

* 416-1

1. Considered 12-7, 1954
2. Name of Applicant Crata & Leslie Miner
3. Post Office Address Wislard
4. Amount of water claimed 2.8
5. Source of water supply Bottle Creek River
6. Water to be used for Irrigation
Acres to be irrigated 198
7. Water to be diverted and used in Bottle County about
2 miles SE of Wislard
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

Note Prior register

No. 416-1Butte, South Dakota

SEP 23 1959

9:40 A.M.

Water Division No. 1

(Plans to be filed by the Engineer for the W. R. C.)

District 1STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant WETA & LESLIE WILSON
Postoffice address Nisland, County Butte, State So. Dak.

- I. If a corporation X X X X X
- (a) Name of same X X X X X
- (b) Date and place of incorporation X X X X X
- (c) Amount of capital stock X X X X X
- (d) Amount paid in X X X X X
- (e) Names and addresses of directors X X X X X

(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)

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

2. Name of diversion work THE WINTER IRRIGATION PROJECT3. Amount of water claimed 2.8 cubic feet per second4. Source of water supply Butte Fourche River5. Location of point of diversion Between a point N 90° W 594' from the N 1/4 Cor. Sec. 17 and a point S 90° 30' W 400' from the N 1/4 Cor. Sec. 17 T 8 N., R. 5 E-BHM Butte County6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation Gravity.(a) Number of acres to be irrigated 198 acres.

NW-NW-28 Ac., NE-NW-30 Ac., SE-NW-35 Ac., NW-NE-25 Ac., NE-NE-3 Ac., SW-NE-39 Ac.,

(b) Legal subdivisions to be irrigated

(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.)

SE-NE-3 Ac. Total 198 Ac. Sec. 17, T. 8 N., R. 5 E-BHM

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

Stockwatering and Irrigation

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

(a) Nature of use Stockwatering and Irrigation
Name any of the above uses claimed(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream X X X

8. Estimated cost of work:

(a) Head Gates, \$1-Berkeley B-101 Pump W/Elect (b) Pumping plant, \$1344.00
 (c) Fluming, \$----- (d) Canal earth fixtures Rock, \$983.35
 (e) Other structures \$----- Total, \$3417.35

9. Description of diversion works:

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

Flooding by pump from Belle Fourche River

II. Dimensions of works: Static head 110 ft.

(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 ----- 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 ----- 5 ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- 4 ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
 The Belle Fourche Daily Post, Belle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte ss.

I, Creta and Leslie Miner, 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 Creta and Leslie Miner

Subscribed and sworn to before me this 22nd day of August, 1933

Carl H. Cornell,

Notary Public (6th class, qualified office)

*Each diversion must have a headgate or measuring device.

My Commission expires 4/ 18/1937.

PLAT
OF
THE MINER IRRIGATION PROJECT,
Sec. 17, T. 6N., R. 5 E-DEM, Butte County, South Dakota.

Scale-1 inch = 660 feet.
8 inches = 1 mile.

SURVEYOR'S CERTIFICATE.

I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota, do hereby certify that, at the request of Creta and Leslie Miner, (Husband and wife) of Wisland, Butte County, South Dakota, I have made a survey of the several tracts of irrigable land indicated on this plat and have drawn this plat of the same for the purpose of showing the location and area of the several tracts embraced in the application to appropriate water of which this plat is a part.

I further certify that the bearings and lengths of the several lines shown hereon and their location with reference to the several Government Land Corners shown, are correct, to the best of my knowledge and belief.

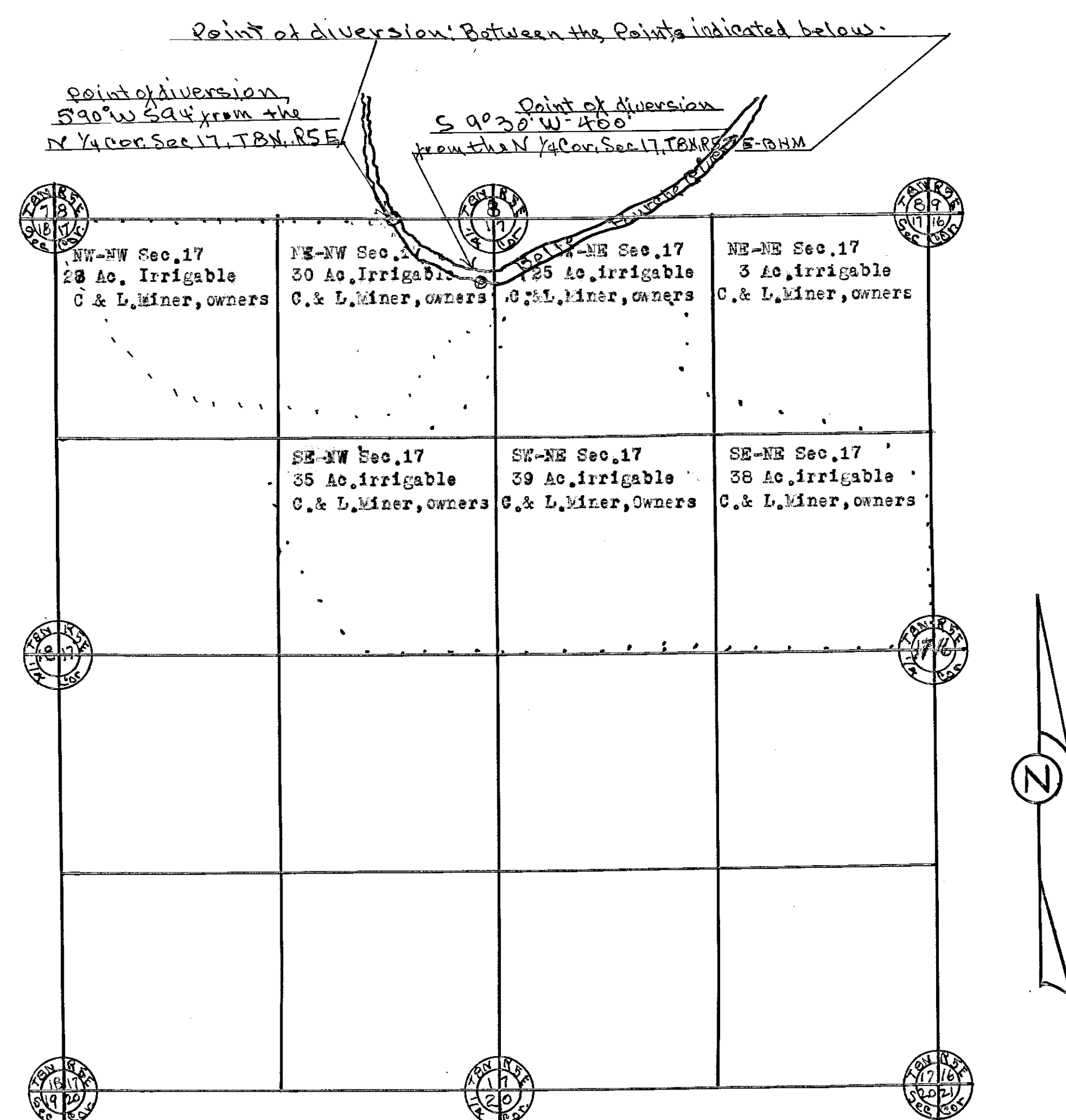
Subscribed and sworn to at Buffalo, South Dakota this 10th day of September 1959.

Signed: Carl M. Cornell, Licensed Surveyor
Lic. No. 124
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 10th day of September 1959.

Florence Gundersen
Notary Public (SEAL)
FLORENCE GUNDERSON

My Commission expires 4-4-1966.



Remarks by State Water Resources Commission:

Primarily waters available for this permit are return flows from the Belle Fourche Project
Your use of the water under this permit is contingent upon supplies being available to prior water rights

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, December 8, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

A. m. upon the 23rd day of September, 1959

State Water Resources Commission

By: George B. Miller

Chief Engineer, Executive Officer

Number of permit 416-1

Date of first receipt of application September 23, 1959

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 September 23, 1959

Approved December 2, 1959, Recorded in Book 5 Page 270

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

June 2, 1962

2nd. The whole of said work is to be completed on or before December 2, 1964

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

December 2, 1968

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 2.8 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 December 2, 1968; said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this 8th day of December, 1959

State Water Resources Commission

By: George B. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued July 26, 1967

Water License Issued July 26, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 416-1.

WHEREAS, On the 23rd day of September A. D. 1959

Creta and Lealie Minor

of Wisland County of Butte and State of South Dakota duly made application (No. 416-1) to us for a permit to use 2.8 cubic feet per second of the waters of the Belle Fourche River County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 8th day of December A. D. 1959 Permit No. 416-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 2nd day of December A. D. 1964 and for the application to beneficial use of said water on or before the 2nd day of December A. D. 1968 and,

WHEREAS, On the 12th day of July A. D. 1967 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.66 cubic feet per second of said waters, as evidenced by our Certificate No. 416-1 dated July 26, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.66 cubic feet per second of water, with date of priority of September 23, 1959 and,

WHEREAS, On the 12th day of July A. D. 1967 proof was duly made of the application to beneficial use of 2.66 cubic feet per second of said water; for irrigating 198 acres in the NE Section 17, T8N, R5E

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 ~~Greta and Leslie Minor~~
of ~~Nisland~~ the holder ~~S.~~ and owner ~~S.~~ of said permit No. ~~416-1~~
a water right, dating from ~~September 22, 1959~~ to the use of ~~2.66~~
cubic feet per second of the waters of ~~the Belle Fourche River~~
in the County of ~~Butte~~ and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted ~~at between points N 90° 47' 59" East~~
~~and S 92° 30' W, 400 feet from the N 1/4 Corner, Section 17, T1N, R5E,~~
and conducted to and upon ~~portions of the N 1/4, Section 17, T1N, R5E, more~~
~~specifically described in the Certificate of Completion of Work.~~

for the purpose of ~~irrigation~~, subject to any limitations listed in the
~~permit to appropriate water, and~~

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this ~~26th~~ day of ~~July~~ A. D. Nineteen
Hundred and ~~Sixty-Seven~~

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 _____

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

Permit No. 416-1

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 Creta & Leslie Minorof Nisland, County of Butte, and State of South Dakota, the holder^s of Permit No. 416-1, issued upon ApplicationNo. 416-1, bearing date of priority of September 23, 1952, authorizing the diversion of2.8 cu. ft. per second of the waters of the Belle Fourche RiverCounty of Butte, State of South Dakota, at between points N 90°W, 594 feet and S 9° 30' W, 400 feet from the N¹ corner, Section 17,T8N, R5E, for irrigation

purposes, have 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 2.66 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: All in Section 17, T8N, R5ENW¹ NW¹ 28 AcresNE¹ NW¹ 30 AcresSE¹ NW¹ 35 AcresNW¹ NE¹ 25 AcresNE¹ NE¹ 3 AcresSE¹ NE¹ 39 AcresSE¹ NE¹ 38 AcresTotal 198 AcresWitness my hand this 26th day of July A. D. 1967

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

Permit No. 416-1Water Division No. 1Belle Fourche River

Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~~~on~~ I have this day made a thorough examination of the diversion works constructed by Crata& Leslie Miner

of

NianguaButte

County, South Dakota, holders of Permit No.

416-1

issued

upon Application No. 416-1, bearing date of priority of Sept 23, 1958, authorizing thediversion of 2.3 cu. ft. per second of the waters of Belle Fourche River for irrigation

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

The diversion works comprise: 30 H.P. electric motor, 6" x 7" pump, 250' at 7" pipe and 3 1/2 miles of ditchand the system is in the following condition: GoodThe point of diversion is located As shown on water right map No. 362-1The works are capable of diverting and conveying to the place of use 262 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are:

As shown on water right map No. 362-1comprising a total of 198 acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 13 day ofJulyA. D. 1967

—SEAL—

Donald H. Pearson

Examining Engineer.

Deputy Chief Engineer

Water Resources Commission

Location No. 2116-1Water Division No. 1BELLE
FOURCHE
RIVER

Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. GRETA + LESLIE MINOR, RANCHERS
NISLAND, S. DAK.

Quer. 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. _____

Quer. 3. State date of posting and date of recording notice of appropriation.

Ans. SEPTEMBER 23, 1959

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

Ans. BELLE FOURCHE RIVER, IN NE 1/4 NW 1/4 SECTION
17, T8 N, R5E AS SHOWN ON WATER RIGHT MAP No. 362-1

Quer. 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. 30 H.P. ELECTRIC MOTOR, BERKELEY PUMP 6" x 7"
250' OF 7" PIPE AND 3 1/2 MILES OF DITCH - COMPLETED
IN 1960.

Quer. 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 198 ACRES AS SHOWN ON WATER
RIGHT MAP No. 362-1 - THIS INCLUDES STOCK WATERING POND.

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

Ans. _____

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

Ans. 1200 G.P.M.

Quer. 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. _____

LAW 1-27-4. IT IS HEREBY CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED IN THE PREPARATION OF THIS REPRODUCTION MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM REPRODUCTION.
AND ON MICROFILM WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM REPRODUCTION.
REPRODUCTIONS: REDUCTION 25X - ROLL NO. 3 - DATE MICROFILMED 3-9-82
DATE MICROFILMED 3-9-82
GIVEN ORIGINATOR

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

Ans. SYSTEM WAS CONSTRUCTED IN 1960 AND
HAS BEEN USED EACH YEAR SINCE, AS STATED ABOVE

(Sign)

Creta Minor

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 Butte County of Butte

State of South Dakota, on this 12th day of July A. D. 1967

Witnesses.

Wm. R. Ridenour
My Commission Expires Oct. 25, 1973

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.

Franklin Thompson
Robert A. King

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 _____	

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte

ss.

Laurence Keyler

being duly

sworn, deposes and says the annexed printed copy of Notice

to Appropriate Water was taken from the

Daily Belle Fourche Post newspaper which

during the whole time of publication of said notice herein

afore stated, has been and is printed and published in the

city of Belle Fourche County of

Butte

and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Oct. 20, 1959

Oct. 27, 1959

Nov. 3, 1959

Nov. 10, 1959

in each and every issue of the full number thereof, the first

publication being made on the 20th day of Oct.

1959 and the last publication on the 10th day of

November 1959, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he

was ~~the printer and publisher~~ of

the said newspaper.

Laurence Keyler

Subscribed and sworn to before me this 10th day of Nov. A. D. 1959

*Raymond Kennedy*Notary Public in and for the County of Butte, S. D.
My Commission Expires Sept. 22, 1964

POST

APPROPRIATION OF WATER

Office of State Water
Resources Commission,
Pierre, S. Dak.

October 12, 1959

Notice is hereby given that Cresta & Leslie Minor, whose postoffice address is Nisland, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from the Belle Fourche River through the Miner Irrigation Project, the points of diversion of which are to be located on the South banks of said stream in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 Twp. 3N Range 5E. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ Sec. 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec.
17 T3. R5E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 1st day of December, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: Burton F. Jones,

Water Rights Specialist

At 10/17-24-31 11/7

(First Publication before October 29, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 12, 1959

Notice is hereby given that Creta & Leslie Minor whose postoffice address is Nisland S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from the Belle Fourche River through the Minor Irrigation Project ^{are} the point of diversion of which is to be located on the South bank of said stream in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17 Twp. 8 N Range 5 E Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ Sec. 17 T. 8 N, R. 5 E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2nd day of December, 1959, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc Lawrence Weyler, Publisher
Belle Fourche Post
Belle Fourche, SD

By:

~~CHIEF ENGINEER~~ Executive Officer
Burton F. Jones
Water Rights Specialist

Carl Cornell
Buffalo, South Dakota

HARRY R. STEPHENS

ROY E. BRANDENBURG

LAW OFFICES OF

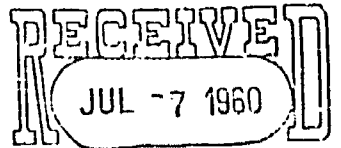
STEPHENS & BRANDENBURG

GAY BLOCK 507 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA

PHONE 720

July 6, 1960



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Water Resources Commission
State Capitol Building
Pierre, South Dakota

Attn: Burton F. Jones
Water Rights Specialist

Dear Mr. Jones:

Mr. Leslie Minor of Nisland, South Dakota was in the office this morning relative to water rights on the Belle Fourche River. It would appear that Mr. Minor has water right No. 416-1, dated September 23, 1959 with priority No. 17 to irrigate 198 acres. Mr. Minor informs me that Mr. Grove Rathbun who has water right No. 287-1, dated December 6, 1956 has come up onto the property owned by Mr. Minor and is in the process of removing a heavier dam located on Mr. Minor's property and the said beaver dam being in the Belle Fourche River. Mr. Minor pumps from the pool formed by the beaver dam and also waters his livestock out of the said pool. It would appear that there is probably is not enough water at the present time flowing down the Belle Fourche River to reach Mr. Rathbun so that he can appropriate his allotted amount of water out of the Belle Fourche River. Mr. Minor informs me that is not the result of Mr. Minor's pumping out of the pool or watering his livestock but is probably due to the fact that there are several people above Mr. Minor on the Belle Fourche River who are pumping out of the River who do not have authority or permits.

Mr. Minor would like to know immediately whether or not Mr. Rathbun has any authority under these circumstances to remove the beaver dam from the River. If he does, it will not leave sufficient water for Mr. Minor to pump out of the River as he would then have no source of collection so that he could appropriate his water.

In that this matter is quite urgent would you kindly give it your immediate attention and address your reply to Mr. Leslie Minor at Nisland, South Dakota.

Sincerely yours,

STEPHENS & BRANDENBURG

BY: *R. E. Brandenburg*
R. E. Brandenburg

PEB/jal

HARRY R STEPHENS

ROY E BRANDENBURG

LAW OFFICES OF

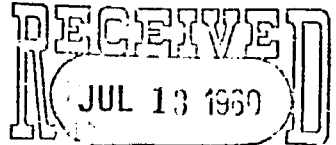
STEPHENS & BRANDENBURG

GAY BLOCK 507 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA

PHONE 720

July 11, 1960



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Water Resources Commission
State Office Building
Pierre, South Dakota

Attn: J. W. Grimes
Chief Engineer

Dear Mr. Grimes:

To follow up our phone conversation of this morning this is to advise that we are immediately instituting temporary restraining order proceedings against Mr. Grove Rathbun on behalf of Mr. Leslie N. Minor, relative to the destruction of the beaver dam in the Belle Fourche River. This probably will not get the Judge's signature until sometime tomorrow.

In order to further protect his interests Mr. Minor would like to amend his water permit to authorize him to construct a small dam to collect enough water for pumping purposes and for stock watering purposes. He states that a small dam three to four feet high would amply sufficient for his purposes and it would not be necessary to make it a three to four foot high dam entirely across the River. He stated that he probably could do all that he would find necessary by pushing off a portion of a shale bank on one side of the River and that, that would probably would be all that he would require.

Will you please send us the necessary forms to be completed to amend Mr. Minor's water permit to authorize him to make a small check dam for collection purposes.

Thank you.

Sincerely yours,

STEPHENS & BRANDENBURG

BY:

R. E. Brandenburg
R. E. Brandenburg

REB/jal

July 12, 1960

Mr. Leslie Minor
Nisland,
South Dakota

Dear Mr. Minor:

Your water right bearing priority date of September 23, 1959 grants you the privilege of using water from the Belle Fourche River only after the minimum needs of prior water right holders have been satisfied.

It has been reported that you are taking water in violation of this condition in your water right and are thereby depriving a prior water right holder of the use of water to which he is entitled.

Your turn to use water is shown on the attached list of water right holders. It is up to you to make sure that the water right holders listed above your name have had the water that they need before you start taking water for your own use.

Sincerely,

J.W. GRIMES
Chief Engineer

JWG:pp
cc: Grove Rathburn Nisland, South Dakota

Please let me know if this does not get the job done. During these low flow periods, each prior water right holder should exercise restraint in the amount of water he uses, using only the minimum amount that he needs and advising later water right holders as to periods of use. Also, since you advise that a beaver dam is involved, it should be understood that no water right holder has the right to change the natural flow conditions of the stream, which in this case includes the removal of or breaching a beaver dam.

OFFICERS
William Keiry, President
Robert L. Donaldson, Vice-President
Alice D. Helmer, Secretary-Treasurer
Byron Schipke, Assessor

BELLE FOURCHE IRRIGATION DISTRICT

Belle Fourche Project of the Bureau of Reclamation

PHONE 456-2791

NEWELL, SOUTH DAKOTA 57760

Harold D. Skjoldal, Project Manager

November 9, 1973

DIRECTOR:
Earl Capp
Clarence Fock
Harvey Knuteson
Byron Schipke
Daryl M. Williamson

RECEIVED

NOV 12 1973

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Raymond Lund
South Dakota Water Rights Commission
Capitol Building
Pierre, South Dakota
57501

Dear Mr. Lund:

For several years now, Irrigation District personnel have been keeping close check on the 1300-foot-long tunnel located in Section 17, Township 8, Range 5, Butte County, South Dakota, which is located between Mile Stations 11.6 and 12.4 on the South Canal, Belle Fourche Project.

Each year the deterioration of the cement tunnel has become worse. Recent inspection of the tunnel by Bureau of Reclamation and Irrigation District personnel has brought to the attention of everyone the increasingly rapid deterioration of the tunnel calling for decisive action.

The land directly above the tunnel is owned by Mrs. Creta Minor, Nisland, South Dakota.

We understand that Mrs. Minor has a pumping permit with the State of South Dakota for pumping water from the Belle Fourche River to the said lands for irrigation purposes.

It has been ascertained by Bureau and District tests made over a period of time, that the irrigation of said lands is the main contributory factor in the deterioration of this important facility.

In the event that Mrs. Minor cannot be persuaded to cease pumping river water onto this land, what course, or courses, of action would be open to the Irrigation District?

Also, would you please advise me as to the name of the person replacing Joe Grimes?

Thanking you for your attention to these requests, I am,

Yours very truly,

Harold D. Skjoldal
Harold D. Skjoldal, Project Manager
Belle Fourche Irrigation District

HDS/ah

416-1

November 12, 1973

Mr. Harold D. Skjoldal, Project Manager
Belle Fourche Irrigation District
Newell, South Dakota 57760

Dear Mr. Skjoldal:

Reference is made to your letter of November 9, 1973 to Raymond Lund pertaining to deterioration of a concrete tunnel on land apparently irrigated by Mrs. Creta Minor under a Belle Fourche River water right.

Mrs. Minor has Water License No. 416-1 which authorizes the irrigation of 198 acres in the north half of Section 17, T8N, R5E by diversion of water from the Belle Fourche River.

The Water Rights Commission has no jurisdiction or authority to instruct Mrs. Minor to conduct this irrigation so that it will not damage the concrete tunnel mentioned in your letter.

This appears to be a possible damage claim by the Irrigation District against Mrs. Minor and I do not believe I can advise you as to the best course of action to resolve this matter.

On July 1, 1973 the Water Rights Commission assumed the water rights function of the dissolved Water Resources Commission, and I am Chief Engineer for that Commission.

On July 1, Mr. Grimes became the Secretary of the Department of Natural Resource Development. Mr. Vern Butler was appointed to replace Mr. Grimes as Secretary of this Department effective last week when Mr. Grimes resigned.

Sincerely,

DONALD DRISCOLL
Chief Engineer

DD/bv

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

June 10, 1981

Creta & Leslie Miner
Nisland, SD 57762

Dear Mr. & Mrs. Miner:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
416-1	2.66	198.0	\$79.50

TOTAL \$79.50

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gv

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8346

June 29 81

PIERRE, _____, 19__

RECEIVED OF Leon Minor, Box 122, Hisland SD 57762

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for water master services on WR # 416-1	79	50
(any other work as provided by law)		
TOTAL	79	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (kw)

416-1

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 30.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Rob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Lawrence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.38	132.00	53.00	46.91
215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.56	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McHenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	12.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	185.50	\$ 164.20
443-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	429.00	177.00	155.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	198.50	166.35
248-1	Lawrence Burke	0.90	64.00	25.00	23.01
1077-1	Charles W. Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.85
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C. Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Arna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	150.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 1998

No. 416-1

Leon Mine
HCR 76, Box 200
Nisland, SD 57762

Dear Mr. Mine:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 416-1. The water right is currently listed in the name of Mrs. Creta Minor.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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 me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 416-1

Date: 12-23-98

I/We request that Water Right No. 416-1

formerly owned by: Mrs. Creta Minor

be transferred to: (name & address) Leon Minor HC 76 Box 200 Nisland SD 57762

Telephone No. 605-257-2373

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

198 acres - N 1/2 Section 17-T6N-R5E

WRONG!!! Should be Sec 17-T8N-R5E

I/We understand that the validity of Water Right No. 416-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Leon Minor 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.

Leon Minor
(Signed)

Subscribed and sworn to before me this 23rd day of December, 19 98.

Donna Weiss
(Notary Public)

My commission expires 9-23-2003.

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

No. **415994**

Pierre, _____

December 31, 19 **98**

RECEIVED OF Leon Minor, HC 76, Box 200, Nisland, SD 57762

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>Water Right No. 416-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____

Chief Engineer

John Hatcher



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 1999

416-1

Leon Minor
HC 76 Box 200
Nisland, SD 57762

Dear Mr. Minor:

Thank you for returning the "Notice of Transfer of Ownership" form and filing fee. Water Right No. 416-1, formerly owned by Mrs. Creta Minor is now listed in your name.

With regard to the correction you made on the transfer form, you are absolutely correct. The legal description should have said T8N, rather than T6N. The form was typed up incorrectly, however the water right does have the correct legal description. Thank you for correcting the form and bringing this matter to our attention.

Enclosed is Receipt No. 415994 in the amount of \$2.50. If you have any questions, please get in touch with me.

Sincerely,

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

enc!



416-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: LEON MINOR, 18941 WHITEWOOD VALLEY RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 416-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 416-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



416-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1671

Your item was delivered at 11:14 am on January 22, 2005 in NISLAND, SD 57762. The item was signed for by L 4.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 1671

LEON MINOR
18941 WHITEWOOD VALLEY RD
NISLAND SD 57762

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 25, 2005

416-1

Leon Minor
18941 Whitewood Valley Rd
Nisland SD 57762

Dear Mr. Minor:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 416-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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