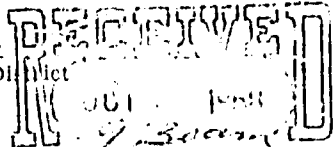


No. 358-1Water Division No. 1

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



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant Alfred E. Huber
 Postoffice address Belle Fourche, County Butte, State S.D.

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)

Contractor - & own work

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

Huber Diversion

3. Amount of water claimed

1.5 cubic feet per second

4. Source of water supply

Haldar Creek SE 1/4 Sec 20 T11N R3E

5. Location of point of diversion

See attached map to this application on Bank Butte County.

6. Annual period or period during which water is to be used

April - Oct 31

7. To be used for:

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

water spreading
949417

(a) Number of acres to be irrigated

100 acres

(b) Legal subdivisions to be irrigated

SE 1/4 Sec 20 T11N R3E

(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 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

Stock water

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

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

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

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

(d) Canals earth, \$12,000

Rock, \$-----

(e) Other structures -----

\$14,000

Total, \$46,000

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 8 feet; length at bottom 75 feet; length at top 60 feet; thickness at bottom 6 feet; thickness at top 5 feet; slope at front water face 3:1; slope at back face 3:1; material used in construction concrete

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

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 ----- 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 Butte

ss.

I,

Alfred E. Huber

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

Alfred E. Huber

Subscribed and sworn to before me this

3rd

day of

October

1912

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

The diversion rate limitation of 1 cubic foot per second for each 7.5 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.

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

October 15, 1958

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

a.m. upon the 4 day of October, 1958

State Water Resources Commission

By:

G. W. Rimmer
Chief Engineer, Executive Officer

Number of permit 328-1

Date of first receipt of application

October 4, 1958

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

October 11, 1958

Date of receipt of corrected application

November 15, 1958

Date from which applicant may claim right

June 7, 1954

Approved November 24, 1958 Recorded in Book

Vested Right 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, 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 1.42 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, 1958; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

6 day of December, 1958

State Water Resources Commission

By:

G. W. Rimmer
Chief Engineer, Executive Officer

Certificate of Construction Issued

December 6, 1958

Water License Issued

December 6, 1958

LOCATION OF DIVERSION POINTS

1 diversion dam - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T 11N, R 3E

1 diversion dam - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T 11N, R 3E

1 diversion dam - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T 10N, R 3E

LAND IRRIGATED:

LOCATION	ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26)	3
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26)	23
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 35)	19
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 35)	22
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35)	3
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	2
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
SW $\frac{1}{4}$ NE $\frac{1}{4}$	3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	5
TOTAL	<u>100</u>

all in T 11N, R 3E

all in Sec. 2, T 10N, R 3E

STATE OF SOUTH DAKOTA

WATER LICENSE No. 358-1

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

Alfred E. Huber

of Belle Fourcha County of Butte and State of

South Dakota duly made application (No. 358-1) to us for a Vested Right permit to use 1.5

cubic feet per second of the waters of a dry draw

County of Butte, State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 6th day of December A. D. 1958
Vested Right 358-1 was issued to said applicant for the diversion of said water, and ~~xxxxxxx~~ recognizing

completion of the works of diversion therein described on or before the 7th day of

June A. D. 1947 and for the application to beneficial use of said
 water on or before the 7th day of June A. D. 1947
 and,

WHEREAS, On the 4th day of October A. D. 1958
Vested Right

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.42

cubic feet per second of said waters, as evidenced by our Certificate No. 358-1

dated December 6, 1958 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.42 cubic feet per second of water, with date of

priority of June 7, 1947 and,

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

proof was duly made of the application to beneficial use of 1.42 cubic feet per second of said water;

on 100 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$,

Sec. 35, all in T 11 N, R 3 S; E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Sec. 2,

T 10 N, R 3 E, more particularly described in Certificate of Comple-

tion of Works #358-1

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 **Alfred E. Huber**

Vested Right

of **Belle Fourche, South Dakota** the holder and owner of said permit No. **358-1**

a water right, dating from **June 7, 1954** to the use of **1.42**

cubic feet per second of the waters of **a dry draw**

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 **1 diversion dam-SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, T 11 N, R 3E; 1 diversion dam-SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T 11 N, R 3E; 1 diversion dam, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T 10 N, R 3 E.**

and conducted to and upon **SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35 all in T 11,N, R 3 E; E $\frac{1}{4}$ NW $\frac{1}{4}$,SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ all in Sec. 2, T10 N,R3E more particularly**

described in Certificate of Completion of Works #358-1

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 **6th** day of **December** A. D. Nineteen
Fifty-eight
Hundred and

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 358-1Belle Fourche
Water Division No. 1 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Alfred E. Ruberof Belle Fourche, County of Butte, and Stat. of South Dakota, the holder of Vested Right of Permit No. 358-1, Issued upon ApplicationNo. 358-1, bearing date of priority of June 7, 1954, authorizing the diversion of1.42 cu. ft. per second of the waters of a dry drawCounty of Butte, State of South Dakota, at 1 diversion dam-SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 26, T 11 N, R 3 E; 1 diversion dam - SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T 11 N, R 3 E
1 diversion dam - Sec. 2, T 10 N, R 3 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 1.42 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>SE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 26</u>	)	<u>3 acres</u>
<u>SW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 26</u>	)	<u>23 acres</u>
<u>NW$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 35</u>	)	<u>19 acres</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$, Sec. 35</u>	)	<u>22 acres</u>
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 35</u>	)	<u>3 acres</u>
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$</u>	)	<u>2 acres</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>	)	<u>all in Sec. 2, T 10 N, R 3 E 20 acres</u>
<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	)	<u>3 acres</u>
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	)	<u>5 acres</u>
Total		100 acres

Witness my hand this 6th day of December A. D. 1958

State Water Resources Commission

By:

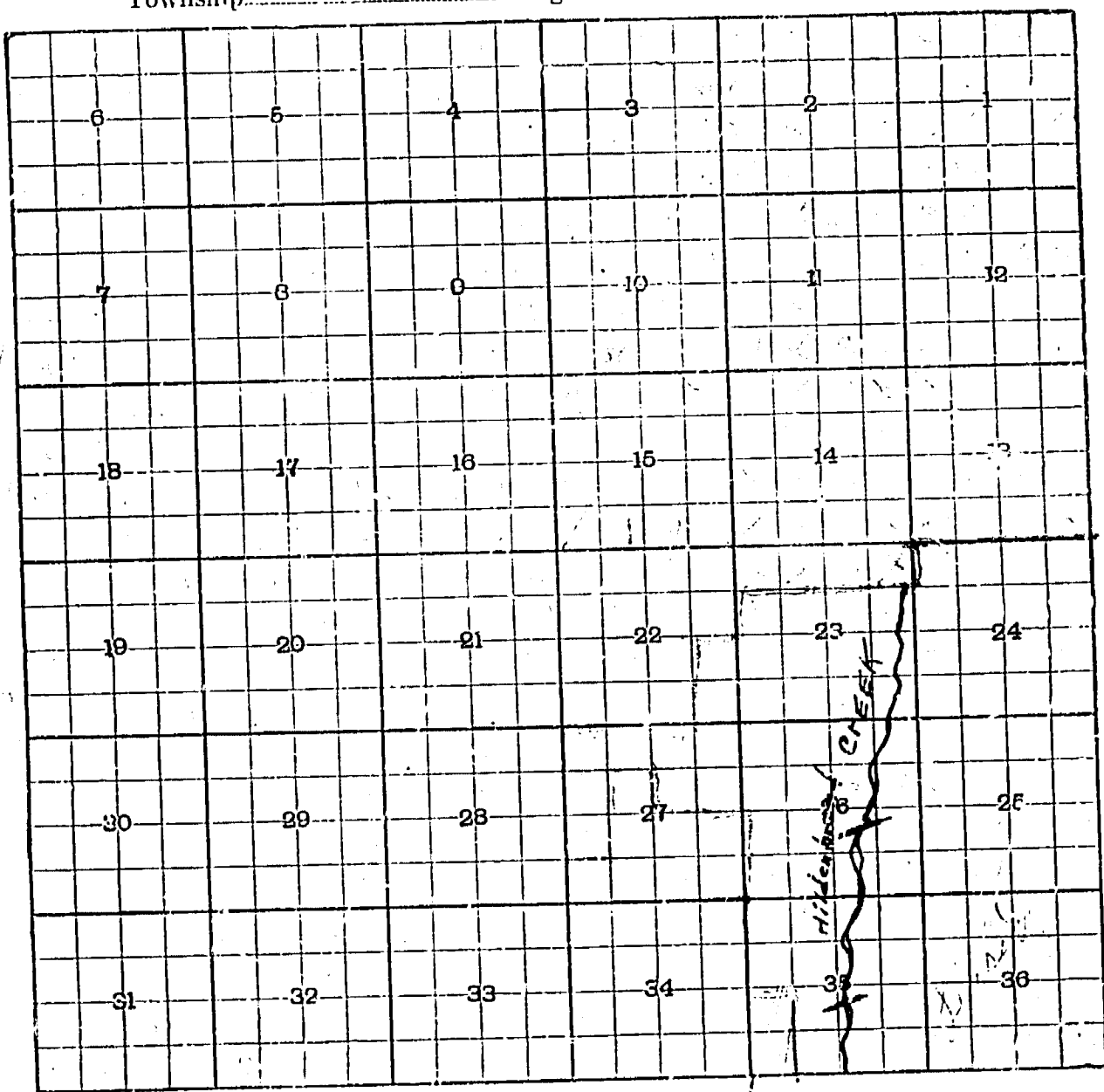
J. W. GRIMES,

Chief Engineer, Executive Officer

Township 10 Range 3, B. H. M.

6	5	4	3	2	1
7	6	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Township / Range 3 , B. H. M.



Location No. 35-2-1Water Division No. 1Water District Bellevue
River**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. 1111 N. 3rd St. Bismarck, N.D.
11-2-1

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. Posted 7, 1954

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

Ans. HILDEBRAND CREEK, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 21-11N-3E.SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 35-11N-3E. SE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 2-10N-2E.

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. 1. 25 FT. 20 FT. Top 3 FT. THREE CHECK DAMS
2. 60 FT. 20 FT. Top 3 FT. LOCATED ON HILDEBRAND
3. 40 FT. 15 FT. Top 6 FT. CREEK; SIZE OF CHECKS AT LEAST

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. WATER IS USED TO IRRIGATE HAY BOTTOMS
ALONG CREEK IN WHICH THREE CHECK DAMS
ARE USED TO SPLIT WATER INTO ONE HUNDRED
ACRES OF HAY BOTTOMS.

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. Enough water to grow a good hay crop
IF THE CREEK RUNS ON 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. _____

RECEIVED
OCT 4 1958STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

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

Ans. IT IS USED TO produce A W. CROP
by being spreaded on the top of the water
and on the hard bottom of the creek.
Floods, IT PUSHES ALL WATER OUT THAT CAME
DOWN THE CREEK.

(Sign) Ulfred E. Hoyer

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 Billings, County of Butte

State of South Dakota, on this 3rd day of October A. D. 1958

Witnesses. W. A. Amblers
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.

William H. Coffey
Witness

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 _____
--------------------	--	--------------------	--------------------------------	--------------	--------------	---------------	--------------------	-------------------------	--------------------------

Sketch - Altrad & Huber water spreading

showing - location of checks in
creek & approximate areas benefited
(formed from a photo)

30 33
47 26 26 34
26 26

27 26
34 35

26 25
38 26

31 36
3 2

31 36
2 1

3 2
10 11

2 1
11 12

Make a point
of Form 11,
Point of Beneficial
use. the
these are the

SWSE 26-1

correct
locations of
increases

SE NW 35-11-3

SE NW E-11-11

Approx.
45A

Approx.
25A

Approx.
30A

drainage channel

check or plug

area benefited

COMMISSION

A. E. Munc, Pierre,
Chairman
Kenneth C. Kellar, Lead,
Secretary
James Biggar, Brookings
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
Stephen H. Ferris, Vermillion
Walt Taylor, Rapid City



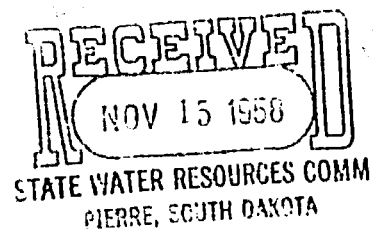
SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

October 15, 1958

Mr. Alfred E. Huber
Belle Fourche
South Dakota



Dear Mr. Huber:

Your application No. 358-1 for a permit to appropriate 1.5 cubic feet of water per second from Hilderbrand Creek near Belle Fourche in Butte County, South Dakota, has been received and examined.

There seems to be some discrepancy between locations shown on the Application (Form 2), the Proof of Beneficial Use (Form 24) and the sketch. On the Application the Diversion Points are shown as located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 26, T 11N, R 3E; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T 11N, R 3E; and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, T 10N, R 3E. On the Proof of Beneficial Use you stated that they were in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 26, T 11N, R 3E; SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 35, T 11N, R 3E and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2, T 10N, R 3E. On the sketch they are shown in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 26, T 11N, R 3E; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 35, T 11N, R 3E and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 2, T 10N, R 3E. There seems to be an agreement in the location in Sec 2, T 10N, R 3E but not the others. The lands irrigated (100 Ac) are shown on the Application as in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 26, T 11N, R 3E; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 35, T 11N, R 3E, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2, T 10N, R 3E and no specific location is mentioned or shown on the Proof of Beneficial use or sketch.

Please clarify as to what the correct locations are for the diversion points and the 100 acres that is irrigated. I am enclosing a larger blank township map than you sent on which please show the location of the diversion points and boundary of your spreader system as closely as you can and return it to us.

also showing the approximate acreage.

In accordance with Section 61.0111 of the Session Laws of 1955, you will have sixty days from date of this letter to complete your application and to refile same in this office.

Sincerely,

Les Wyborny
LES WYBORN, Water Rights
Engineer

1014-1 and 358-1

June 12, 1974

Mr. R. H. Smiley, Attorney
517 Grant Street
Belle Fourche, South Dakota 57717

Dear Mr. Smiley:

Reference is made to your letter of June 7, 1974 expressing the concern of Neil Huber as to the effect that construction authorized in Water Permit No. 1014-1 of Spearfish Valley Ranch, Inc., will have on his irrigation as authorized in Water License No. 358-1.

There is approximately 31 Sections of drainage area upstream from the area under Mr. Huber's 358-1 area. The development under Water Permit No. 1014-1, Spearfish Valley Ranch, Inc., will use water from approximately seven of the 31 Sections above Mr. Huber's irrigation, leaving about 24 Sections of drainage area for Mr. Huber's irrigation.

Mr. Huber's license authorizes the irrigation of 100 acres of land. The 24 Sections of remaining drainage would provide about 150 acres of drainage area for each acre to be irrigated under Mr. Huber's Water License.

Water Right Permit No. 1014-1, Spearfish Valley Ranch, Inc., authorizes the storage of up to 582 acre-feet of water (three reservoirs) to irrigate up to 1346 acres of land.

Sincerely,

DONALD DRISCOLL
Chief Engineer

DD/bv

copy of original letter filed in 1014-1

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

September 21, 1988

NOTICE

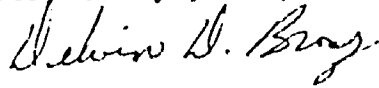
Alfred E. Huber
517 Grant St
Belle Fourche SD 57717

Dear Mr. Huber:

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). 358-1 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,



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





Department of Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 358-1

Alfred E. Huber
517 Grant St
Belle Fourche SD 57717

Dear Mr. Huber:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation



 **Department of
Water & Natural Resources**

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

May 24, 1989

358-1

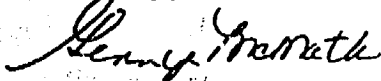
Neil Huber
PO Box 326
Belle Fourche, SD 57717

Dear Mr. Huber:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Vested Water Right Claim No. 358-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



Water Rights Division - DWR
Conversation or File Documentation

File No. 358-1

NAME OF PERSON OR FILE: Niel Huber

ADDRESS: P.O. Box 326
RR, Belle Fourche S.D. 57717 COUNTY Butte

DATE: 5-23-89 TELEPHONE 892-3147

RE: Vested Right Inspection

COMMENTS:

On Tuesday April 18, 1989, VR# 358-1 was
inspected. Mr. Niel Huber showed me the way to the field
I walked along the dry draw. The diversions dams were
at the same locations shown on the original map for Application
No. 358-1. The land seemed to be the same as on the
map. The map is on the microfiche.

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

NAME: MR. Huber

 **Department of
Water & Natural Resources**

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

August 24, 1989

Second Notice

Neil Huber
PO Box 326
Belle Fourche, SD 57717

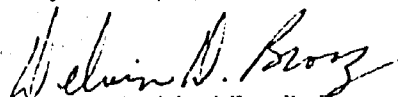
Dear Mr. Huber:

On May 24, 1989, notice was sent to you concerning the transfer of Vested Water Right Claim No. 358-1 in the name of Alfred E Huber. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,


DELVIN D. BROSZ, P.E.

Hydrologist
for John Hatch, Chief Engineer
Water Rights Division

enclosure



SENDER: Complete items 1 and 2 when additional services are desired, and complete item 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do so may result in the card from being returned to you. The return receipt for mail provided by the return of the article delivered to and the date of delivery. For additional services and charges, consult postmaster for fees and check box(es) for additional services requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Registered Mail

3. Article Addressed to:
 Neil Huber
 PO Box 326
 Belle Fourche SD 57717

Article Number: 736 241

4. Type of Service:
☒ Registered Mail ☐ Insured COU
☐ Special Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X

6. Signature - Agent
 X *[Signature]*

7. Date of Delivery
 AUG 25 1989

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

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

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

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

March 21, 1990

Third Notice
VRC 358-1

Neil Huber
PO Box 326
Belle Fourche, SD 57717

Dear Mr. Huber:

On May 24 and August 24, 1989, notices were sent to you concerning the transfer of Vested Water Right Claim No. 358-1 in the name of Alfred E Huber. To date, we have not heard from you on this matter.

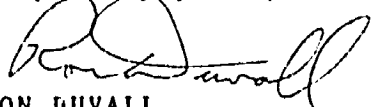
A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The vested water right claim can then be transferred to your name. If you are not the present owner of the land covered under this claim please contact us. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact us.

Very truly yours,



RON DUVALL
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Neil Huber PO Box 326 Belle Fourche SD 57717	4. Article Number: P 997 218 485 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature — Addressee X <i>Neil Huber</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature — Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery MAR 22 1990	

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1989-218-815

DOMESTIC RETURN RECEIPT

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES

April 9, 1991

Alfred E Huber
1616 10 Ave
Belle Fourche SD 57717

Dear Mr. Huber:

The Water Management Board has validated the enclosed Vested Water Right No. 358-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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. 358-1 FOR IRRIGATION

Date Claim Accepted For Filing October 4, 1958.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 358-1 for irrigation purposes for Alfred E Huber, 1616 10 Avenue, Belle Fourche, South Dakota 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 358-1 appropriates 1.42 cubic feet of water per second from dry draws to irrigate 100 acres. The diversion points are located in the SW 1/4 SE 1/4, Section 26, SE 1/4 NW 1/4, Section 35; T11N, R3E and in the SE 1/4 NW 1/4, Section 2, T10N, R3E. The irrigated acres are located in the S 1/2 SE 1/4, Section 26, NW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, Section 35; T11N, R3E and in the N 1/2 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, Section 2, T10N, 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 year for each acre of irrigated land. 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 June 7, 1954.
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.

WATER MANAGEMENT BOARD

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

APR. 9 1931

date

358-1



United States Department of the Interior



BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

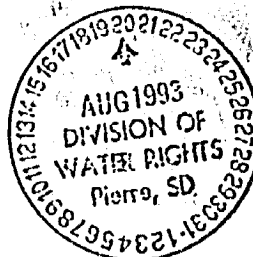
Newell, South Dakota 57760-0226

RECEIVED
FBI/DO

WTR 4.10

BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Permington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angstrom Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterhoun, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 29, 1998

358-1

Neil Huber
PO Box 326
Belle Fourche, SD 57717

Dear Mr. Huber:

I am contacting you in regard to ownership of Vested Water Right No. 358-1, currently listed in the name of Alfred E Huber. I telephoned your home yesterday and visited with Mrs. Huber concerning ownership of the vested right.

She indicated she thought the ownership papers had been filed and taken care of through your attorney. We mailed letters to you in 1989 and 1990 requesting an ownership change be submitted. It appears from the file, that we have neglected to get in touch with you since then.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form and complete the portion titled "*be transferred to: (name & address)....*". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. Once we receive the completed form and fee, all pertinent records will be changed over to your name.

I have also enclosed a microfilm copy of Vested Water Right No. 358-1. Unfortunately, the copies are very light, but hopefully legible. You may keep these for your records.

I apologize for not following up on the ownership issue earlier. If you have any questions, please do not hesitate to contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 1998

358-1

Neil & Maxine Huber
PO Box 326
Belle Fourche, SD 57717-0326

Dear Mr. & Mrs. Huber:

I am contacting you in regard to the transfer of ownership form you submitted back in October. I laid it aside and realized this morning that I had failed to follow-up on the transfer.

Prior to the form being filed, it needs to be signed in the presence of a notary. As soon as the form is signed, please return it to our office with a required filing fee of \$2.50. My first letter to you may not have been clear with respect to the notary signature and filing fee.

As soon as the signed form and filing fee are returned to us, Vested Water Right No. 358-1 will be transferred from Alfred E Huber to your names. If you have any questions, please get in touch with me. I apologize for the delay in getting the form back out to you.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 358-1

Date: 10-1-98



I/We request that Vested Water No. 358-1

formerly owned by: Alfred E Huber

be transferred to: (name & address) M. Marie + Neil Huber

PO Box 326 Belle Fourche SD Telephone No. 605-892 3147

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

100 acres - S 1/2 SE 1/4 Section 26, NW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 Section 35, T11N, R3E; and the E 1/2 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4 Section 2, T10N, R3E

I/We understand that the validity of Vested Water Right No. 358-1 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 Battle)

I/We M. Marie Huber 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.

M. Marie Huber
M. Marie Huber

(Signed)

Subscribed and sworn to before me this 23rd day of February, 1999.

Brenda Chayka
BRENDA CHAYKA

Notary Public - State of South Dakota
My Commission Expires October 5, 2004

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1999

Maxine & Neil Huber
PO Box 326
Belle Fourche SD 57717-0326

Dear Mr. & Mrs. Huber:

Thank you for submitting the *Notice of Transfer of Ownership* for Water Right No. 358-1. The filing fee for this transfer is \$2.50.

Upon receipt of the fee, the water right will be transferred to your names. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

RECEIPT

Water Rights Program

№ 416072

South Dakota Department of Environment and Natural Resources

Pierre,

March 18, 1999

RECEIVED OF Maxine or Neil Huber, P.O. Box 326, Belle Fourche, SD 57717-0326
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 Wasted Water Right No. 358-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John Huber (P)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1999

358-1

Maxine & Neil Huber
PO Box 326
Belle Fourche, SD 57717

Dear Mr. & Mrs. Huber:

The transfer of Vested Water Right No. 358-1 has been completed. The vested right formerly listed in the name of Alfred E Huber is now listed under your names.

Enclosed is Receipt No. 416072 in the amount of \$2.50 that you paid to cover the cost of the filing fee.

If you have any questions concerning the vested water right, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3322

enclosure