

No. 264-3

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 Diversion

Date of first receipt at office of State

Engineer March 17 1955

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

March 17 1955

Recorded in Book 3 Page 78

One-fifth of work to be completed

August 17 1955

Whole work to be completed

November 17 1955

Final proof of use of water

November 17 1955

Approved May 17 1955

DEAN W. LOUCKS, State Engineer.

NO. 264-1

RECEIVED

Water Division No. 1 Belle Fourche River District
(Blanks to be filled by the State Engineer.)

MAR 17 1955

4:30 p.m.

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

NOTE: If any of the items are not applicable, write "Not Applicable" through them.

1. Name of applicant Philip Valley
Postoffice address Wisland, County Butte, State S. Dak.

I. If a corporation No

- (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) Direct Labor
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____
2. Name of diversion work Philip Valley Ranch Diversion Works
3. Quantity of water claimed 0.23 cubic feet per second.
4. Source of water supply Belle Fourche River
5. Location of point of diversion 2,745 feet on a line bearing S39°30'W from the southwest section cor. of Section 10, T4N, R4E, B1E on east bank, Butte County.
6. Annual periods during which water is to be used Summer Growing Season
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Pump and Gravity

- (a) Number of acres to be irrigated 15.0 acres.
- (b) Legal subdivisions to be irrigated 11.5 acres in SW 1/4 Sec. 10, T4N, R4E, B1E; 4.0 acres in SE 1/4 Sec. 10, T4N, R4E, B1E

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

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
Name any of the above uses claimed
- (b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
- (c) Location of plant: _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head gates, \$50.00 (b) Pumping plant, \$1,275.00
 (c) Fluming, \$ (d) Canal-earth, \$100.00 Rock, \$
 (e) Other structures \$100.00-Raised Ditch \$ Total, \$1,495.00

9. Description of diversion works:

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

Pump from river to gravity ditch adjacent to pump.

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 DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c) * Head gate: Width 8 inches feet; height 6 inches feet;

Material Steel

(d) Canal: Total length 0.47 miles.

LOCATION BELOW HEADGATE	DEPTH	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-half years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Belle Fourche Bee

STATE OF SOUTH DAKOTA

County of Butte

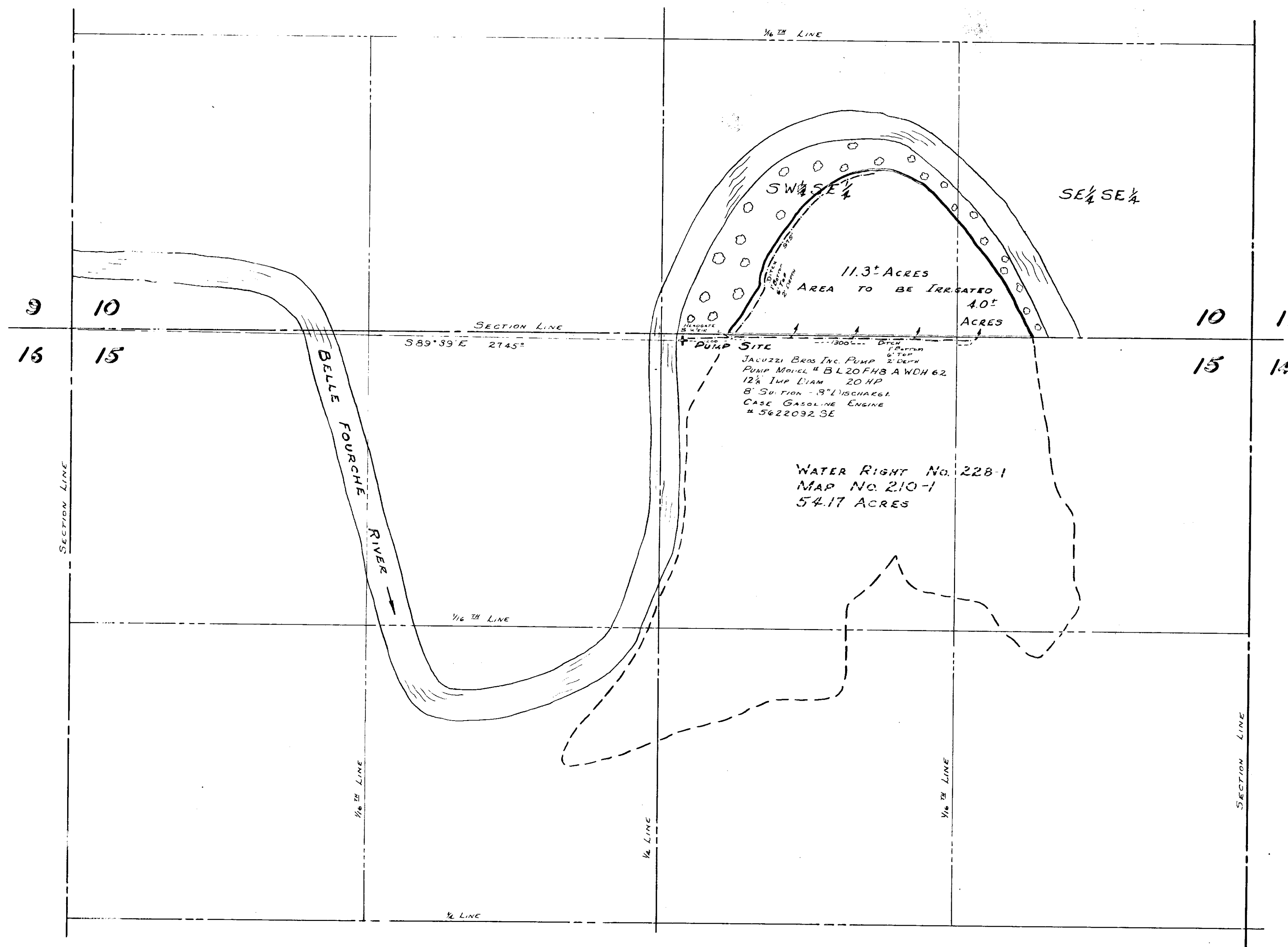
I, Philip Valley, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner. that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Philip Valley

Subscribed and sworn to before me this 16 day of March, 1955

Notary Public (or other qualified officer.)

TOWNSHIP 8 NORTH



I, DONALD D. HOFFMAN, REGISTERED LAND SURVEYOR
IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT
AT THE DIRECTION OF PHILIP VALLERY I HAVE SURVEYED
& PLATTED THE LAND & APPURTENANCES PERTAINING TO THIS
APPLICATION AND THAT THE DETAILS OF THESE ARE ACCURATE
& CORRECT AS SHOWN HEREON.

Donald D Hoffman
REGISTERED LAND SURVEYOR

ON THIS 22 DAY OF JANUARY 1955, BEFORE ME APPEARED DONALD D. HOFFMAN, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
MY COMMISSION EXPIRES AUGUST 1958
STATE OF SOUTH DAKOTA, LAWRENCE COUNTY

H. A. Sullivan
NOTARY PUBLIC

SCALE: 1" = 300'

PLAT FOR APPLICATION OF WATER RIGHT

APPLICANT : PHILIP VALLERY, NISLAND S. DAK.
SOURCE : BELLE FOURCHE RIVER
TYPE : PUMP & DITCHES
QUANTITY : 0.22 CFS
AREA : 15.3 ACRES
LOCATION : SW $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 10 - T8N - R4E

242-1 Map Number

Water Right Number

264-1

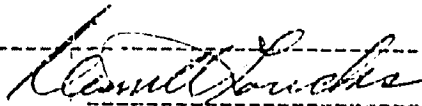
Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, May 17, 1955

This is to certify that the foregoing application was received at this office at 4:20 o'clock
--p-- m. upon the 17th day of March, 1955 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 and no objections
received



DEAN W. LOUCKS

State Engineer.

Number of permit 264-1

Date of first receipt of application March 17, 1955

Date of return to applicant for correction -----, 19---

Date of receipt of corrected application -----, 19---

Date from which applicant may claim right March 17, 1955

Approved May 17, 1955, Recorded in Book 3 Page 78

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
before August 17, 1955

2nd. The whole of said work is to be completed on or before November 17, 1955

3-d. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is November, 1955

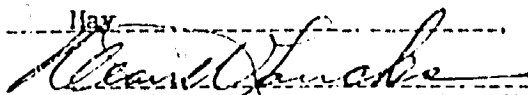
4th. The water appropriated shall be used for the purpose of pump and gravity irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-
kota, 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 0.2
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 and beneficially applied for irrigation on or
before November 17, 1955; said water to be used during the following described annual
period:

April to August, Inclusive

Witness my hand this 17th day of May, 1955



DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued -----, 19---

Water License issued -----, 19---

STATE OF SOUTH DAKOTA

WATER LICENSE No. 264-1

WHEREAS, On the 17th day of March A. D. 1955
Phillp and Thornton Vallery

of Nisland County of Butte and State of
South Dakota duly made application (No. 264-1) to us for a permit to use .22
 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 17th day of May A. D. 1961
 Permit No. 264-1 with revised permit issued September 26, 1961
 was issued to said applicant for the diversion of said water ~~XXXXXXXXXX~~ the
 completion of the works of diversion therein described ~~XXXXXXXXXX~~ recognizing
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water ~~XXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~
 and,

WHEREAS, On the 8th day of September A. D. 1961
 the holder of said permit duly made proof of the completion of adequate works for the diversion of .22
 cubic feet per second of said waters, as evidenced by our Certificate No. 264-1
 dated September 26, 1961 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use .22 cubic feet per second of water, with date of
 priority of July 1, 1952 ~~XXX~~ and,

WHEREAS, On the 8th day of September A. D. 1961
 proof was duly made of the application to beneficial use of .22 cubic feet per second of said water;
for irrigating 15.3 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10, 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 and Thornton Vallery**

of **Neiland** the holder and owner of said permit No. **264-1**

a water right, dating from **July 1, 1952** to the use of **.22**

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

necessray for the purposes hereinbelow mentioned, to be diverted at **a point S 89° 39'E, 2745'**

from the SW corner, Sec. 10, T 8N, R 4E

and conducted to and upon **9 1/2 SE 1/4 Sec. 10, T 8N R 4E**

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 _____

No.

PROOF OF PUBLICATION

RECEIVED

APR 29 1955

STATE OF STATE ENGINEER
PIERRE, SOUTH DAKOTASTATE OF SOUTH DAKOTA }
County of Butte } ss.
K. F. Olsen

being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Belle Fourche Bee a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Belle Fourche County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 7, 1955

April 14, 1955

April 21, 1955

April 28, 1955

in each and every issue of the full number thereof, the first publication being made on the 7 day of April 1955 and the last publication on the 28 day of April 1955, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

K. F. Olsen

Subscribed and sworn to before me this 28 day of April A. D. 1955

Notary Public _____ County, S. D.

NOTARY PUBLIC, BUTTE COUNTY, S. DAK.
MY COMMISSION EXPIRES FEB. 21, 1956

No. 264-1
(First Publication April 7, 1955)
APPROPRIATION OF WATER
Office of State Engineer,
Pierre, S. D., March 22, 1955
Notice is hereby given that Philip Vallery whose postoffice address is Nisland, S. 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 0.22 cubic feet of water per second of time from the Belle Fourche River through the Philip Vallery Ranch Diversion Works No. 2, the point of diversion of which is to be located on the east bank of said stream in the NW 1/4 of the NE 1/4 of Section 15 Twp. 8N Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:
11.3 acres in the SW 1/4 SEC. 10-8N-4E
4 acres in the SW 1/4 SEC. 10-8N-4E
This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 29th day of April, 1955, at 2:00 p.m. All persons who believe that their prior rights would be injuriously affected, or that the 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.
Dean W. Loucks
State Engineer

47-428

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., March 22, 1955

Notice is hereby given that Philip Vallery whose postoffice address is Hialand S. 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 0.22 cubic feet of water per second of time from the Belle Fourche River through the Philip Vallery Ranch Diversion Works No. 2 the point of diversion of which is to be located on the east bank of said stream in the SW 1/4 of the NE 1/4 of Section 15 Twp. 8N Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

11.3 acres in the SW 1/4 SEC. 10-8N-4E
1. acres in the SE 1/4 SEC. 10-8N-4E
 and for _____ purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 22th day of April, 1955, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the 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.

DEAN W. LOUCKE
 State Engineer

DJS

264-1
Permit No.

Water Division No. 1 Belle Fourche River

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Philip and Thornton Vallery

of Nisland, County of Butte, and State of

South Dakota, the holder of Permit No. 264-1, Issued upon Application

No. 264-1, bearing date of priority of July 1, 1952, authorizing the diversion of

.22 cu. ft. per second of the waters of the Belle Fourche River

County of Butte, State of South Dakota, at a point S 89° 39' E

2745' from the SW corner Sec. 10, T 8N, R 4E

for irrigation

purposes, has ye fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are satisfactory

irrigation for diverting and conveying to the place of intended use .22 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: 11.3 acres in SW 1/4 SE 1/4 Section 10, T 8N, R 4E

4.0 acres in SE 1/4 SE 1/4 Section 10, T 8N, R 4E

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

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Revised. Remarks by State Water Resources Commission:

~~Cancelled~~ Permit issued in conformity with data submitted in support of earlier priority under "vested right" provisions of the water laws. Issuance of this revised permit cancels permit 264-1 dated July 17, 1955.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, September 26, 1961

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock p.m. upon the 17th day of March, 1955

State Water Resources Commission

By:

Paul M. Jones
Chief Engineer, Executive Officer

Number of permit 264-1

Date of first receipt of application March 17, 1955

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 July 1, 1952

Approved September 26, 1961, Recorded in Book 3 Page 18 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 to be completed on or before Completed, 19____

2nd. The whole of said work is to be completed on or before Completed, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 19____

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 .22 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 applied.

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

April to August inclusive

Witness my hand this 26th day of September, 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued September 26, 1961

Water License Issued September 26, 1961

264-1

Boile 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)	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
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 Fittman	1.07	75.00	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	26.11
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	Kuby 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	4.83	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 Schumner	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	\$ 125.50	\$ 164.20
449-1	George Murnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.63
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	46.60
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	Glibert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	50.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
511-1	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	13.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	125.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Statta (Louis Budmavr)	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 Clarkson	.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 Jeffray	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foss	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	Crata & Leslie Miner	2.66	198.00	79.50	---
365-1	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	---

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8315

PIERRE, June 23, 1981

RECEIVED OF R. Norton Vallery, Highland, 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 MRA 264-1 (any other work as provided by law)	14	00
TOTAL	14	00

WATER RIGHTS COMMISSION

By: *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / 81

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
Rivland,
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	356.00	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	33.75
TOTAL			<u>\$251.75</u>

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

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

Sept 8, 1961
(Date)

Dear Sirs:

I hereby request that an extension of time from September 17, 1955
to September 17, 1957 be granted me for the completion of works to be done under Permit No.
264-1 and that the time for proof of beneficial use of water be extended to September 8, 1961

Said works are located in Bulle County and are described
as follows:

Location of headworks: In the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 10 Township 8 N Range 4 E

E., R.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons:
To bring date into conformity with notice of
Completion of works & Beneficial use
of Water

APPROVED:

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Philip & M. Thanton Gallery
By Philip Gallery
264-1

Holder of Permit No.

Permit No. 264-1
BELLE FOURCHE
 Water Division No. 1 RIVER Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Nisland, S.D.

(Date) September 8, 1961

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the anytime after this date
 at Nisland County of Butte State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 2.2 cubic feet per second of the waters of The Belle Fourche
River in accordance with the terms and conditions of Permit No. 264-1
 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are
Philip & R. Thornton Vallery
- The use to which said water has been applied is irrigation
- The amount applied to beneficial use is 2.2
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated)
11.3 acres in SW⁴SE⁴ Sec 10 T8N R4E
4.0 acres in SE⁴SE⁴ Sec 10 T8N R4E
- The name of the canal or ditch or other works by which said water is conducted to such place of use is
Vallery Ranch Diversion Works
- The right to take the water from such works is based upon permit No. 264-1
- The source of supply from which such water is diverted is Belle Fourche River
- The date of priority which said user is prepared to establish is _____

Philip & R. Thornton Vallery
 (Sign) P. Philip Vallery

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

Sept. 8, 1961
(date)

Dear Sirs:

I hereby request that an extension of time from September 17, 1955
to September 7, 1957 be granted me for the completion of works to be done under Permit No.
----- and that the time for proof of beneficial use of water be extended to September 8, 1961

Said works are located in Butte County and are described
as follows:

Location of headworks: In the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Section 10 Township 8 N Range 4 E
E., P.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for the following reasons:

To bring date into conformity with notice of
completion of works & Beneficial use
of Water.

APPROVED:

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Philip F. P. Thomson, Secretary
By Philip Thomson
Holder of Permit No. 264-1

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 his interests to one half of Thornton Vallery
(54.81 acres in N $\frac{1}{2}$ 15 8N 4E) 15.3 acres in S.E. $\frac{1}{4}$ 10 8N 4E and 336 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. 223-1 264-1
290-1
and as provided for in section 61.0141 of the SDC of 1939 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 1939.

STATE OF SOUTH DAKOTA

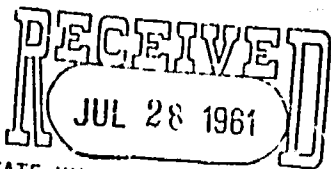
County of Butte

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, 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

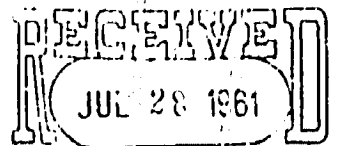
Stanley A. Clark
Notary Public

My Commission expires
October 21, 1966

Permit No. 264-1

Water Division No. _____

Water District _____



NOTICE OF COMPLETION OF WORKS

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Fruitdale, So. Dak.

(Date)

July 20, 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

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

_____ ^{2.2} cu. ft. per second of the waters of the state from May
through the 31st of Oct.
for irrigation

_____ In accordance with the terms and _____
ditions of a certain permit heretofore issued by the Water Resources Commission 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 Fruitdale
County of Beetle State of So. Dak.

3. The number of such permit is 264-1 and the date set for the completion of such work is was
March 1955

4. Said water to be used for irrigating crops 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 ac-
companying the application for such permit, is _____ ^{2.2} cubic feet per second.

6. The amount of land for which said water is available is _____ ^{15.3} acres,
particularly described as follows: 11.3 acres in S.W. 1/4 SE 1/4 Sec 10
4.0 acres in SE 1/4 SE 1/4 Sec 10 all in T 8 N,
R 4 E, B.H. M.

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

Philip Vallery

(Signature of Owners)

Water Rights Division - DWR
Conversation or File Documentation

File No. 289-1
290-1

NAME OF PERSON OR FILE: Thornton Vallery
ADDRESS: HCR Box 188, Nisland SD COUNTY Butte
DATE: June 13, 1985 TELEPHONE 257-2264
RE: ownership of Water Rights

COMMENTS:

Mr. Vallery had crossed Phillip's name off of
1984 questionnaire - I called him to inquire
on the status of the water rights.
He indicated all Permits or Rights listed under
Phillip & Thornton Vallery should be listed under
Thornton only - Phillip has passed away.
Mr. Vallery stated him & his wife are now
owners of the property.

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

4/82

NAME: Genny McMath

Reliance to Incorporate
Form 12 # 228-1

Permit No. 264-1

Belle Fourche River Water District 10120202

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by R. Thornton Vallery
HRC 1301 1893
Box Nisland, South Dakota 57762 holder of
Permit No. 264-1 bearing the priority of July 1, 1952 0.22 cfs 26.10.51 0.14 cfs authorizing
the diversion of 264-1 cu. ft. per second of the waters of Belle Fourche River
for Irrigation purposes in Butte County County.

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

A. Works used to divert the water:

Same pumps and motors as used at time of original
Inspections

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

Same as original Inspections

C. Works used to apply water to beneficial use:

Same as Original Inspections

The system is in the following condition Good.

The point of diversion is located 1.5 89° 36' E 2745' from the SW corner
of Section 10, T8N R4E; #2 = 112' 6" W - 3877' from SW cor Sec. 15, T8N R4E

The works are capable of diverting and conveying to the place of use 9+

cu. ft. per second of water which is to be used for Irrigation (Val)

Water has been put to beneficial use to the maximum extent as follows: All in T8N R4E

SW 1/4 SE 1/4 of Sec. 10 = 13 Ac. NE 1/4 NE 1/4 of Sec. 15 = 30 Ac.

SE 1/4 SE 1/4 " " 10 = 2 Ac. NE 1/4 NE 1/4 " " 15 = 10 Ac.

SE 1/4 NW 1/4 " " 15 = 1 Ac.

SW 1/4 NE 1/4 " " 15 = 7 Ac.

comprising a total of 63 acres of land and the license should be issued for 0.90 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are:

Priority dates: 0.58 cfs from 1925
0.14 " from May 26, 1951
0.22 " from July 1, 1952
0.18 to make 0.90 cfs

Date Sept 24, 1955

Leroy J. Merriam
(signature)

State of South Dakota
RIGHT

REISSUANCE OF VESTED Water License No. 264-1

(1) R. Thornton Vallery
of HCR, Box 188, Nisland SD was issued Vested Water Right License No. 264-1

made Application No. September 26, 1981 recognition of a right
for a water permit to appropriate
0.22 cubic feet per second of water from the Belle Fourche River

Butte County, South Dakota for irrigation purposes.
Vested Water Right License

Permit No. 264-1, with a priority date of July 1, 1952

was approved and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before and for the application to beneficial use of said
water on or before completed

Vested Water Right License No. 264-1, dated September 26, 1961, recognized diversion of
0.22 cfs from the Belle Fourche River to irrigate 15.3 acres.

Partial Vested Water Right License No. 228-1, dated September 26, 1961, authorized and
recognized diversion of 0.72 cfs from the Belle Fourche River to irrigate 54.17 acres.

Based upon a September 24, 1935 inspection of the water use system used to irrigate
lands under Vested Water Right License No. 264-1 and Partial Vested Water Right No. 228-1,
the licenses are being reissued to reflect what is actually being irrigated.

The applicable portions of Partial Vested Water Right License No. 228-1 are being
incorporated into Vested Water Right License No. 264-1. Priority dates of July 1, 1952
for 0.18 cfs (Vested Water Right No. 264-1); 1925 for 0.38 cfs (Partial Vested Water
Right License No. 228-1) and May 26, 1951 for 0.14 cfs (Partial Vested Water Right
License No. 228-1) will be retained.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.90 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are #1 - S89° 36' 2745 ft from the SW
corner of Section 10, T8N, R4E and #2 - N2° 6'W 3857 ft from the S¼ corner of
Section 15, T8N, R4E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T8N, R4E

Section 10	SW $\frac{1}{4}$ SE $\frac{1}{4}$	13 acres (IC)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	2 acres (DD)
Section 15	NW $\frac{1}{4}$ NE $\frac{1}{4}$	30 acres (AB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres (AA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	1 acre (BD)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7 acres (AC)
	TOTAL	63 acres

(4) Pursuant to §46-5-30.1 R Thornton Vallery

of HCR, Box 138, Nisland SD

Partial Vested Water Right

the holder(s) and/or owner(s) of Water Permit No. 264-1 is issued a license to appropriate water, the right to use

0.90 cubic feet per second of water from the Belle Fourche River

0.58 cfs from 1925; 0.14 cfs from May 26, 1951 with a priority date

of and 0.18 cfs from July 1, 1952 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

Partial Vested Water Right

This license is subject to any limitations or qualifications listed in Water Permit No. 264-1 and subject to South Dakota State Law.

John H. Hallett
City Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 4 1986

South Dakota Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

DEC 4 1986

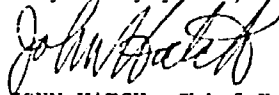
R. Thornton Vallery
HCR, Box 188
H/Island, South Dakota 57762

Dear Mr. Vallery:

Enclosed is your Water Right License No. 264-1. The water license has been reissued to the extent of what is actually being used. The relicense is based on a September 24, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

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

SOUTH DAKOTA

VALIDATION OF RECOGNIZED VESTED WATER RIGHT CLAIM NO. 264-1
FOR IRRIGATION

Date Claim Accepted For Filing March 17, 1955.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 264-1 for irrigation purposes for R. Thornton Vallery, HCR 76, Box 188, Nisland, South Dakota 57762 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 264-1 appropriates 0.18 cubic feet of water per second from the Belle Fourche River to irrigate 15 acres. The diversion point is located in the NW 1/4 NE 1/4 Section 15 and the irrigated acres are located in the S 1/2 SE 1/4 Section 10; all in T8N, R4E.
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 year for each acre of irrigated land. The water is to be used during the following annual period: April - November 1.
3. The priority date of the Vested Water Right is July 1, 1952.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

REMARKS

Vested Water Right No. 228-1 with priority dates of 1925 (0.58 cfs) and May 26, 1951 (0.14 cfs) was incorporated into the reissued Vested Water Right License No. 264-1. Validation of Vested Water Right 1423-1 incorporated Nos. 228-1 and 264-1 and revised the priority date established by No. 228-1 to February 2, 1900 (0.58 cfs) with no change to the May 26, 1951 (0.14 cfs) priority date. See Vested Right Water License No. 1423-1 for additional details.

WATER MANAGEMENT BOARD

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

APR 9 1991

date

T8N R4E

1/4 Pt. of Div.

589°36'E

2745'

1/4 Pt. of Div.

1 Ac

SE 1/4 NW 1/4

NE 1/4 SW 1/4

39 Ac

SE 1/4 SW 1/4

23 Ac

SE 1/4 SE 1/4

SW 1/4 SE 1/4

13 Ac

264-1

2 Ac

NW 1/4 NE 1/4

30 Ac

10 Ac

NE 1/4 NE 1/4

56°30'W

1287'

SE 1/4 NE 1/4

32 Ac

7 Ac

NW 1/4 SW 1/4

20 Ac

N 106°W

3857'

7 Ac

NW 1/4 SE 1/4

37 Ac

NE 1/4 SE 1/4

Pond Area

4 Ac

NE 1/4 SW 1/4

17 Ac

NW 1/4 SE 1/4

18 Ac

NE 1/4 SE 1/4

21 Ac

NW 1/4 NE 1/4

29 Ac

290-1

1203-1

SW 1/4 NE 1/4

39 Ac

SE 1/4 NE 1/4

39 Ac

NE 1/4 NE 1/4

24 Ac

SE 1/4 SE 1/4

27 Ac

R. Thornton Vallery