

No. 282-1

Water Division No. 1 Dade County District
(Blanks to be Filled by the Engineer for the W. R. C.)

(Blanks to be Filled by the Engineer for the W. R. C.)

OCT 29 1956

8.154.112

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant James L. or Muriel E Jeffery,
Postoffice address Fruitdale, County Lawrence, State Kansas

- 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 addresses 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 Pumping Plant
 3. Amount of water claimed 1 1/2 cubic feet per second
 4. Source of water supply Delta Fourth River
 5. Location of point of diversion S. E. 1/4, S. 4, T. 10, R. 12, Township 2, Range 1
300 ft. West of the mouth of the on North bank Delta County.
 6. Annual period or periods during which water is to be used May 1st to October 1st
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system/Gravity Irrigation

- (a) Number of acres to be irrigated 12 7/10 acres.

- (b) Legal subdivisions to be irrigated 1/2, SE 1/4, 12-2-2, NW 1/4, 12-2-2, NE 1/4, 13-2-2

(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.) None

11. Stockwatering, milking, milking, power, fish culture etc. recreation and public recreation:

- (a) Nature of use _____

- None any of the above uses claimed

- (b) Amount of power to be generated 2000 horse power.

- A mount claimed for engine cooling none

- eg) Location of plant

- 4.1) Method of developing power

- (c. Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$250⁰⁰-----

(c) Fluming, \$-----

(d) Canal-earth, \$30⁰⁰-----

Rock, \$-----

(e) Other structures: Culverts, Pipe, \$115⁰⁰-----

Total, \$395⁰⁰-----

9. Description of diversion works:

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

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 at 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	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----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-----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-----

STATE OF SOUTH DAKOTA

County of Lawrence } ss.

I, Fred C. Winkler, 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 Fred C. Winkler

Subscribed and sworn to before me this 19th day of October 1916

My Commission Expires Dec. 2, 1917

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 31, 1956

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
9 m. upon the 30 day of October, 1956

State Water Resources Commission

By: J. W. Brinner
Chief Engineer, Executive Officer

Water Right
Number of permit 282-1

Date of first receipt of application October 30, 1956

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: 1936, 19____

Approved December 4, 1956, Recorded in Book 3 Section 2 Page 27

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 1.05 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 Completed, 19____; said water to be used during the following described annual period:

May to September inclusive

Witness my hand this 31 day of December, 1956

State Water Resources Commission

By: J. W. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued December 31, 1956

Water License Issued December 31, 1956

STATE OF SOUTH DAKOTA

WATER LICENSE No. 282-1....

WHEREAS, On the 30th day of October A. D. 1956
Fred C. Wickler

of Spearfish County of Lawrence and State of
South Dakota duly made application (No. 282-1) to us for a Vested Right
1.50
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 31 day of December A. D. 1956
Vested Right 1.05 cubic feet per second recognizing
Permit No. 282-1 was issued to said applicant for the diversion of ~~xxxxxxx~~ and ~~providing~~ the
completion of the works of diversion therein described ~~of xxxxxxxx~~ ~~xxxxx~~
in 1936 ~~xxxxxx~~ and ~~xxxx~~ application to beneficial use of said
water ~~in xxxxxxxx~~ ~~xxxxxx~~ in 1936 ~~xxxxxx~~
and,

WHEREAS, On the 30th day of October A. D. 1956
Vested Right
the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.00
cubic feet per second of said waters, as evidenced by our Certificate No. 282-1
dated December 31, 1956 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 3.00 cubic feet per second of water, with date of
priority of 1936 ~~xxxx~~ ~~xxx~~

WHEREAS, On the 30th day of October A. D. 1956
proof was duly made of the application to beneficial use of 1.05 cubic feet per second of said water;
on 23.7 acres in the S1 SE1, Sec 12, and the N1 NE1, Sec 13, all in
Twp 8N, R2E 3E.

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 Fred C. Winkler
of Spearfish, South Dakota the holder and owner of said Vested Right permit No. 282-1
a water right, dating from 1936 to the use of 1.05
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 ex. in the SE 1/4 Sec 12,
Sup. 8N., Rge. 3E.
and conducted to and upon parts of the SE 1/4 Sec 12, and NE 1/4 Sec 13,
all in T. 8N., R3E.

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 31st day of December A. D. Nineteen
Hundred and fifty-six

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ac't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 282-1

Water Division No. 1 Belle Fourche River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Fred C. Winkler

of Spearfish, County of Lawrence, and State of
South Dakota, the holder of Vested Right
Permit No. 282-1, issued upon Application
No. 282-1, bearing date of priority of 1936, authorizing the diversion of
1.05 cu. ft. per second of the waters of The Belle Fourche River
County of Butte, State of South Dakota, in the SE¹ SW¹,
Section 12, Township 8N, Range 3E.

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 Vested Right
Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.00 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: S¹ SE¹, Section 12, Township 8N, Range 3E 47.4 AcresN¹ NE¹, Section 13, Township 8N, Range 3E 26.3 Acres

Total 73.7 Acres

Witness my hand this 31st day of December A. D. 1955

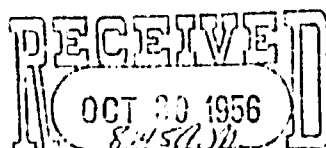
State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Location No. 282-1Water Division No. 1Belle Fourche River

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. Paul J. Winkler, Spearfish, S.D., Retired.

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. _____

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

Ans. Belle Fourche River, S.E. 1/4, T. 2 N. 1, Sec 12, Twp 8, Range 2300 ft West of the County Road on North Bank, Butte County

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. 8 inch diam. 10 HP Elec. Motor, private ditch capable of carrying 1 cu. ft. per second. Completed in 1936.

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. 1/2 of the SE 1/4 of 12-8-2 47.4 acres-- N 1/2 of NE 1/4 of 12-8-3 26.3 acres
irrigated.

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. _____

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. Since 1926, have used an average of 42 cfs. for irrigation

PURPOSE:

(Sign) Fred. L. Winkler

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 Lawrence County, S. D., County of Lawrence

State of South Dakota, on this 19th day of October A. D. 1926

Helen M. Boland } Witnesses.

John H. Stearns
Notary Public of Lawrence County So. Dakota

My Commission Expires Dec. 2, 1957

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.

John H. Stearns

Location No. _____

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

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

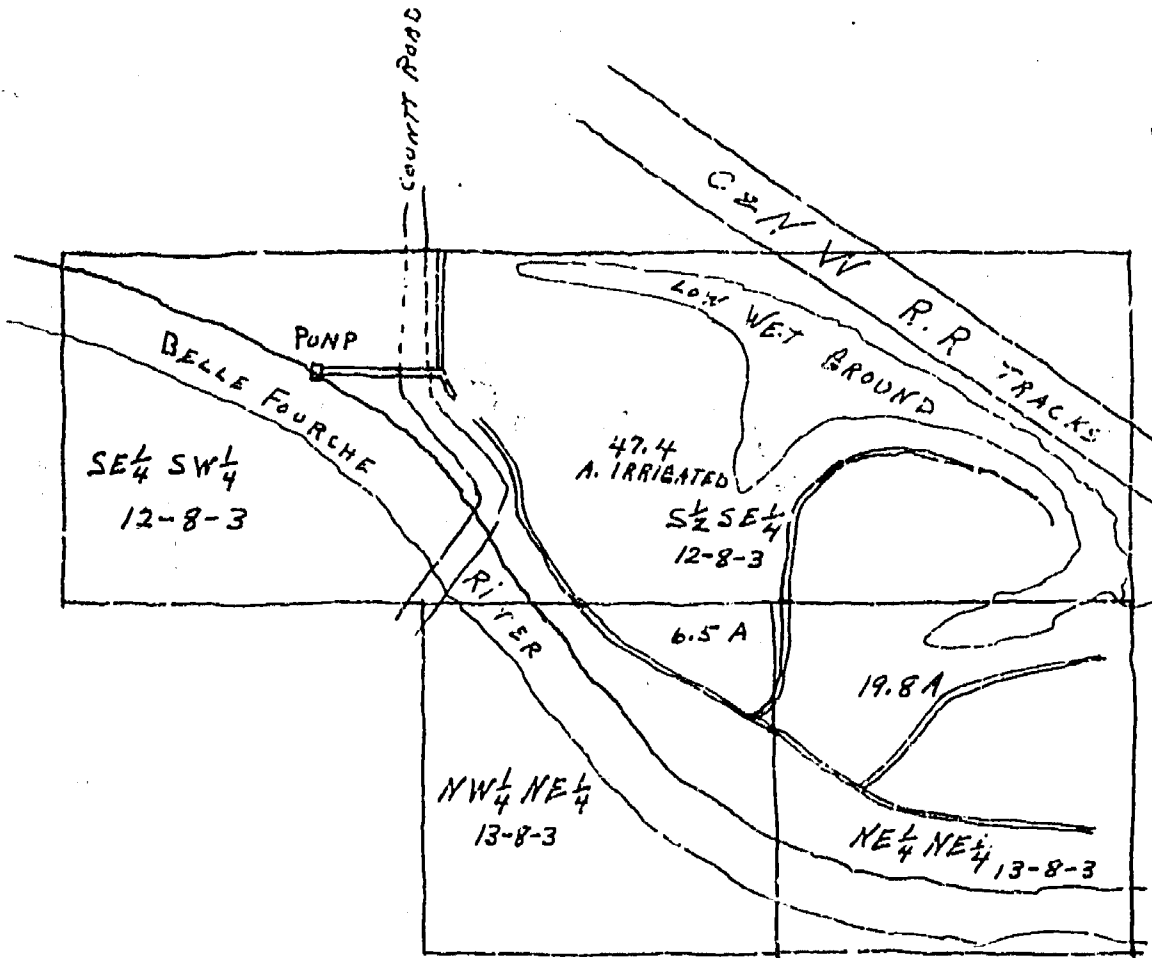
County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



PUMP IRRIGATION. FRED C. WINKLER
 BUTTE CO.
 So. DAK.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7232

PIERRE, January 21, 1980

RECEIVED OF James L. Jeffery Fruitdale, SD 57742
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 transfer of water right No. 282-1		2 50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL		2 50

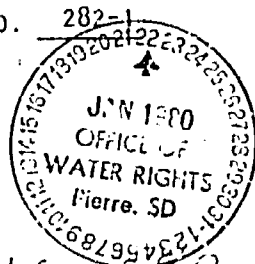
WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH *[Signature]*

FORM 20

NOTICE OF TRANSFER OF WATER PERMIT

NO. 282-1



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 16, 1980

This is to notify you that the title to the lands described as follows:

73.7 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 12, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 13 all in T8N, R3E

formerly owned by Fred C. Winkler, Beulah, WY

has been transferred to James L. Jeffery, Fruitdale, SD 57742

together with any rights to the beneficial use of water thereon as evidenced by Muriel E. Jeffery Fruitdale S.D. 57742

Water Right Permit No. 282-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Butte) ss.

Muriel E. Jeffery 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.

Muriel E. Jeffery
(Signed)

Subscribed and sworn to before me this 16 Day of January, 1980.

Marion Walk
(Notary Public)

Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires MAR. 1, 1986

282-1

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	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<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 Pittman	1.07	79.00	40.50	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. Eodie (Vivian) Anderson	1.15	69.00	69.50	61.57
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	1.38	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
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	120.15
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.38	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	256.00	96.50	85.42
1150-1	Homestake Mining	7.60	574.00	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
321-1	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	451.00	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		
923-1	Charles Wennberg	2.20	155.00	68.75	60.36
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
526-1	Donald Berger	2.04	143.00	65.75	58.20
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
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	95.60	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 Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.30	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 Bartolotto	.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	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.60	---
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	Solomon 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 8345

PIERRE, June 28, 1921

RECEIVED OF James Jeffery, Fruitdale SD 52742

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 W.R. 4 8345-1	38	50
(any other work as provided by law)		
TOTAL	38	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (kw)

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

June 10, 1981

James Jeffroy
Freltdale,
South Dakota 57742

Mr. Jeffrey:

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>
282-1	1.05 cfs	73.7	\$38.50

TOTAL

\$38.50

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

Report on "Vested" Water Right No. 282-1
for James L. Jeffrey Requesting a
Change of Priority Date

September 30, 1982

James L. Jeffrey on February 23, 1982 submitted a request to change the priority date of Water Right No. 282-1 from the year 1936 to the year 1921 based on the evidence produced by him from written statements and documentation of previous landowners.

The attached statements from Orin H. Stearns, James L. Jeffrey, and Fred Winkler provide the basis for the request. James Jeffrey also states there is an additional 19.5 acres on the south side of the river which should have been included on the original filing for a total of 93 acres and 1.33 cfs (Refer to the attached map of the area). This area had been irrigated for a time by Orin Stearns until, according to Mr. Stearns statement, he moved his irrigation to the north side of the river. The question is whether or not the 19.5 acres had been continuously irrigated since that period of time. If it had been, the "vested" right filed by Henry Winkler should have included this acreage.

The recommendation of the staff would be to recognize the "vested" Water Right No. 282-1 as having a priority date of 1921 for the 73.5 acres as licensed previously. The additional 19.3 acres, if continuously irrigated, would have been filed on the original Henry Winkler water right filing.

James Winterton
Water Resources Engineer

C00104Jw.wr

April 15, 1981

To whom it may concern,

I Orin H. Stearns of Fruitdale South Dakota, born July 1, 1893, do declare that I was the first to pump irrigation wter from the Belle Fourche River in Butte County South Dakota.

I began pumping on the south side of the river in 1921 and then on the north side of the river in 1922. I used the pump pictured in the attached picture, which I still own, starting with 4 inch pipe and then shortly switched to 10 inch pipe.

Orin H. Stearns

Witnessed by Asa J. Queen

Asa J. Queen

Orin H. Stearns

To Whom It May Concern:

I, James L. Jeffery, am requesting a vested water right back to 1921 when Mr. Orin H. Stearns first started pumping on this land. He started pumping on a field on the south side of the river, which is about 19.5 acres, which I have pumped on for about 20 years. I wish to add this acreage to my present vested water right, which is 73.5 acres, making a total of 93 acres.

The Attorney General of South Dakota says that we have to prove up on our water rights or on the water we feel we have a right to.

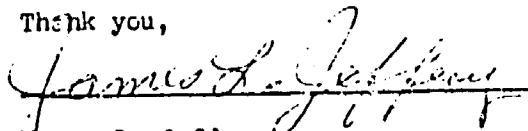
I notice that some of the other water permits have gone back to 1924 and one to 1932, so I feel I have a right to go back to when water was first applied to my land.

I have an affidavit signed by Mr. Orin H. Stearns, who pumped on the land in 1921. He is 88 years old and is real active, feeds his own cattle and drives his own car. He still owns the irrigation pump that he used, and took pictures of him and his pump to prove its existence.

Picture #1 is of Mr. Stearns and the pump. Picture #2 is of the pump. These were taken in March, 1981. Picture #3 is the pump Mr. Fred Winkler used on this farm from 1936 until I purchased his farm in 1962. I used this pump until 1964 when I purchased the present pump. I still use this pump, picture #4.

The affidavit form 2-B, has been signed by Orin H. Stearns, who pumped on this land and still lives in Fruitdale, S.D. He is 88 years old. Mr. Enoch E. Karinen, who owns a ranch next to mine and used to farm this farm, is still living and runs his ranch. He was 82 years old in July, 1981. Mr. Fred C. Winkler, who is real active and lives in Spearfish, S.D., is 88 years old. These men all know what went on through the years in this community.

Thank you,


James L. Jeffery

Subscribed and sworn to before me this 18 day of February, 1982


Notary Public
Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires 11/1/84

To Whom It May Concern:

I, Fred C. Winkler, recently visited with Mr. James L. Jeffery, about water rights on the Belle Fourche River. He is requesting a vested water right on the field south of the Belle Fourche River, on his farm which he purchased from me.

Mr. Orin H. Stearns pumped water on that field in 1921 and started pumping on the north side in 1922. The pump which Mr. Stearns still owns was setting on the south side of the river when I bought the farm. I am sure Mr. Stearns was the first one to pump irrigation water from the Belle Fourche River.

After the Belle Fourche Irrigation project was completed, in 1924, the Bureau of Reclamation claimed they owned all the water in the Belle Fourche River all the way down stream to the end of the Irrigation project and they stopped all pumping and wouldn't allow any permits to pump.

I was working for the Bureau of Reclamation at that time and I was going to get a permit to pump water on my farm again. A lawyer for the Bureau of Reclamation who at that time was living in Lincoln, Nebr., told me if I tried to pump or get a permit, the Bureau would take it all the way to the Supreme Court and he said the Bureau had more money to spend than I, and said "I don't think you will try". I agreed they had more money to spend on a law suit than I, so I didn't try at that time.

The Bureau of Reclamation operated the project from 1924 to 1946, when the Belle Fourche Irrigation District and the first water users association was formed. I worked for the Bureau of Reclamation for 33 years, and when the Irrigation District was formed, I was the first manager, a job I held for five years, retiring in 1953.

I started to pump irrigation water again on my farm in 1936 and after the Water Resources Commission was formed and Mr. Joe Grimes started working, they started issuing pumping permits in about 1951. I applied for a vested water right back to when I started pumping again (1936). I had the ^{First} vested water right issued on the Belle Fourche River

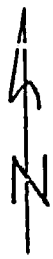
I notice that others have been issued vested water rights back as far as 1924 and 1932. This can't be true, because the Bureau didn't allow any pumping. They claimed all the water in the river from 1924 to 1948, and I started pumping again on my farm in 1936.

I should have requested a vested water right back in 1921 when Mr. Stearns first started to pump.

Fred C. Winkler

Fred C. Winkler

Sandra Kiedlinger
Notary Public
Feb. 12, 1982

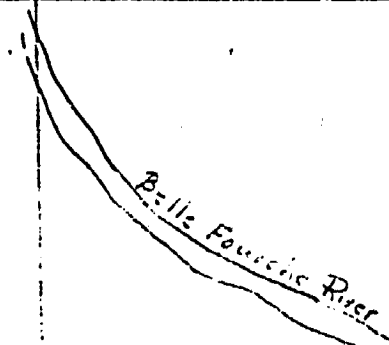
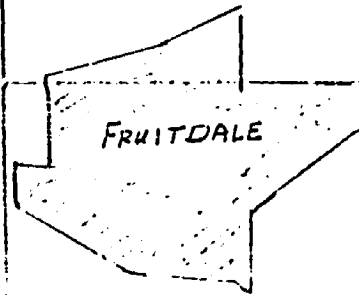


T8N - R3E SEC. 12.

NW

NE

JAMES JEFFERY No. 282-1
LANDS IRRIGATED



PUMPSITES

X

X

19.5

?

2.9

28.5

2.1

17.0

2.8

53

14.5

SW

Amendment of Priority Date

Permit No. 282-1Water Division No. 1 Belle Fourche River, Water DistrictWater Right Hearing Dated Oct. 7, 198210120202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Fred Winkler predecessor toJames & Mariel Jeffery of R.R. Fruitdale, S.D. holdervested right of Permit No. 282-1, bearing date of priority of change from 1936 to 1921, asauthorizing the diversion of 1.05 cu. ft. per second of the waters of the Belle Fourche River for irrigation purposes, in Butte County.

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

The Water Use System consists of,

A. Works used to divert the water:

SAME AS original "vested" right filing no. 282-1

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

C. Works used to apply water to beneficial use.

The system is in the following condition: GoodThe point of diversion is located SE 1/4 SW 1/4 of Sec. 12, T8N, R3E, B.H.M.The works are capable of diverting and conveying to the place of use 1.05 cfscu. ft. per second of water which is to be used for irrigation

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

SE 1/4 SW 1/4 - 2.9 acres; SW 1/4 SE 1/4 - 31.2 acres; SE 1/4 SE 1/4 - 17.0 acres;
all in Sec. 12, T8N, R3E; NW 1/4 NE 1/4 - 2.6 acres; NE 1/4 NE 1/4 - 19.8 acres;
all in Sec. 13, T8N, R3E.comprising a total of 73.7 acres of land.

NOTE: This is an amendment of the priority date for 282-1 to reflect a priority date of 1921 based on submitted documentation to the Water Management Board approved on Oct. 7, 1982.

Date Dec. 1, 1982
James E. Hunterton
 Signature
 Water Resources Engineer

No. 282-1_____

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

December 8, 1982

James L and Muriel E Jeffery
RR
Fruitdale, SD 57742

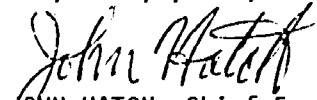
Dear Sir:

Enclosed herewith are, Water License No. 282-1 and Certificate of Construction.

Water License No. 282-1 is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

NOTE: This is an amendment of the priority date on this Water License No. 282-1 to reflect a priority date of 1921 based on submitted documentation to the Water Management Board approved on October 7, 1982.

WNR-817-7/79
Transmittal of Water License

STATE OF SOUTH DAKOTA

AMENDED
WATER LICENSE NO. 282-1

(1) WHEREAS, On the 30th day of October A. D. 19 56
Fred C Winkler

made Water Right Application No. 282-1 for a Vested Right 1.50 cubic feet per second of the waters
of the Belle Fourche River
County of Butte, State of South Dakota, for Irrigation

Vested Right (2) WHEREAS, On the 4th day of December A. D. 19 56
Permit No. 282-1, with a date of priority of January 1, 1921*
recognizing
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the day of A. D. 19 and for the
application to beneficial use of said water on or before the day of A. D. 19

WHEREAS, on the 21st day of January, 1980 this vested right permit No. 282-1
was transferred to James L and Muriel E Jeffery, RR, Fruitdale SD,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.05 cubic feet
per second of water for beneficial use and,

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

to irrigate the following lands all in 18N, R3E

Section 12	SE $\frac{1}{4}$ SW $\frac{1}{4}$	2.90 acres	CD	Section 13	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2.80 acres	AB
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31.20 "	DC		NE $\frac{1}{4}$ NE $\frac{1}{4}$	19.80 "	AA
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.00 "	DD				

* NOTE: This is an amendment of the priority date on this Water License No. 282-1
to reflect a priority date of 1921 based on submitted documentation to the Water
Management Board approved on October 7, 1982,

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to James L and Muriel E Jeffery

_____ of RR, Fruitdale, SD

the holder S and owner S of said permit No. 282-1 a water right, dating from January 1, 1921

_____ to use of 1.05 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 from the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T8N, R3E, BHM

and conducted to and upon portions of Section 12 and 13, T8N, R3E more fully described

on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 282-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of December A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 282-1

Water Diversion No. 1 Belle Fourche R. Water District
10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James L and Muriel E Jeffery, RR, Fruitdale SD

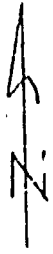
_____ the holder s of
Permit No. 282-1, issued upon Application No. 282-1, bearing date of priority of January 1,
1921* authorizing the diversion of 1.50 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
from the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T8N, R3E
_____, for Irrigation

_____ purposes, ha ve 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 1.05 cu. ft. per second of water.

Date December 7, 1982

NOTE: This is an amendment of the
priority date on this Water License
No. 282-1 to reflect a priority date
of 1921 based on submitted document-
ation to the Water Management Board
approved on October 7, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division



T8N - R3E SEC. 12

NW

NE

JAMES JEFFERY No. 282-1
LANDS IRRIGATED

FRUITDALE

PUMPSITES

19.5

?

2.9

28.5

2.7

17.0

7.8

5.3

14.5

SW

SE

Water Rights Division
605 773-3352

282-1

September 28, 1982

Jim Jeffery
Rural Rt.
Fruitdale SD 57742

Dear Mr. Jeffery:

Your application for changing the priority date on vested water right No. 282-1 from 1936 to 1921 based on documents submitted to this office will be considered by the Water Management Board on October 7, 1982 at 9:00 am. The Board meeting will be held in Meeting Room #1, Knelp Building, located on the corner of Church & Illinois, Pierre SD.

Instead of refiling and being assigned a new water right number, what we want to do is have the Water Management Board reconsider the original filing number 282-1 to recognize the earlier priority based on the documentation submitted by you.

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

Very truly yours,

JAMES E. WINTERTON
Water Resources Engineer

JEW:ks

WATER RIGHTS DIVISION (605) 773-3352

July 23, 1982

Jim Jeffery
Rural Route
Fruitdale, South Dakota 57742

Dear Mr. Jeffery:

Your "vested" right application will be delayed until the next regular meeting of the Water Management Board. You will be notified approximately two weeks prior to the hearing. The reason for the delay is because I did not get it straightened out in time to get it on the agenda.

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

Very truly yours,

Jim Winterton
Water Resources Engineer

JW:ms

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8906

PIERRE, July 21, 1932

RECEIVED OF James L. Jeffery, Rural Route Fruitdale, SD 57742
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)	8	00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	2	50
Fee for inspecting Beneficial Use, and Issuing Water License No.	2	50
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	13	00

WATER RIGHTS COMMISSION

By W. J. Jeffery
Chief Engineer, Executive Officer
(John H. Jeffery)

NOTE

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2)

Post Office Address

State

If a Corporation show date and place of incorporation

13 Notice of Appropriation (If available)

Date of Posting

Date of Recording

Recording Date

14 Date of start of construction of water supply system

15 Date that water was first applied to beneficial use

16 Name of owner of original water supply system

17 Amount of water originally applied to beneficial use

c. f. s.

18 Present Use of Water

Amount of water now being used

c. f. s.

Date that this amount of water was first used

19 Chronological History of Water Use

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Butte) ss.

James L. Jeffery & Muriel Jeffery applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Subscribed and sworn to before me this 15th day of April, 1981

Notary Public, BUTTE COUNTY, S. DAK.
My Commission Expires SEPT. 25, 1982

(Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Orvin H. Stearns
Frank E. Hansen
Fred C. Winkler

Water Rights Division
605 773-3352

June 14, 1982

James L. Jeffery
RR
Fruitdale SD 57742

Dear Mr. Jeffery:

I am returning your application and map along with a copy of Water License No. 282-1. It is my understanding that you are wishing to change the priority date on Water License No. 282-1 from 1936 to 1921 based on affidavits of Mr. Stearns and Mr. Winkler.

Water License No. 282-1 allows the diversion of 1.05 cubic feet per second of water to irrigate parts of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12 and the NE $\frac{1}{4}$ of Section 13 all in T8N, R3E, totaling 73.7 acres. By law, the limit is 1 cfs for each 70 acres. In your "vested" right application, you are requesting a total of 2.0 cfs to irrigate 96.0 acres which would be additional water and additional acreage. Only that which has always been irrigated can qualify for a "vested" right. Please make any of the necessary corrections to your application. It should correspond closely to that of water license No. 282-1. I will retain the affidavits which you sent in from Orin H. Stearns, Fred Winkler, and yourself.

Please return as soon as possible in order to prepare for the meeting to be held the last week of July.

Very truly yours,

JAMES WINTERTON
Water Resources Engineer

JW:ks

enclosure

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

282-1

July 12, 1990

NOTICE OF SHUT OFF ORDER

TO: James Jeffery
Rt 1, Box 82
Fruitdale SD 57742

FROM: Delvin D. Brosz, P.E. *Delvin D. Brosz*
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Shut Off Order, Effective Immediately.

Due to the lack of natural flows in Belle Fourche River, you are ordered to cease any diversion from the Belle Fourche River until the natural flow in the river improves.

Present flows in the river are water being bypassed by the Belle Fourche Irrigation District for downstream domestic users and water purchased by the Belle River Pumpers Association.

If flow conditions do improve, notices will be issued, based on senior priority dates, to allow pumping from the river.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605)773-3352.

cc: Belle Fourche Irrigation District
Belle River Pumpers Association, c/o Thornton Vallery

CERTIFICATION

I hereby certify that on July 12, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Right No. 282-1 addressed as stated on the notice with a copy sent to:

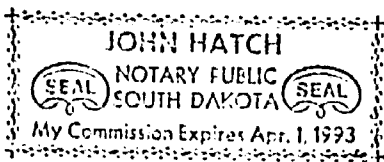
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Belle River Pumpers Association
c/o Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 1990.



John Hatch
Notary Public



Department of Water & Natural Resources

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

August 2, 1990

282-1

RESCISSION OF SHUTOFF ORDER

TO: James Jeffery
Rt 1, Box 82
Fruitdale SD 57742

FROM: Delvin D. Brosz, P.E. *Delvin D. Brosz*
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Rescission of July 12, 1990 Shutoff Order to Belle
Fourche River Water Right Holders

Since the flows in Belle Fourche River have improved and the Belle River Pumpers Association is not ordering water from Keyhole Reservoir, I am rescinding the July 12, 1990 shutoff order, effective immediately.

Diversion of water from Belle Fourche River must be based on priority date. Flows must still be bypassed for downstream domestic use.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, Phone (605) 773-3352.

cc: Belle Fourche Irrigation District
Belle Fourche Pumpers Association, c/o Thornton Vallery

CERTIFICATION

I hereby certify that on August 2, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Recission of Shutoff Order for Water Right No. 282-1 addressed as stated on the notice with a copy sent to:

Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

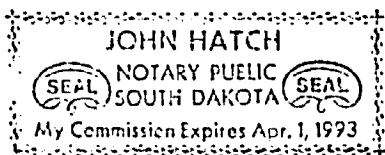
Belle River Pumpers Association
c/o Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 3rd day of August, 1990.



John Hatch
Notary Public

21

Notice of intent to validate vested water rights claims.

NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHTS CLAIMS

Notice is given that the following vested water right claims in BUTTE county are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a

petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address

of the petitioner or his legal counsel if legal counsel is obtained. If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validation of the vested water right claim.

The validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3, 1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18; 46-5-1 thru 46-5-6, 1, 46-5-8, 2, 46-5-13 thru 46-5-15, 46-5-30, 2 thru 46-5-37, 1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-14, 46-6-10, 46-6-13, 46-6-14, 46-6-21; 46-7-1 thru 46-7-5, 3, 16-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01

thru 74:02:01:05, 03 and 74:02:01:20 thru 74:02:01:22. Any person wishing further information, a copy of the vested water right claim list for another county of a summary of South Dakota Water Law and Water Rights Information can contact the Chief Engineer, Water Rights Division, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605 773-3352).

2/6/16-23
(To Page Five)

COUNTY BUTTE		DIVERSION POINT				IRRIGATED LAND		WATER		PRIORITY		SOURCE
OWNER	NAME	ADDRESS	LOCATION	SEC.	RANGE	LOCATION	SEC.	ACRES	USED	DATE		
264-1 THOMPSON VALLERY		Box 76, Box 300 MIDLAND, SD 57702	SE1/4NW1/4 NW1/4NE1/4	15	3 N 4 E	NW1/4NE1/4 SE1/4SE1/4	15	40	0.50 CFS	7/1/1925		BELLE FOURCHE RIVER
264-1 THOMPSON VALLERY		Box 76, Box 300 MIDLAND, SD 57702	NW1/4NE1/4	15	3 N 4 E	SE1/4SE1/4	15	12	0.10 CFS	7/1/1925		BELLE FOURCHE RIVER
264-1 THOMPSON VALLERY		Box 76, Box 300 MIDLAND, SD 57702	NW1/4NE1/4	15	3 N 4 E	SE1/4SE1/4	15	12	0.10 CFS	7/1/1925		BELLE FOURCHE RIVER
264-1 THOMPSON VALLERY		Box 76, Box 300 MIDLAND, SD 57702	NW1/4NE1/4	15	3 N 4 E	SE1/4SE1/4	15	12	0.10 CFS	7/1/1925		BELLE FOURCHE RIVER
264-1 THOMPSON VALLERY		Box 76, Box 300 MIDLAND, SD 57702	NW1/4NE1/4	15	3 N 4 E	SE1/4SE1/4	15	12	0.10 CFS	7/1/1925		BELLE FOURCHE RIVER
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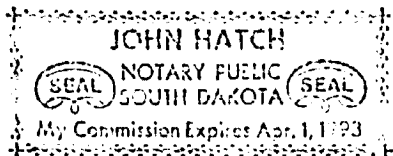
CERTIFICATION

I hereby certify that on December 13, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and a Final Decision for Vested Right Claim No. 282-1 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of December, 1989.



John Walsh
Notary Public

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

December 13, 1989

NOTICE

TO: James Jeffery
RR 1, Box 82
Fruitdale SD 57742

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

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



SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on validation of Vested Right Claim No. 282-1. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, March 7, 1990, Howard Johnson, Roosevelt Jefferson Room, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record (listed above) by February 15, 1990. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record by February 26, 1990.

The public hearing was completed December 6, 1989. No additional testimony will be received on March 7, 1990.

cc: John Guhin, Assistant Attorney General

Dear Sirs,

We wish to withdraw our
protest of the water rights of
Jim Jeffery, (282-1, 1470-1) Fruitdale,
Dick Keder and Dave Rathbun,
Misland, which are coming up
for review on Wednesday Dec. 6.

Sincerely
Lewis Brothers

112 R. Henry 120
27. Land, S. 1876.2

Water Rights Division
Que. Lane Bldg.
Cincinnati, Ohio

Dear Sir,

Recently I signed a protest presented
by Thornton Wiley of Highland, Ill.

I wish to retract my signature from
protests on subjects 287 - 1 (282 - 1)
and 2870 - 1.

Yours truly
Lawrence Frost

CERTIFICATION

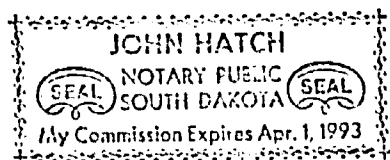
I hereby certify that on October 31, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Validation Hearing for Vested Right Claim No. 282-1 addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 1st day of November, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

October 31, 1989

NOTICE

TO: James & Muriel Jeffrey
RR 1, Box 82
Fruitdale SD 57742

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

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

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

SUBJECT: Validation Hearing for Vested Right Claim No. 282-1,
James & Muriel Jeffery

The Water Management Board will consider validation of Vested Right Claim No. 282-1 at 10:00 am, December 6, 1989 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 10:00 am due to prior agenda items.

This hearing is being held because R. Thornton Vallery opposes validation of Vested Right Claim No. 282-1. The hearing is an adversary proceeding. Any person having filed a petition and the Vested Right claim holder have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

The applicable provisions of the Notice of Intent to Validate Vested Water Right Claims published in the Belle Fourche Daily Post, Belle Fourche, SD on June 21 and 28, 1988 will still apply at this hearing.

cc: John Haak, Assistant Attorney General

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
TO VALIDATE VESTED WATER RIGHT	)	CONCLUSIONS OF LAW
#282-1, JAMES AND MURIEL JEFFERY	)	AND FINAL DECISION

FINDINGS OF FACT

I

This is an application pursuant to SDCL 46-2A-16 and 17 to validate a portion of vested water right which was approved for filing prior to 1986. This application seeks a priority date of January 1, 1921 for .76 CFS of water from the Belle Fourche River to irrigate 53.4 acres. The location of the point of diversion and the location of the use of the water are set out in the document entitled "Permit Number 282-1, Report of Examination of Works and/or Application to Beneficial Use," dated April 18, 1989, by Rassool Ahadi. (The original pre-1986 recognition applied to 73.7 identified acres. Inspection has shown, however, that although 73.7 acres are irrigated, only 53.4 of these identified acres were approved in the pre-1986 recognition. A separate application has been filed with reference to the additional 20.3 acres. See Application for Vested Water Right #1470-1.)

II

The record shows that irrigation has occurred from the time of the priority date to the present. There has

been no showing of a three-year gap in use without legal excuse.

III

The generalized assertion that there is insufficient water in the Belle Fourche River is insufficient to raise any question of fact.

IV

The generalized assertion that the proponent of the vested water right has not cooperated with the local association of irrigators is not probative of any issue in this case.

CONCLUSIONS OF LAW

I

The Board has jurisdiction of this matter.

II

To succeed in validating a claim pursuant to SDCL 46-2A-17, it is necessary for the proponent to show, by a preponderance of the evidence, that irrigation has occurred from the time of the claimed priority date to the present without a three-year hiatus in use without legal excuse. The Board, in weighing the evidence, finds the proponent has carried his burden.

III

There has been no showing of a three-year interruption of abuse of water without legal excuse so as to bring into play the forfeiture statutes.

IV

The use has been developed without unlawful impairment of existing rights.

V

The use for irrigation purposes is a beneficial use and is in the public interest.

FINAL DECISION

The application for validation of Vested Water Right #282-1 is granted subject to the following qualifications:

1. That Vested Water Right #282-1 is subject to the irrigation water use questionnaire being submitted each year.

2. That Vested Water Right #282-1 is subject to by-pass of low flows as needed for downstream domestic use, including livestock watering, and prior water rights.

Dated this 3 day of April, 1990

BY THE BOARD:

Mariane E. Sanderson

c-pld3.jpg

CERTIFICATION.

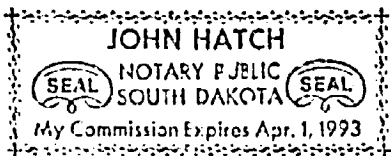
I hereby certify that on April 9, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Adoption of Findings of Fact, Conclusions of Law and Final Decision on Vested Right Claim No. 282-1 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 10th day of April, 1990.

John Hatch
Notary Public



**SOUTH DAKOTA Department of
Water & Natural Resources**

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

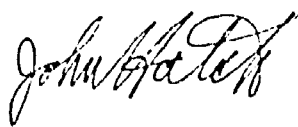
April 9, 1990

NOTICE

TO: James Jeffery
RR 1, Box 82
Fruitdale SD 57742

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

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



SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for validation of Vested Right Claim No. 282-1 which was considered at the December 6, 1989 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 24, 1991

James and Muriel Jeffery
RR 1, Box 82
Fruitdale SD 57742

Dear Mr. & Mrs. Jeffery:

The Water Management Board has validated the enclosed recognized Vested Water Right No. 282-1 and Vested Water Right No. 1470-1. These vested water rights will be followed at a later date by a water license incorporating Nos. (282-1) and 1470-1 into one license. You will be contacted regarding licensing of Nos. 282-1 and 1470-1.

As long as you use the water beneficially, as stated in the validations, 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 VESTED WATER RIGHT CLAIM NO. 282-1 FOR IRRIGATION

Date Claim Accepted For Filing October 30, 1956.

Date of Validation March 7, 1990.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 282-1 for irrigation purposes for James and Muriel Jeffery, RR 1, Box 82, Fruitdale SD 57742 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 282-1 appropriates 0.76 cubic feet of water per second from the Belle Fourche River to irrigate 53.4 acres. The location of the diversion point is in the SE1/4 SW1/4 section 12 and the irrigated acreage is located in the S1/2 SE1/4 section 12; N1/2 NE1/4 section 13; all in T8N-R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year for each acre of irrigated land. The water is to be used during the following annual period: May 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1921.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Vested Water Right No. 282-1 is subject to the irrigation water use questionnaire being submitted each year.
2. Vested Water Right No. 282-1 is subject to by-pass of low flows as needed for downstream domestic use, including livestock watering, and prior water rights.

WATER MANAGEMENT BOARD

By: _____

John Hatch
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

APR 24 1991

date



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-2181

JAMES & MURIAL JEFFERY
RR #1 BOX 82
FRUITDALE SD 57742

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 282-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 282-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1992

282-1

James & Muriel Jeffery
RR #1 Box 82
Fruitdale, SD 57742

Dear Mr. & Mrs. Jeffery:

I am writing in regard to your 1991 irrigation questionnaire for Water Right No. 282-1. It is our understanding that the information pertaining to irrigation under this water right was contained on the questionnaire for Water Right No. 1470-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. Your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4 and 5.
- Print your name and address on the reverse of this form so that we can return it to you.
- Attach this form to the front of the mailpiece, or on the back if you do not permit.
- Write "Return Receipt Requested" on the label below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES & MURIAL JEFFERY
RR #1 BOX 82
FRUITDALE, SD 57742

4a. Article Number

Package 557 671

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1/30/92

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Address)
6. Signature (Agent)

PS Form 3811, November 1990 U.S. GPO: 1991-287-4

DOMESTIC RETURN RECEIPT



282-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: JAMES & MURIAL JEFFERY
RR #1 BOX 82
FRUITDALE SD 57742

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 282-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 282-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 ST. LOUIS, MO 63101

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: JAMES & MURIAL JEFFERY RR #1 BOX 82 FRUITDALE SD 57742		4a. Article Number 282-1 P906 560071	4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature (Addressee)		7. Date of Delivery	
6. Signature (Agent) Murial Jeffery		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

Is your RETURN ADDRESS completed on the reverse side?

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

282-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 1993

282-1
1470-1

James L & Muriel Jeffery
RR #1 Box 82
Fruitdale, SD 57742

Dear Mr. & Mrs. Jeffery:

I am writing to acknowledge receipt your 1992 irrigation questionnaires for Vested Water Right Nos. 282-1 and 1470-1. You may disregard the January 29, 1993, Notices of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire and Violation of Water Permit.

The questionnaires were received prior to the Water Management Board meeting, and your names were deleted from the agenda.

As you requested during our telephone conversation, future irrigation questionnaires for No. 1470-1 will be mailed directly to you and not to James Reid (listed as former renter). If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352