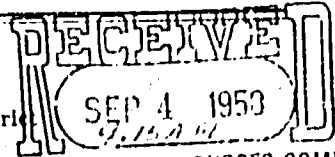


No. 345-1
 Water Division No. 1 Belle Fourche District
 (Blanks to be filled by the Engineer for the W. R. C.)
River



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 Le Roy Thompson
 Postoffice address Hereford Route, County Meade, State South Dakota
Sturgis,

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):

Contract and employment of others

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work _____

3. Amount of water claimed 7.8 4.32 cubic feet per second

4. Source of water supply Alkali Creek

5. Location of point of diversion See, 23, System #2, 2440 Ft. East and 1920 Ft. South
of the Northwest corner of Sec. 24; System #3, 1700 Ft. West and 2000 Ft.
South of the Northeast corner of Sec. 23; all in T. 5 N., R. 7 E. County.
Meade County, South Dakota.

6. Annual period or periods during which water is to be used Spring, summer, and fall as available.

7. To be used for:

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

- (a) Number of acres to be irrigated 301-302.4 acres.
See attached to this application
 (b) Legal subdivisions to be irrigated G. Met

(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 _____

Map No. 312-1

8. Estimated cost of work:

(a) Head Gates, \$1500

(b) Pumping plant \$-----

(c) Plumbing, \$-----

(d) Canal-earth, \$6500.00

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

Diversion dams, ditches, and dikes

II. Dimensions of works:

(a) Dam: Height 10 feet; length at bottom ----- feet; length at top 200 feet; thickness at bottom 105 feet; thickness at top 12 feet; slope at front water face 5:1; slope at back face 3:1 material used in construction Earth and metal culvert

(b) Reservoir: Capacity when filled diversion ----- acre feet. Surface area at highwater mark ----- acres.

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

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

(d) Canal: Total length 3 1/2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	2 feet	10 feet	14 feet	.2 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 completed ----- 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 Meade } ss.

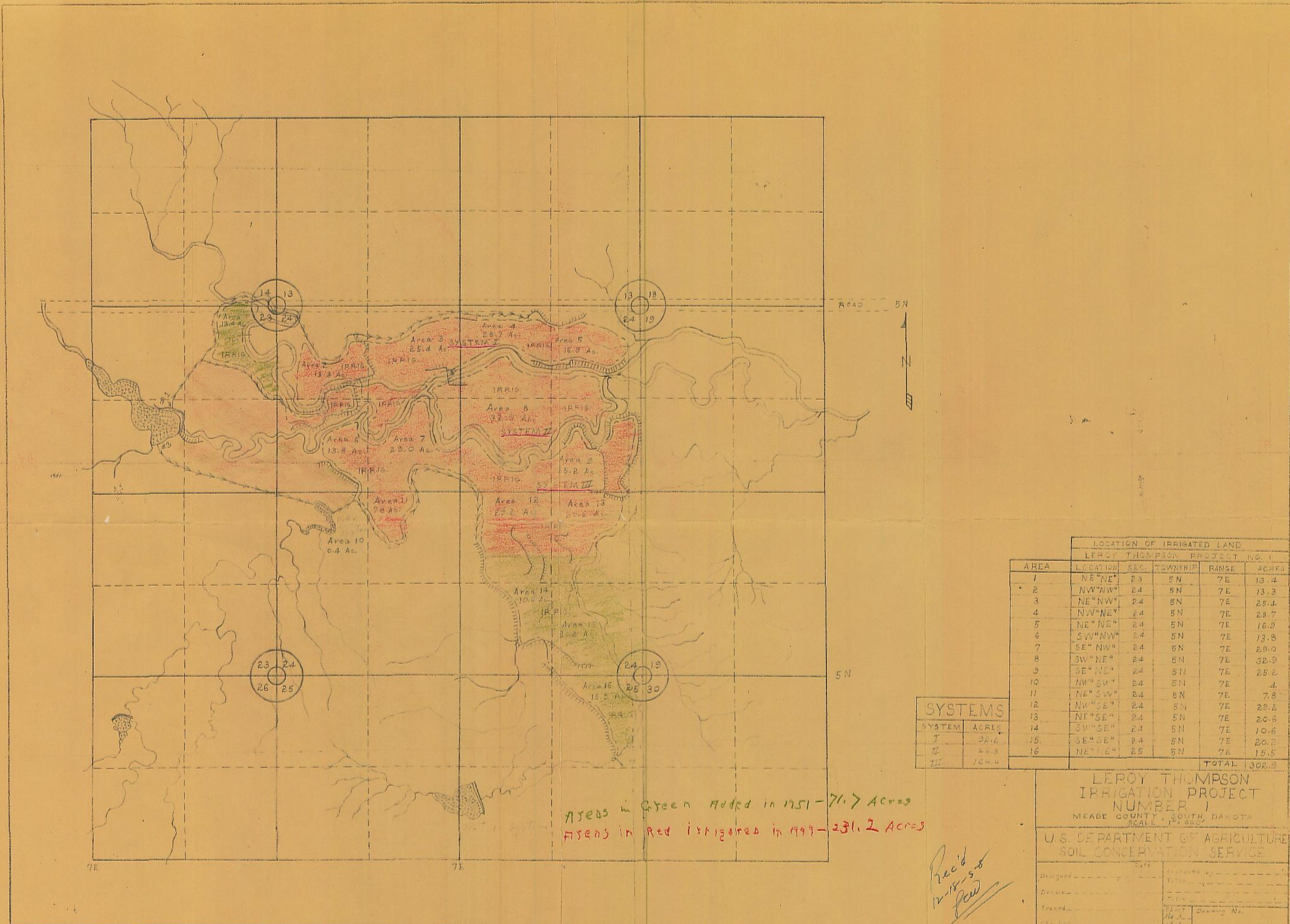
I, Le Roy Thompson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Le Roy Thompson

Subscribed and sworn to before me this 29 day of August, 1958

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Areas in Green Added in 1951 - 71.7 Acres
 Areas in Red Irrigated in 1949 - 231.2 Acres

64.7
 13.4
 58.2

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate is 1 cubic foot per second for each 70 acres irrigated, shall be applied to this dry dry irrigation diversion during periods of flood stage, when such diversions are in excess of the amount of water required for entirely domestic use, navigation and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

September 24, 1958

This is to certify that the foregoing application was received by the Commission at 7:15 o'clock

7 a.m. upon the 4 day of September, 1958

State Water Resources Commission

By:

G. W. Humes

Chief Engineer, Executive Officer

Number of permit

345-1

Date of first receipt of application

September 4, 1958

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

September 24, 1958

Date of receipt of corrected application

October 27, 1958

Date from which applicant may claim right

1.02 c.f.s. from August 27, 1951
3.30 c.f.s. from 1949

Approved October 28, 1958, Recorded in Book

Page 71

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, 1958

2nd. The whole of said work is to be completed on or before

Completed, 1958

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

Completed, 1958

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 4.32 cubic feet per second; neither shall it exceed the capacity of the above described system of diversions, 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, 1958; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

19 day of December, 1958

State Water Resources Commission

By:

G. W. Humes

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 19, 1958

Water License Issued

December 19, 1958

LeRoy Thompson Project #1

302.9 acres

Area 1	NE NE 1/4	Sec. 23)	13.4	acres
Area 2	NW NW 1/4	Sec. 24)	13.3	acres
Area 3	NE NW 1/4	Sec. 24)	25.4	acres
Area 4	NW NE 1/4	Sec. 24)	28.7	acres
Area 5	NE NE 1/4	Sec. 24)	16.9	acres
Area 6	SW NW 1/4	Sec. 24)	13.3	acres
Area 7	SE NW 1/4	Sec. 24)	29.0	acres
Area 8	SW NE 1/4	Sec. 24)	32.9	acres
Area 9	SE NE 1/4	Sec. 24)	25.2	acres
Area 10	NW SW 1/4	Sec. 24)	.4	acres
Area 11	NE SW 1/4	Sec. 24)	7.3	acres
Area 12	NW SE 1/4	Sec. 24)	29.2	acres
Area 13	NE SE 1/4	Sec. 24)	20.6	acres
Area 14	SW SE 1/4	Sec. 24)	10.6	acres
Area 15	SE SE 1/4	Sec. 24)	20.2	acres
Area 16	NE NE 1/4	Sec. 25)	15.5	acres
			<u>302.9</u>	<u>acres</u>

all in T3N, R7E

STATE OF SOUTH DAKOTA

WATER LICENSE No. 345-1

WHEREAS, On the 4th day of September A. D. 1958

LeRoy Thompson

of Hereford Rta., Sturgis County of Meade and State of South Dakota duly made application (No. 345-1) to us for a permit to use Vested Right 7.3 cubic feet per second of the waters of Alkali Creek County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 19th day of December A. D. 1958 of 4.32 cubic feet per second Vested Right Permit No. 345-1 was issued to said applicant... for the diversion of said water, and recognizing completion of the works of diversion therein described on or before the 27th day of August 1951 and in 1949 and 1951 application to beneficial use of said water on or before the 27th day of August A. D. 1951 and in 1949 and

WHEREAS, On the 4th day of September A. D. 1958 the holder Vested of said permit duly made proof of the completion of adequate works for the diversion of 8.0 cubic feet per second of said waters, as evidenced by our Certificate No. 345-1 dated December 19, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of priority August 27, 1951 for 1.02 cfs and 1949 for 3.30 c.f.s. and,

WHEREAS, On the 4th day of September A. D. 1958 proof was duly made of the application to beneficial use of 4.32 cubic feet per second of said water; on 302.9 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23; NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ Sec. 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25 all in T 5 N, R 7 E more particularly described in Certificate of Completion of Works No. 345-1

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 LeRoy Thompson

of Hareford Rte., Sturgis, S.D. the holder and owner of said Vested Right permit No. 345-1

water right, dating from 1949 for 3.30 c.f.s. and August 27 to the use of 4.32
1951 for 1.02 c.f.s.

cubic feet per second of the waters of Alkali Creek

in the County of Meade and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at 1480 feet west and 1460 feet south
of the NE Cor., Sec. 23; 2440 feet east and 1020 feet south of the NW Cor.,
Sec. 24, 1700 feet west and 2000 feet south of the NE Cor., Sec. 23, all
in T 5 N, R 7 E.

and conducted to and upon NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 24;

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, all in T 5 N, R 7 E more particularly described in

Certificate of Completion of Work No. 345-1

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 19th day of December A. D. Nineteen

Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES Chief Engineer, Executive Officer

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 _____

Vested Right

Permit No. 345-1

Belle Fourche

Water Division No. 1 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That LaRoy Thompsonof Hereford Rt., Sturgis, County of Moada, and State of South Dakota, the holder of Permit No. 345-1 Issued upon ApplicationNo. 345-1, bearing date or priority of 1949 for 3.30 d.f.s. and authorizing the diversion of August 27, 1951 for 1.02 c.f.s.4.32 cu. ft. per second of the waters of Alkali CreekCounty of Moada, State of South Dakota, at 1480 feet west and 1460 feet south of the NE Cor. Sec. 23; 2440 feet east and 1120 feet south of the NW Cor., Sec. 24; 1700 feet west and 2000 feet south of the NE Cor. Sec. 23; all in T 5 N, R 7 E for irrigation purposespurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 8.0 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: <u>NE$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 23)</u>	<u>13.4 acres</u>
<u>NW$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 24)</u>	<u>13.3 acres</u>
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 24)</u>	<u>25.4 acres</u>
<u>SW$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 24)</u>	<u>13.8 acres</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 24)</u>	<u>29.0 acres</u>
<u>NW$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 24) all in T 5 N, R 7 E</u>	<u>28.7 acres</u>
<u>NE$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 24)</u>	<u>16.9 acres</u>
<u>SW$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 24)</u>	<u>32.9 acres</u>
<u>SE$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 24)</u>	<u>25.2 acres</u>
<u>NW$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 24)</u>	<u>.4 acres</u>
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 24)</u>	<u>7.8 acres</u>
<u>NW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 24)</u>	<u>29.2 acres</u>
<u>NE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 24)</u>	<u>20.6 acres</u>
<u>SW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 24)</u>	<u>10.6 acres</u>
<u>SE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 24)</u>	<u>20.2 acres</u>
<u>NE$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 25)</u>	<u>15.5 acres</u>
Total	302.9 acres

Witness my hand this 19th day of December A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 345-1
Belle Fourche
 Water Division No. 1 River Water District

Proof of Application of Water to Beneficial Use.

PETITION OF HOLDER

Rec'd
Sept. 4, 1958

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

Ans. Le Roy Thompson, Hereford Route, Sturgis, South Dakota.

Occupation: Ranching

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. 27th day of August, 1951

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

Ans. Alkali Creek; System #1 - 1480 Ft. West and 1460 Ft. South of the
Northeast corner of Section 23; System #2 - 2440 Ft. East and
1020 Ft. South of the Northwest corner of Section 24; System #3 -
1200 Ft. West and 2000 Ft. South of the Northeast corner of Section
23, all in T. 5 N, R. 7 E.

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. Diversion dam and $4\frac{1}{2}$ miles of canal capable of conveying 8 cu.
ft. of water per second; completed in August of 1951

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. Irrigation of hay land. See map for each subdivision.

System No. 1. 92.2 acres; System No. 2. 46.3 acres; System
No. 3. 164.4 acres; total acres in entire system 301 acres.

301.9

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

Ans. None

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

Ans. 8 second feet of water

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. Part of system was completed in 1949. However, in 1951 system was improved bringing more acres under irrigation. This system has been used each year when water was available.

(Sign) Clayton Thompson

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 the City of Sturgis, County of Meade

State of South Dakota, on this 29th day of August A. D. 1958

James Overland
Cyrus Johnson } Witnesses. David E. Merrill
Notary Public

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

Cyrus Johnson
Clayton Thompson

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 -----	

KNOW ALL MEN BY THESE PRESENTS:

JAN 18 1953

That Le Roy Thompson OFFICE OF STATE ENGINEER
PIERRE, S. DAK.
whose post office is Sturgis, South Dakota, a citizen of the
United States, above the age of 21 years, being in possession of the following
described land, to wit:

~~ALL THE~~ W 1/2 of Section 18

Section 18 Township 5 North
range 8 East B.H.M., in Meade County, South Dakota.

Availing him self of the right granted him under the provisions of
Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has loc-
ated and claims the right to construct a certain dam across a dry draw
situated in the SW 1/4 of the NW 1/4 of section 18 township 5 N
range 8 E, B.H.M. and has located and claims the right to construct ditches
and flumes for the purpose of directing flood waters from said dam for irri-
gation of the land first above described and for Live Stock Purposes, and
claims the right of way across any land for the purpose of conveying water
for said purposes.

Said locator claims for the above purpose 10 cubic feet of water
per second during the following described annual periods: When available
between March 1 and October 31 inclusive, each year.

The location of the point of diversion of the reservoir is as follows:

From the Northwest corner of Section 18, T 5 N, R 8 E, B.H.M., South
110 rods; thence East 68 rods to the point of diversion.

The ditch as will run in a southwesterly direction to
and on said land for a distance of 1800 feet.

Said location was made on the 15th day of January 19 53

Witness my hand and seal this 15th day of January 19 53

Le Roy Thompson
Locator

STATE OF SOUTH DAKOTA,)
County of Meade) ss.

On the 15th day of January 1953, before me
Otto H. Langhinrichs, a Notary Public in for
the County and State aforesaid, personally appeared Le Roy Thompson to me
personally known to be the person who executed the foregoing instrument and
acknowledged that he executed the same for the use and purposes therein set forth

Witness my hand and official seal the day and date above written

Otto H. Langhinrichs
Notary Public

KNOW ALL MEN BY THESE PRESENTS:

That LeRoy Thompson
whose post office is Sturgis, South Dakota, a citizen of the
United States, above the age of 21 years, being in possession of the following
described land, to wit:

NE 1/4 of Section 23; NW 1/4 of Section 24

Section 23 Township 5 North
range 7 East B.H.M., in Meade County, South Dakota.

Availing him self of the right granted him under the provisions of
Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has loc-
ated and claims the right to construct a certain dam across a dry draw
situated in the NW 1/4 of the NW 1/4 of section 24 township 5 North
range 7 E, B.H.M. and has located and claims the right to construct ditches
and flumes for the purpose of directing flood waters from said dam for irri-
gation of the land first above described and for Live Stock Purposes, and
claims the right of way across any land for the purpose of conveying water
for said purposes.

Said locator claims for the above purpose 12 cubic feet of water
per second during the following described annual periods March 1 to
October 31 inclusive, each year.

The location of the point of diversion of the reservoir is as follows:

From the Northwest corner of Section 24, T 5 N, R 7 E.B.H.M.,
east 13 rods; thence south 5 rods

The ditches will run in a easterly direction to
and on said land for a distance of 3600 feet.

Said location was made on the 29th day of May 1950

Witness my hand and seal this 29th day of May 1950

LeRoy Thompson
Locator

STATE OF SOUTH DAKOTA,)
County of Meade) ss.

On the 29th day of May 1950, before me Betty Herbst

, a Notary Public in for
the County and State aforesaid, personally appeared LeRoy Thompson to me
personally known to be the person who executed the foregoing instrument and
acknowledged that he executed the same for the use and purposes therein set forth

Witness my hand and official seal the day and date above written.

Betty Herbst
Notary Public

Neade County, South Dakota

47-047

State and County Code and
Farm Number

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned,

Louis Carlson

(Name of Person or Persons Granting Easement)

party of the first part, for a good and valuable consideration the receipt of which is hereby acknowledged, do hereby grant unto

LeRoy Thompson

(Name of Producer on Above-Numbered Farm)

party of the second part, and his (her) heirs, successors, or assigns, the right of flowage caused by the construction of dams or drainage ditches upon other lands adjacent to or in the neighborhood of the following described real estate:

Entering Sec. 19 in the NW of the SW and flowing through the SE of the NW of Sec. 19, all in T5N R8E.
(Legal description of land to which water will be diverted)

which said real estate is owned by party of the first part. The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 3 day of September 1958.

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA

COUNTY OF Neade

} ss.

Louis Carlson
Party of the first part

LeRoy Thompson
Party of the second part

On this 3 day of September, in the year 1958, before me personally

appeared Louis Carlson and LeRoy Thompson known to me or proved to me

on the oath of _____, to be the persons who are described in, and who executed the within instrument, and acknowledged to me that he (they) executed the same.

In witness whereof I hereunto set my hand and official seal.

(Seal and date of expiration
of Notary's commission

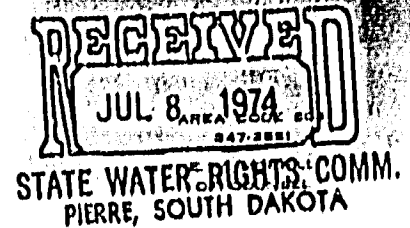
E. H. Hamer
Notary Public

12-2-58

LAW OFFICES
MORRILL & HANSEN
P. O. BOX 580 • 113 AHERMAN STREET
STURGIS, SOUTH DAKOTA, 57708

DAVID E. MORRILL
DALE R. HANSEN

July 5, 1974



State Water Resources Commission
Pierre, South Dakota 57501

Dear Sirs:

I am enclosing a copy of two location notices filed by LeRoy Thompson of Sturgis, South Dakota and also two forms from the Water Resources Commission referring to application numbers 345-1 and 346-1.

I have been doing some research for Mr. Thompson concerning what his water rights are on his ranch and I would like to know whether any permits have ever been issued Mr. Thompson based on either location notice or on any other location notice which you may have on file in your office.

Also Mr. Thompson is interested in the status of the water rights on two wells located on the North Half of Section Eighteen, Township Five North, Range Seven East of the Black Hills Meridian, Meade County, South Dakota. These were two wells drilled by the United States government at the time that a Titan Missile Site was located on the above described property. It is my understanding that both of these wells were free flowing and since Mr. Thompson's ranch lies directly below both of these wells it would be possible for him to appropriate water from either one or both of these wells for irrigation use. Thank you very much for any information that you could give to me.

Yours truly,

Dale R. Hansen
Dale R. Hansen

DRH:vb

Enclosures

Discovered on 7-8-74

Information about 345-1 and 346-1 had been received and filed as water rights claimed by Mr. Thompson - covered same lands as described in location notices.

Advised of problem involved in Title base work.

**South Dakota Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

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

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 345-1, 346-1, 347-1, 348-1 and 349-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

John Hatch

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



STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE INFORMATION ON THIS SLIDE IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND HAS BEEN FILED IN THE BUREAU OF RECORDS MANAGEMENT OF THE STATE OF SOUTH DAKOTA
IN ACCORDANCE WITH THE PROVISIONS OF THE ARCHIVAL RECORDS ACT IN A MANNER
WHICH IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL ARCHIVES OF THE UNITED STATES
FOR THE PRESERVATION OF RECORDS OF THE NATIONAL ARCHIVES OF THE UNITED STATES
REPRODUCTION - REPRODUCTION 25 - REL. NO. 25-78 - DATE REPRODUCED 10-22-88
NAME REPRODUCED John Hatch, Chief Engineer

Water Rights Program -- File Documentation

NAME: Ed Thompson

ADDRESS: HC 75 Box 134, Sturgis SD 57785

DATE: September 27, 1999 COUNTY: Meade

RE: Validation Investigation of Vested Right Claim No. 345-1

COMMENTS:

On September 21, 1988, Notice was given to Thompson Ranch, Inc. that the Chief Engineer was opposing validation of No. 345-1 until a field inspection could be completed. The basis for the opposition was to determine if the project was developed as described on the original claim since no inspection had been completed.

INVESTIGATION RESULTS:

On July 14, 1999, a field inspection with Ed Thompson found the irrigation project still in use with the same diversion points and diversion works as described on the Proof of Application of Water to Beneficial Use form. The irrigated acreage is located within the area described on the Certificate of Completion of Works. The acreage being irrigated is described below. All in Section T5N-R7E:

Section 24				
NW¼NW¼ 25 ac	NW¼NE¼ 27.5 ac	NW¼SE¼ 31 ac		Totals by Section
NE¼NW¼ 24 ac	NE¼NE¼ 20 ac	NE¼SE¼ 22 ac		Section 24: 292.9 ac
SW¼NW¼ 16 ac	SW¼NE¼ 35 ac	SW¼SE¼ 12 ac		Section 25: <u>10 ac</u>
SE¼NW¼ 22 ac	SE¼NE¼ 28 ac	SE¼SE¼ 20 ac		Total 302.9 ac
NE¼SW¼ 10 ac		Section 25		
NW¼SW¼ 0.4 ac		NE¼NE¼ 10 ac		

RECOMMENDED ACTION:

Vested Right Claim No. 345-1 needs to be scheduled for validation for 302.9 acres as described above with a diversion rate of 3.30 cfs (priority date of January 1, 1949) and 1.02 cfs (priority date of August 27, 1951). Since the number of acres and diversion rate are not being changed, no Notice to Mr. Thompson is necessary. However, since Mr. Thompson is being notified of action on other claims, validation of this claim may as well be included in the Notice for the sake of clarity.


 Ron Duvall, Natural Resources Engineer
 Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 1999

Ed Thompson
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

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

No. 345-1

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

No. 346-1

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

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

No. 347-1

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

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

No. 348-1

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

No. 349-1

This vested right claim is for 333 acres in sections 19, 20, and 21; all in T5N-R8E. The inspection found 336 acres being irrigated within the area described on the claim. The remaining acreage (358 - 336 = 22 acres) is not being irrigated. Enclosed is a map of the irrigated acreage and a short documentation of what the inspection found. Claim No. 349-1 will be scheduled for validation by the Water Management Board for irrigation of 336 acres from the diversion points described on the claim. A transfer of ownership form is also enclosed to change the name on No. 349-1 from Keffeler Ranch Inc to you.

October 25, 1999
Ed Thompson
Page 3 of 3

No. 1523-1

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

October 25, 1999

No. 345-1

Enclosed is a short documentation of what the inspection found and a map showing the irrigated area. This claim will be scheduled for validation by the Water Management Board for irrigation of 302.9 acres. Notice of the time and place of hearing will be provided to you.

There are no applications needed to correct anything associated with this claim. Please complete the transfer of ownership form in the manila folder containing all of the transfer forms. Thank you,

Ron



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 12, 2000

Ed Thompson
HC 75 Box 134
Sturgis SD 57785

Dear Mr. Thompson:

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

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

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

Sincerely,

Ren Duvall
Natural Resources Engineer
Water Rights Program

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 345-1



Date: Nov. 22, 1999

I/We request that Vested Water Right No. 345-1

formerly owned by: Le Roy Thompsen, Hereford Route, Sturgis SD 57785

be transferred to: (name & address) Thompson Ranch, Inc., HC 75 Box 134 Sturgis, SD 57785

Telephone No. 605-347-3183

Title to the following described land(s)/property has been transferred as described above:

All in Section T5N-R7E:

Section 24			
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 25 ac	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.5 ac	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac	Totals by Section Section 24: 292.9 ac Section 25: <u>10 ac</u> Total 302.9 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 24 ac	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20 ac	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 22 ac	
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 ac	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 35 ac	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12 ac	
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 22 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 ac	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 ac		Section 25	
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 0.4 ac		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 10 ac	

I/We understand that the validity of Vested Water Right No. 345-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Meade)

I/We Thompson Ranch, Inc. 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 that I know of my own personal knowledge that the information herein stated is true.

Thompson Ranch Inc.
by Ed Thompson
(Signed)

Subscribed and sworn to before me this 28th day of January, 2000.

Margaret Nickisch
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416569

July 6, 2000

Pierre,

Sturgis, SD 57765-8908

RECEIVED OF Thompson Ranch, Inc., hC 75, Hereford Rt., Box 134, Sturgis, SD 57765-8908
the following amount in fees for services rendered as provided for by law:

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

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____ after period of seven years.

Fee to retain Future Use Permit No. _____

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

Fee for Filing Transfer Form Vested Water Right No. 345-1

Fee for Filing Extension Request _____

Fee for _____

Total

2 50

(Any Other Work Provided by Law)

By Harold E. Bell
Chief Engineer

SOUTH DAKOTA

VESTED WATER RIGHT NO. 345-1 FOR IRRIGATION

Date of Receipt of Claim September 4, 1958.

Date of Validation September 28, 2000.

The Water Management Board validated Vested Water Right Claim No. 345-1 for irrigation purposes for Thompson Ranch, Inc., HC 75, Box 134, Sturgis SD 57785-8908 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 345-1 authorizes diversion of 4.32 cubic feet of water per second (cfs) from Alkali Creek located in the SW ¼ NE ¼ Section 23 to irrigate 302.9 acres located in the NW ¼, N ½ SW ¼, E ½ Section 24 and the NE ¼ NE ¼ Section 25; all in T5N-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 – October 31.
3. The priority dates of the Vested Water Right are: 3.30 cfs – January 1, 1949
1.02 cfs – August 27, 1951
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

The diversion rate limitation of 1 cubic feet of water per second for each 70 acres irrigated shall not apply to this dry draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

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

NOV 01 2000

date



REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 345-1 FOR IRRIGATION

(1) LeRoy Thompson, Sturgis SD was issued Vested Water Right License No. 345-1, December 19, 1958 for a right to appropriate 4.32 cubic feet of water per second from Alkali Creek, Meade County, South Dakota, for irrigation purposes with a priority date of January 1, 1949 and August 27, 1951. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

On February 9, 2000, Vested Right No. 345-1 was transferred to Thompson Ranch, Inc.

On September 28, 2000, the Water Management Board validated Vested Right No. 345-1. Vested Right No. 345-1 is being reissued to correct the location of the irrigated acreage to the actual location, based on a July 14, 1999 investigation of the system.

(2) It is certified that the vested right owner is entitled to divert 4.32 cubic feet of water per second for beneficial use. The location of the diversion points are: 1,480 feet west and 1,460 feet south of the northeast corner (SW 1/4 NE 1/4) and 1,700 feet east and 2,000 feet south from the northeast corner (SW 1/4 NE 1/4); both in Section 23-T5N-R7E.

The location of the irrigated acreage is all in T5N-R7E:

Section 24						Totals by Section	
NW 1/4 NW 1/4	25 ac	NW 1/4 NE 1/4	27.5 ac	NW 1/4 SE 1/4	31 ac	Section 24:	292.9 ac
NE 1/4 NW 1/4	24 ac	NE 1/4 NE 1/4	20 ac	NE 1/4 SE 1/4	22 ac	Section 25:	10 ac
SW 1/4 NW 1/4	16 ac	SW 1/4 NE 1/4	35 ac	SW 1/4 SE 1/4	12 ac	Total	302.9 ac
SE 1/4 NW 1/4	22 ac	SE 1/4 NE 1/4	28 ac	SE 1/4 SE 1/4	20 ac		
NE 1/4 SW 1/4	10 ac			Section 25			
NW 1/4 SW 1/4	0.4 ac			NE 1/4 NE 1/4	10 ac		

(3) Pursuant to Section 46-5-30.1 Thompson Ranch, Inc., HC 75, Box 134, Sturgis SD 57785 the holder and/or owner of Vested Water Right No. 345-1 is reissued a license to appropriate 4.32 cubic feet of water per second from Alkali Creek with priority dates of January 1, 1949 (3.30 cfs) and August 27, 1951 (1.02 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 345-1 and subject to South Dakota State Law.

Garland Erbele

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

NOV 01 2000

date





NOV 01 2000

345-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

Dear Mr. Thompson:

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

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

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

Sincerely,

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

enclosures

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

345-
MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

