

A F F I D A V I T

W. W. Young of Seattle, King County, Washington, being first duly sworn on his oath deposes and says:

That he is a son-in-law of Peter P. Vallery. That in the years 1912 to 1920 he taught school in ^{and Hillside} Wisland, Butte County, South Dakota and homesteaded an acreage right across the Belle Fourche River from the NW 1/4 NE 1/4 of Section 15, Township 8 North of Range 4, E.B.H.M., Butte County, South Dakota.

That affiant married the daughter of Peter P. Vallery, Ruth Vallery, and was well acquainted with the Vallery place and the farming operations being conducted there.

That he knows of his own knowledge that Peter P. Vallery about the year 1916 or 1917 purchased an Avery Tractor and that in 1918 the said Peter P. Vallery purchased ^a centrifugal pump and used the said tractor and the said pump to pump water from the Belle Fourche River to irrigate the lands described above during the years 1918 to 1920. That he frequently saw said pumping operation during the period of time above mentioned.

W. W. Young
Subscribed and sworn to before me this 1st day of June, 1960.

Mary M. Cameron
Notary Public

My commission expires

Apr 8, 1963

Notary Public in and for the State
of Washington residing at Seattle

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

Ruth Vallery Young of Seattle, King County, Washington,
being first duly sworn on her oath deposes and says:

That she is a daughter of Peter P. Vallery. That in the
years 1917 to 1920 she lived on the Peter P. Vallery farm
described as follows:

NW 1/4 NE 1/4 of Section 15, Township 8
North of Range 4, E.B.H.M., Butte
County, South Dakota.

That she knows of her own knowledge that Peter P. Vallery
about the year 1916 or 1917 purchased an Avery Tractor and that
in 1918 the said Peter P. Vallery purchased ^a centrifugal pump
and used the said tractor and the said pump to pump water from
the Belle Fourche River to irrigate the lands described above
during the years 1918 to 1920. That she frequently saw said
pumping operation during the period of time above mentioned.

Ruth Vallery Young

Subscribed and sworn to before me this 1st day of

June
~~May~~, 1960.

Mary M. Cameron
Notary Public

My commission expires

Apr. 8, 1963

Notary Public In and for the State
of Washington residing at Seattle

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

F. W. Bergeson of Belle Fourche, Butte County, South Dakota being first duly sworn on his oath deposes and says:

That he is the manager of the U. S. Sugar Company at Belle Fourche, South Dakota and that as such manager he is in charge of the books and records of said company.

That he has checked the production records on beets raised on the Phillip Vallery farm, described as NW $\frac{1}{4}$ of Section 15, Township 8 North of Range 4, E.S.M., Butte County, South Dakota and that such records disclose in the year 1935 the said Phillip Vallery raised and delivered sugar beets to said U. S. Sugar plant at Belle Fourche.

That said beet crop could not have been raised without irrigation and that said land described is irrigated by a pumping system out of the Belle Fourche River.

Frederick W. Bergeson

Subscribed and sworn to before me this 31st day of May, 1960.

D. W. Nelson
Notary Public

My commission expires
My commission expires July 22, 1967

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

Alfred Hansen of Fruitdale, Butte County, South Dakota
being first duly sworn on his oath deposes and says:

That he is a citizen and long time resident of Butte
County, South Dakota and that he was well and personally
acquainted with Peter P. Vallery who owned and farmed the NE $\frac{1}{4}$
NW $\frac{1}{4}$ of Section 15, Township 8 North of Range 4, E.B.M.M, Butte
County, South Dakota.

That affiant well remembers the said Peter P. Vallery,
during the years 1916 and 1917 especially, having an Avery
tractor and a pump which he used in irrigating the above described
farm land with water pumped out of the Belle Fourche River.
That affiant saw such irrigating being done on said premises
during the years mentioned.

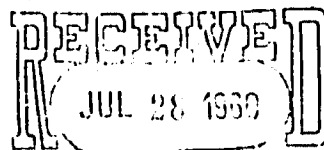
Alfred Hansen

Subscribed and sworn to before me this 21 day of July, 1960

Notary Public

My commission expires

March 1, 1961



Location No. _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. _____ Water District _____

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Philip Vallery, Fruitdale, Farmer, P.O. Address - Fruitdale,
South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. May 20, 1951, Permit #228-1, Map #210-1 - and prior years as
per affidavits submitted herewith.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Belle Fourche River at a point N 29°W 3.857' from St
corner Section 15, Township 8 North of Range 4 E.B.H.M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. No dams - 2 c.s.f. per minute - Vallery Ditch

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. To irrigate crops growing on NW1/4, Sec. 15, Twp. 8 North,
Range 4, E.B.H.M., Butte County, South Dakota - using pump, pipe and
system of ditch as Vallery Ditch - capable of conveying 2 c.s.f.
per minute of water from point of diversion to place of use - 160 acres

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2 c.s.f. per minute

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. To irrigate growing crops raised on said lands, during hot
dry months, usually June, July, August, by pump, pipe and ditches,
2 c.s.f. per minute. Pumping has been done in every year to the full extent
water was available.

(Sign) Philip Callery

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche County of Butte

State of South Dakota, on this 21st day of July A. D. 19 60

Witnesses.

Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

My commission expires Oct. 21, 1966

Chris W. Hanson
Chris Brandberg

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

NOTICE OF TRANSFER OF WATER PERMIT

July 20, 1961

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that Philip Vallery

who previously owned the land described below has sold ^{one half of} his interests to Thornton Vallery
(54.81 acres in N¹/₂ 15 8N 4E' (15.3 acres in S.E. ¹/₄ 10 8N 4 E and 386 acres in
14 and 15 8N 4E.

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 228-1 264-1
290-1
and as provided for in section 61.0141 of the SDC of 1960 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1960.

STATE OF SOUTH DAKOTA

County of Butte

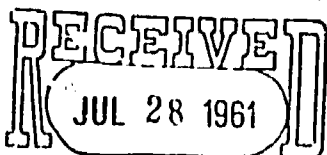
} ss.

I, Philip Vallery being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

Philip Vallery

Subscribed and sworn to before me this 20th day of July, 1961



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Stephen H. O'Connell
Notary Public

My Commission expires
October 21, 1966

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

SUPPLEMENTARY AFFIDAVIT

Jack Heidrich duly sworn on his oath deposes and says:

That he lives at Nisland, South Dakota and is well and personally acquainted with Philip Vallery and the Vallery farm. That he was employed on the Vallery farm from the summer of 1947 to March, 1960.

That affiant knows of his own knowledge - having actually done a lot of the irrigating himself - that growing crops have been and were irrigated by an irrigation system on the Vallery farm in each of the years from 1947 through 1959.

That when affiant started working there about forty acres were being irrigated and that at the time he left about seventy acres were being irrigated. That the crops irrigated included beets, corn, alfalfa and grains.

Dated at Nisland, Butte County, South Dakota this 30th day of June, 1961.

Jack Heidrich

Subscribed and sworn to before me this 30th day of June, 1961.

Gene H. Schick
Notary Public

My commission expires:

July 11, 1965

STATE OF SOUTH DAKOTA)
")
COUNTY OF BUTTE)

SS.

SUPPLEMENTARY AFFIDAVIT

H. O. Payne being first duly sworn on his oath deposes and says:

That he is the Standard Oil Bulk service dealer in Nisland, South Dakota and that as such dealer he has delivered bulk oil products to the Philip Vallery farm since 1926. That he recalls purchase of a 15-30 McCormick Deering tractor at that time by Mr. Vallery and that Mr. Vallery also had - with his father P.P. Vallery, a six inch @ Crane^{Co.} Centrifugal pump which they were using in irrigation crop. That they were purchasing gas and oil from him and that he delivered it to the pump many times while the pump was in use for irrigating purposes.

That affiant knows of his own knowledge that there has been regularly delivery since 1926 bulk oil products either to the irrigating works and pump or the farm premises of Philip Vallery. That crops have been irrigated annually since 1926 by Philip Vallery with about forty acres being irrigated originally and about seventy acres being irrigated at the present time.

Dated at Nisland, Butte County, South Dakota this 30th day of June, 1961.

Harry O. Payne

Subscribed and sworn to before me this 1 day of July, 1961.

Lane H. Buel
Notary Public

My commission expires:

July 11, 1965

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

W. W. Young of Seattle, King County, Washington, being first duly sworn on his oath deposes and says:

That he is a son-in-law of Peter P. Vallery. That in the years 1912 to 1920 ^{and Hillside W.W.} he taught school in Nicland, Butte County, South Dakota and homesteaded an acreage right across the Belle Fourche River from the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 8 North of Range 4, E.B.H.M., Butte County, South Dakota.

That affiant married the daughter of Peter P. Vallery, Ruth Vallery, and was well acquainted with the Vallery place and the farming operations being conducted there.

That he knows of his own knowledge that Peter P. Vallery about the year 1916 or 1917 purchased an Avery Tractor and that in 1918 the said Peter P. Vallery purchased ^a centrifugal pump and used the said tractor and the said pump to pump water from the Belle Fourche River to irrigate the lands described above during the years 1918 to 1920. That he frequently saw said pumping operation during the period of time above mentioned.

W. W. Young
Subscribed and sworn to before me this 1st day of June, 1960.

Mary M. Cameron
Notary Public
Notary Public in and for the State of Washington residing at Seattle

My commission expires
Apr. 8, 1963

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

Ruth Vallery Young of Seattle, King County, Washington,
being first duly sworn on her oath deposes and says:

That she is a daughter of Peter P. Vallery. That in the
years 1914 to 1920 she lived on the Peter P. Vallery farm
described as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 8
North of Range 4, E.B.H.M., Butte
County, South Dakota.

That she knows of her own knowledge that Peter P. Vallery
about the year 1916 or 1917 purchased an Avery Tractor and that
in 1918 the said Peter P. Vallery purchased^a centrifugal pump
and used the said tractor and the said pump to pump water from
the Belle Fourche River to irrigate the lands described above
during the years 1918 to 1920. That she frequently saw said
pumping operation during the period of time above mentioned.

Ruth Vallery Young

Subscribed and sworn to before me this 1st day of
June, 1960.

Mary M. Cameron
Notary Public

My commission expires

Apr. 8, 1963

Notary Public in and for the State
of Washington residing at Seattle

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE)

SS.

A F F I D A V I T

F. W. Bergeson of Belle Fourche, Butte County, South Dakota being first duly sworn on his oath deposes and says:

That he is the manager of the U & I Sugar Company at Belle Fourche, South Dakota and that as such manager he is in charge of the books and records of said company.

That he has checked the production records on beets raised on the Phillip Vallery farm, described as NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 8 North of Range 4, E.B.H.M., Butte County, South Dakota and that such records disclose in the year 1935 the said Phillip Vallery raised and delivered sugar beets to said U & I plant at Belle Fourche.

That said beet crop could not have been raised without irrigation and that said land described is irrigated by a pumping system out of the Belle Fourche River.

Fredrick W. Bergeson

Subscribed and sworn to before me this 31st day of May, 1960.

Alb. Nelson
Notary Public

My commission expires
My commission expires July 22, 1961

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) SS.

A F F I D A V I T

Alfred Hansen of Fruitdale, Butte County, South Dakota
being first duly sworn on his oath deposes and says:

That he is a citizen and long time resident of Butte
County, South Dakota and that he was well and personally
acquainted with Peter P. Vallery who owned and farmed the NE $\frac{1}{4}$
NW $\frac{1}{4}$ of Section 15, Township 8 North of Range 4, E.B.H.M, Butte
County, South Dakota.

That affiant well remembers the said Peter P. Vallery,
during the years 1916 and 1917 especially, having an Avery
tractor and a pump which he used in irrigating the above described
farm land with water pumped out of the Belle Fourche River.
That affiant saw such irrigating being done on said premises
during the years mentioned.

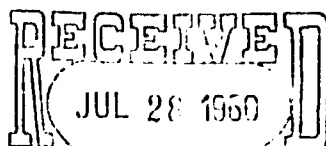
Alfred Hansen
Subscribed and sworn to before me this 21st day of June, 1960

Notary Public

My commission expires

March 1st 1961

Location No.


 Water Division No. Water District STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Philip Vallery, Fruitdale, Farmer, R.O. Address - Fruitdale,
 South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. May 20, 1951, Permit #228-1, Map #210-1 - and prior years as
 per affidavits submitted herewith.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Belle Fourche River at a point N. 29° 6' W. 3.857' from S.E.
 corner Section 15, Township 8 North of Range 4 E.B.U.M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. No dams - 2 c.s.f. per minute - Vallery Ditch

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. To irrigate crops growing on NW 1/4, Sec. 15, Twp. 8 North,
 Range 4, E.B.U.M., Butte County, South Dakota - using pump, pipe and
 system of ditches know as Vallery Ditch - capable of conveying 2 c.s.f.
 per minute of water from point of diversion to place of use - 160 acres

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2 c.s.f. per minute

Ques. 9. If you are representative of the corporation to whom above mentioned permit was originally issued, how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. To irrigate growing crops raised on said lands, during hot dry months, usually June, July, August, by pump, pipe and ditches, 2 c.f.s. per minute. Pumping has been done in every year to the full extent water was available.

(Sign) Philip Vallery

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche, County of Butte

State of South Dakota, on this 21st day of July A. D. 1960

Witnesses. Stearns H. Clark
Notary Public

My commission expires Oct. 21, 1966
I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Chris W. Larson
Chris Brandberg

Locator No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Permit No. 228-1

Water Division No. 1 Belle Fourche Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

PHILIP VALLERY

This is to Certify, That

of Hisland County of Butte and State of S. Dak.
 the holder... of Permit No. 228-1, issued upon Application
 No. 228-1, bearing date of priority of May 26, 1951, authorizing the diversion of
0.7 second-feet of the waters of the Belle Fourche River
Butte County of Butte State of South Dakota, at a point N 20° 6' W
3057' from the south 1/2 corner of Sec. 15 T 8N R 1E

for Irrigation
 purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are adequate for divert-
 ing and conveying to the place of intended use 2.3

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows.

to-wit: NE of NW, 0.13 acres; NW of NE, 32.97 acres; NE of NE, 10.53
acres; SE of NE 0.06 acres; SW of NE 7.64 acres; SE of NW, 2.64 acres. All are
in Section 15, Township 8, Range 4.

Witness my hand this 13th

day of

November

A. D. 1953

LENN W. LOUCKS
 LEANN W. LOUCKS, State Engineer of South Dakota.

Permit No. 228-1

Water Division No. _____

Water District _____

CERTIFICATE OF EXAMINATION OF WORKS**RECEIVED**

Report of Examining Engineer

NOV 11 1953

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Sept. 24,
1953, I have this day made a thorough examination of the diversion works constructed by _____
Philip Vallery, of Nisland
Butte County, South Dakota, holder of Permit No. 228-1, issued
upon Application No. 228-1, bearing date of priority of _____, 19____, authorizing the
diversion of 2.3 second feet of the waters of Belle Fourche River for irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Double suction Dening Pump lifting water to
irrigation ditches of the following average cross section: 2' depth,
1' bottom width and 6' top width. There is a weir at the start of the
ditches.

and the system is in the following condition: Good.

The point of diversion is located N. 20° 06' W. 3357.0 feet from the south
quarter corner of Section 15, T8N, R4E, B1M.

The works are capable of diverting and conveying to the place of use 2.3 second-feet of water,
which is to be used for crop irrigation

The legal sub-divisions to be irrigated are: NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 0.13 A.; SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 2.64 A.;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 32.97 A.; NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 10.55 A.; SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 7.94 A.; SE $\frac{1}{4}$ NE $\frac{1}{4}$ -
0.06 A. all in Section 15, T8N, R4E, B1M.

_____ comprising a total of 54.17 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 9th day of November, A. D. 1953

Edw. P. Brady
Examining Engineer.

Permit No. 228-1

Water Division No. _____ Water District _____

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

RECEIVED**SEP 21 1953****OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA**

Ques. 1 State your name, residence, occupation and postoffice address.

Ans. Philip Vallery, Nisland, South Dakota - Farmer

Ques. 2. If act'ng in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. ---

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 228-1 Aug. 3, 1951, Jan. 1, 1951

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Felle Fourche River. Pump site is N 20° 06' W 3857.0 feet from the
South 1/2 Corner of Section 15, T8N, R4E, B4M. Re: Application Map #210-1

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Pump and canal. 2.5 c.f.s. Philip Vallery Ranch.

Ques. 6. State for what purpost water is used and describe place of use (if for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of alfalfa & sugar beets. NE 1/4 NW 1/4 0.15 Acres; NW 1/4
NE 1/4 32.97 Acres; NE 1/4 NE 1/4 10.53 Acres; SE 1/4 NE 1/4 0.06 Acres; SW 1/4 NE 1/4 7.84 A.;
SE 1/4 NW 1/4 2.64 Acres All in Section 15, T8N, R4E, B4M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. ---

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.72 cubic feet per sec.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. ----

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During the Spring, Summer & Fall water is Pumped (2.30 c.f.s.) into a canal for irrigation. Water is pumped approximately one-tenth of this time.

(Sign.) Philip Vallery

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Spainfish, County of Lawrence, State of South Dakota, on this 18th. day of September A.D. 1953.

W. E. Sichey

Notary Public

My Commission Expires February 16, 1956.

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

MISSOURI STATE ENGINEERS
OFFICE OF CIVIL ENGINEERS

SEP 21 1953

RECEIVED

Permit No. 228-1

RECEIVED

SEP 21 1953

Water Division No.

Water District

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Nisland, South Dakota(Date) August 27, 1953

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

Fourche River 0.72 second feet of the waters of the state from Belle
through the Philip Vallery Ranch Canal
for Irrigation purposes

are in accordance with terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Philip Vallery
2. The postoffice address of such person or the place of business of such corporation is Nisland
County of Butte State of South Dakota
3. The number of such permit is 228-1 and the date set for the completion of such work is
October 20, 1955
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 0.72 cubic feet per second.
6. The amount of land for which said water is available is 54.17 acres,
particularly described as follows: NE 1/4 NW 1/4 0.15 acres; NW 1/4 NE 1/4 32.97 acres; NE 1/4 SE 1/4
10.55 acres; SE 1/4 NE 1/4 0.06 acres; SW 1/4 NE 1/4 7.84 acres; SE 1/4 NW 1/4 2.64 acres
all in Section 15, T8N, R4E, B1M.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

By the Engineer
Ed H. Grady Engineer.
(Signature) Philip Vallery

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

June 10, 1981

Thornton Vallery
Nisland,
South Dakota 57762

Mr. Vallery:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
✓ 228-1	.72 cfs	54.17	\$23.75
290-1	5.50 cfs	386.00	156.50
264-1	.22 cfs	15.30	14.00
960-1	.50 cfs	35.00	18.75
289-1	1.02 cfs	75.00	38.75
TOTAL			\$251.75

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8313

PIERRE, June 23, 19 81

RECEIVED OF R. Thoron Vallery, Hisland, SD 57762

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 228-1 (any other work as provided by law)	2	.75
TOTAL	2	.75

WATER RIGHTS COMMISSION

By (W.A. Hatch)
Chief Engineer, Executive Officer
JOHN HATCH 7/62

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	\$7,379.37	\$2,028.62	\$5,350.75

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	25.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.03
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1175-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stettra (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clark on	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	25.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 9, 1991

R Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Dear Mr. Vallery:

Enclosed are Vested Water Right Nos. 264-1 and 1423-1 as validated by the Water Management Board and Water License No. 1423-1 which incorporates Vested Right Nos. 228-1 and 264-1. These validations give legal status to the claims and License No. 1423-1 is the final document for your vested rights.

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

Very truly yours,

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

enclosure