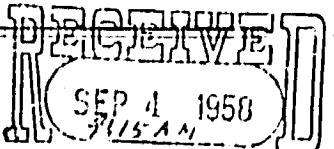


Water Division No. 1

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

No. 346-1Belle Fourche
River

District

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 LeRoy 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 151 acre feet 2.15 c.f.s. maximum cubic feet per second
4. Source of water supply dry draw
5. Location of point of diversion 850 Ft. South, 600 Ft. East of Northwest corner
Sec. 18, T. 5 N., R. 7 E. on Southwest bank Meade County.
6. Annual period or periods during which water is to be used When 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
- 151
- acres, and
- SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13.
-
- See map.

(b) Legal subdivisions to be irrigated SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 18
(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. 313-1

8. Estimated cost of work:

(a) Head Gates, \$ 125

(b) Pumping plant, \$

(c) Fluming, \$

(d) Canal earth, \$ 1500.00

Rock, \$

(e) Other structures \$

Total, \$

9. Description of diversion works:

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

Diversion ditch, metal culvert and gate

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-Feet CAPACITY

(c)* Head gate: Width 2 Ft. culvert feet; height feet; Material Metal culvert

(d) Canal: Total length 1 canal 6 miles. dikes

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	2 feet	5 feet	9 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

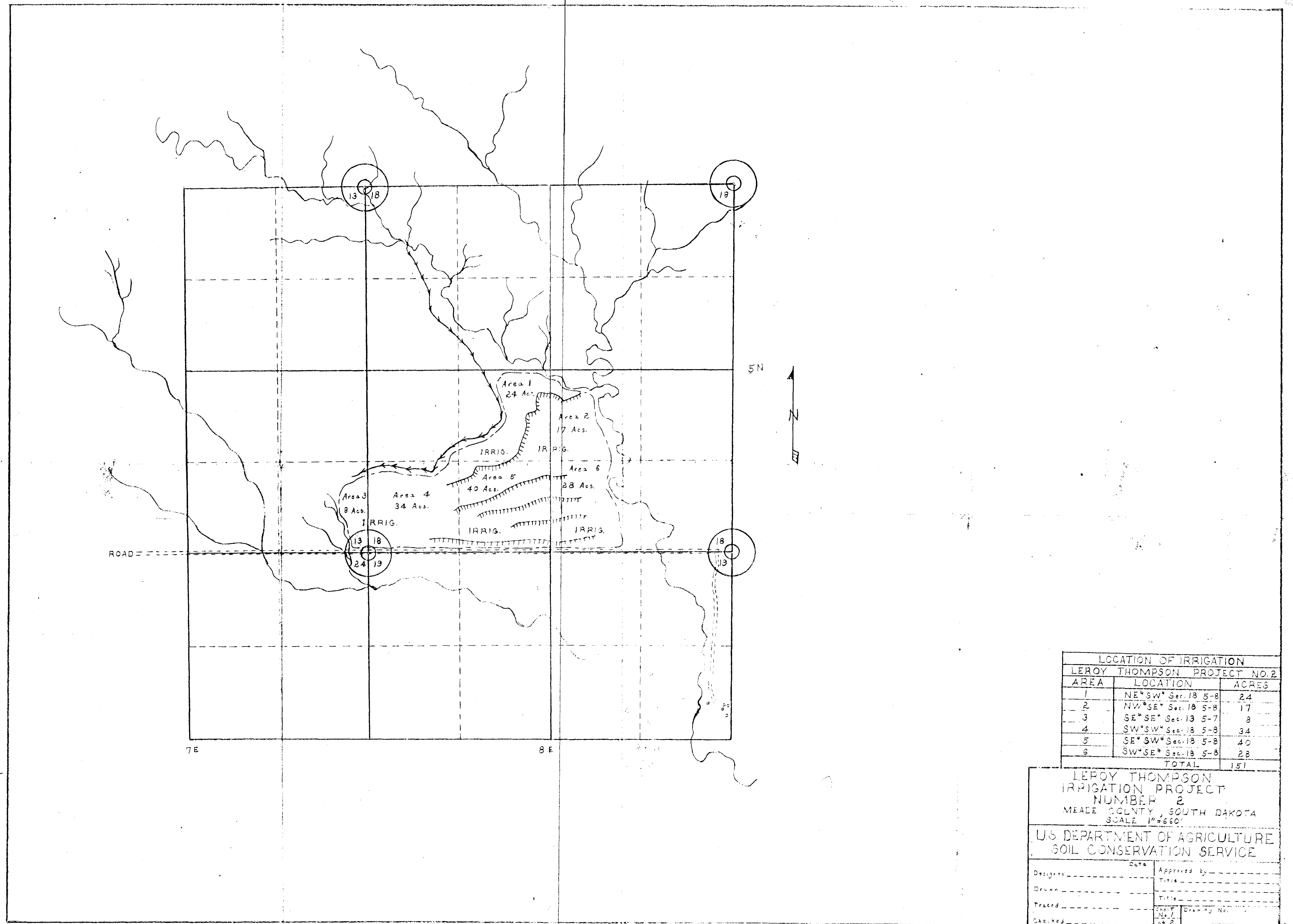
County of Meade ss.

I, L. 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 L. Roy Thompson

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

Notary Public (or other qualified officer.)



Map No. 313-1

Appl. No. 346-1

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dr. Dren 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.

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 9:15 o'clock

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

State Water Resources Commission

By:

J. C. Brinner

Chief Engineer, Executive Officer

Vested Right

Number of permit 846-1

Date of first receipt of application September 4, 1958

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 January 15, 1953

Approved October 28, 1958, Recorded in Book 25 Page 72

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

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 2 1/2 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; 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:

J. C. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued

December 19, 1958

Water License Issued

December 19, 1958

Legal Subdivisions to be irrigated:

NE $\frac{1}{4}$ SW $\frac{1}{4}$	)		24 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	)		34 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	)	all in Sec. 18, T 5 N,	40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	)	R 8 E	17 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	)		28 acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T 5 N, R 7 E
Total

8 acres
151 acres

STATE OF SOUTH DAKOTA

WATER LICENSE No... 346-1...

WHEREAS, On the 4th day of September A. D. 1958
LeRoy Thompson
 of Hereford Rte., Sturgis County of Meade and State of
South Dakota duly made application (No. 346-1) to us for Vested Right permit to use 2.15
 cubic feet per second of the waters of a dry draw
 County of Meade State of South Dakota, for Irrigation
 purposes; and

WHEREAS, On the 19th day of December A. D. 1958
Vested Right Permit No. 346-1 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 15th day of
January A. D. 1953 and ~~xxx~~ application to beneficial use of said
 water on or before the 15th day of January A. D. 1953
 and,

WHEREAS, On the 4th day of September A. D. 1958
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 10
 cubic feet per second of said waters, as evidenced by our Certificate No. 346-1
 dated December 19, 1953 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 10 cubic feet per second of water, with date of
 priority of January 15, 1953 and ~~xxx~~

WHEREAS, On the 4th day of September A. D. 1958
 proof was duly made of the application to beneficial use of 2.15 cubic feet per second of said water;
on 151 acres located in the SE $\frac{1}{4}$ Sec. 13, T 5 N, R 7 E; NE $\frac{1}{4}$ SW $\frac{1}{4}$,
 S $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 18, T 5 N, R 7 E more particularly described
 in Certificate of Completion of Works No. 346-1.

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 the holder and owner of said Vested Right 346-1
 a water right, dating from January 15, 1953 to the use of 2.14
 cubic feet per second of the waters of a dry draw
 in the County of Meade and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at 850 feet south and 600
feet east of the NW Cor., Sec. 18, T 5 N, R 7 E
 and conducted to and upon SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, T 5 N, R 7 E; NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ and
W $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 18, T 5 N, R 8 E more particularly described in Certificate
of Completion of Works No. 346-1
 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 1953 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. 346-1

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 LeRoy Thompsonof Hereford Route, Sturgis, County of Meade, and State of South Dakota, the holder of Vested Right Permit No. 346-1 Issued upon ApplicationNo. 346-1, bearing date of priority of January 15, 1953, authorizing the diversion of 2.15 cu. ft. per second of the waters of a dry drainCounty of Meade, State of South Dakota, at 350 feet south and 600 feet east of the NW Cor., Sec. 13, T 5 N, R 7 Efor irrigationpurposes, 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 10 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 1/4 SW 1/4</u>)	<u>24</u> acres
<u>SW 1/4 SW 1/4</u>) all in Sec. 18,	<u>34</u> acres
<u>SE 1/4 SW 1/4</u>) T 5 N, R 8 E	<u>40</u> acres
<u>NW 1/4 SE 1/4</u>)	<u>17</u> acres
<u>SW 1/4 SE 1/4</u>)	<u>28</u> acres

<u>SE 1/4 SE 1/4, Sec. 13, T 5 N, R 7 E</u>	<u>8</u> acres
---	----------------

Total -	<u>151</u> acres
---------	------------------

Witness my hand this 19th day of December A. D. 19 58

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 346-1Water Division No. 1Belle Fourche
River Water DistrictRec'd 41, 1953
Sept.**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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. January 15, 1953

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

Ans. dry draw, 850 Ft. South, 600 Ft. East of Northwest corner of
Sec. 18, T. 5 N, R. 7 E. on Southwest bank, Meade County, South Dakota.

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 ditch, metal culvert and gate, 6 miles of ditch
and dikes capable of conveying 10 sect. ft of water. Completed in
August, 1952.

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. For irrigation on 151 acres, refer to 8M of map for
location.

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

Ans. _____

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

Ans. 2.2 cu. ft. per second

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. _____

South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

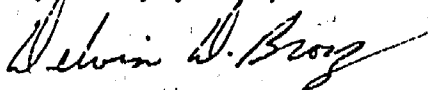
Thompson Ranch, Inc.
HC 75, Box 134
Sturgis SD 57785

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, Chief Engineer
Water Rights Division
605 773-3352



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. 346-1

COMMENTS:

On September 21, 1988, Notice was given to Thompson Ranch, Inc. that the Chief Engineer was opposing validation of No. 346-1 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. With the exception of 5 acres, the irrigated acreage is located within the area described on the Certificate of Completion of Works. The irrigated acreage covered by claim is described below:

Section 18-T5N-R8E	Section 13-T5N-R7E	Totals by Section
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 28 ac	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 4 ac	Section 18: 147 ac
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36 ac		Section 13: <u>4 ac</u>
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 ac		Total <u>151 ac</u>
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 ac		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 27 ac		

RECOMMENDED ACTION:

Vested Right Claim No. 346-1 needs to be scheduled for validation for 151 acres as described above with a diversion rate of 2.15 cfs and a priority date of January 15, 1953. 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. In addition, an application needs to be filed for the 5 acres not included within the area specified on Claim No. 346-1. This acreage is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (4 acres) and NW $\frac{1}{4}$ SW $\frac{1}{4}$ (1 acre); all in section 18-T5N-R8E.



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 all of the project was completed on or before March 2, 1955, then you may claim a vested right. An Affidavit of Water Use form is enclosed if you intend to claim a vested water right for the additional acreage. A transfer of ownership form is also enclosed to change the name on No. 346-1 from LeRoy Thompson to you.

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

No. 347-1

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

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

No. 348-1

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

No. 349-1

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

October 25, 1999
Ed Thompson
Page 3 of 3

No. 1523-1

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

Directions for completing application forms

October 25, 1999

Each of the manila folders contain the enclosures mentioned in the cover letter. Those folders containing permit applications have applications that are partially-completed. The parts of the applications you need to complete are highlighted with red marks. After completing each application, all the applications need to be signed in the presence of a notary public. I have completed a map for you for each application. Please review each map for accuracy and return the maps with the completed applications.

Except for vested right claims, the application fee is dependent on the number of acres being irrigated. In addition to the application fee for nonvested right applications, there is a \$50.00 fee for licensing the permit. Issuance of the license is the final step in obtaining a water right permit. If claiming a vested water right, the application is \$15.00 regardless of the number of acres and there is no additional fee for the license. If you are claiming a vested right you will also need to complete the Affidavit of Water Use Form. Item A on this form may not be applicable, please complete as much of the remainder of the form as possible.

Each manila folder has a cover sheet explaining what the fee is depending on whether you claim a vested right or apply for a new water right permit. Please remit whichever fee is applicable to the type of application.

All of the applications also contain a detailed instruction sheet if you have more questions. Please give me a call at (605) 773-3352 if you need any assistance.

October 25, 1999

No. 346-1

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 151 acres. Notice of the time and place of hearing will be provided to you.

The inspection found there is an additional 5 acres being irrigated as part of the project that need to be covered by either a vested water right or a new water right permit. Enclosed in this folder is an application to cover the five acres and add a second diversion point. If the irrigation qualifies as a vested water right, then the fee is \$15.00. If the irrigation began following March 2, 1955, then a new application needs to be filed. The application fee for a new permit for 5 acres is \$50.00 plus an additional \$50.00 for issuance of a water license. Please remit the correct fee when you return the completed application. The other expense to you will be publication of a notice in your local newspaper regardless of whether the application is for a vested right or a new water right permit.

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.

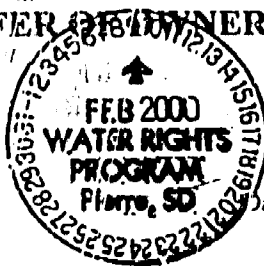
Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

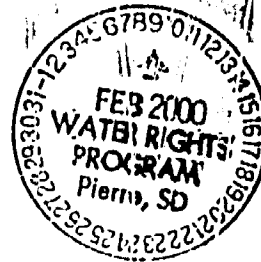
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 346-1



Date: Nov. 22, 1999

I/We request that Vested Water Right No. 346-1

formerly owned by: Le Roy Thomspan, 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:

Section 18-T5N-R8E	Section 13-T5N-R7E	Totals by Section
NE¼SW¼ 28 ac	SE¼SE¼ 4 ac	Section 18: 147 ac
SW¼SW¼ 36 ac		Section 13: 4 ac
SE¼SW¼ 39 ac		Total 151 ac
NW¼SE¼ 17 ac		
SW¼SE¼ 27 ac		

I/We understand that the validity of Vested Water Right No. 346-1 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 Hickish
(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 416570

Pierre, July 6, 2000

RECEIVED OF Thompson Ranch, Inc., HC 5 Hereford Rt., Box 134, Sturgis, SD 57785-8908
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 346-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

Harold E. [Signature]

SOUTH DAKOTA

VESTED WATER RIGHT NO. 346-1 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. 346-1 for irrigation purposes for Thompson Ranch, Inc., HC 75 Box 134, Sturgis SD 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 346-1 authorizes diversion of 2.15 cubic feet of water per second from a dry draw located in the NW ¼ NW ¼ Section 18-T5N-R7E to irrigate 151 acres located in the SE ¼ SE ¼ Section 13-T5N-R7E and the NE ¼ SW ¼, S ½ SW ¼, S ½ SE ¼ Section 18-T5N-R8E.
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 date of the Vested Water Right is January 15, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

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





NOV 01 2000

346-1
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.

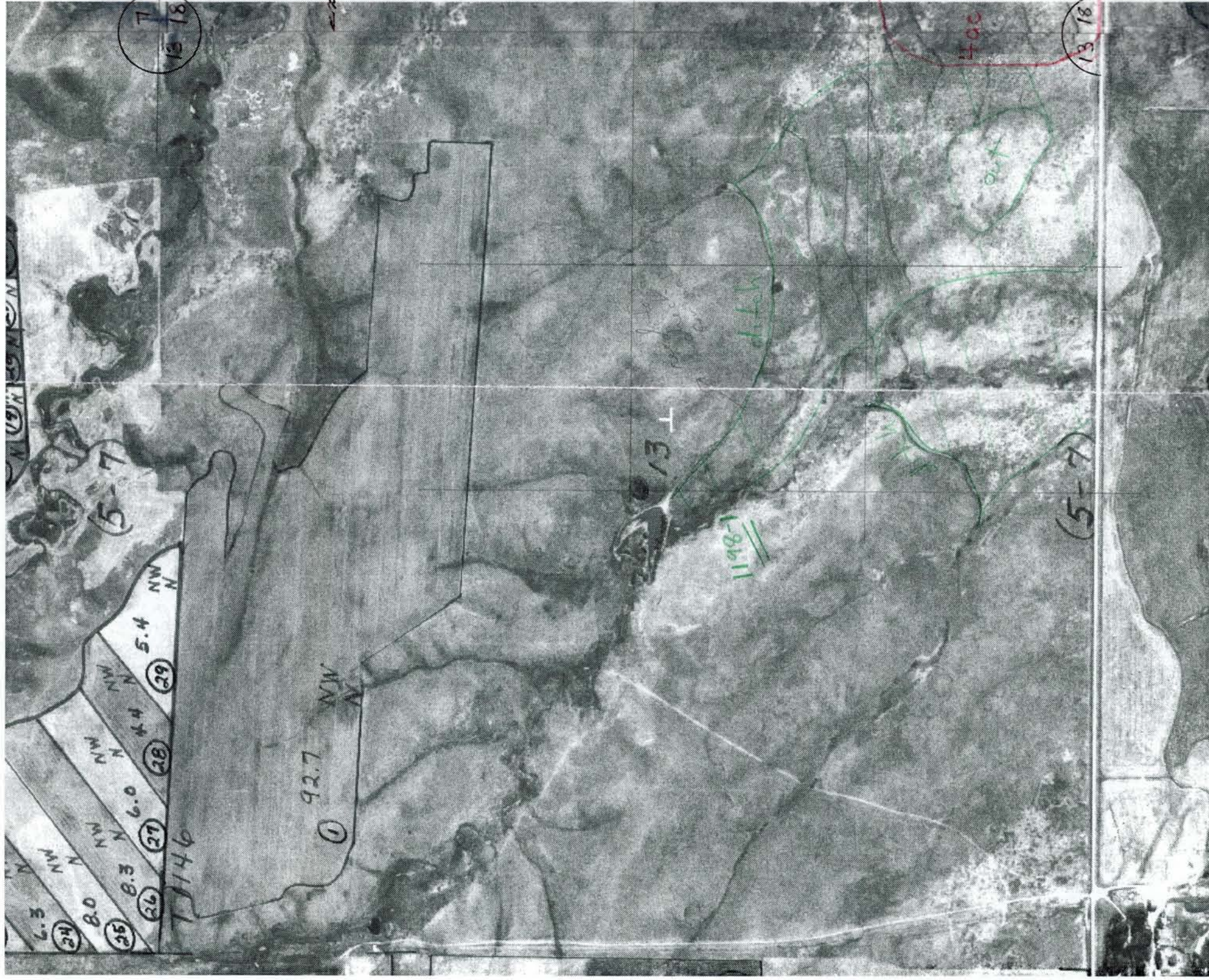
Sincerely,

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

enclosures

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

46
MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



346-1