

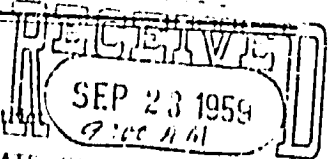
419-1

1. Considered 12-2, 1959
2. Name of Applicant Fred Miller
3. Post Office Address Vald
4. Amount of water claimed 2.5
5. Source of water supply Bell, French River
6. Water to be used for Irrigation
Acres to be irrigated 1790
7. Water to be diverted and used in Butte County about
13 miles 2 of Highland
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to ☐
Not Approved ☐
Action deferred ☐
10. Remarks:

Note

No. 419-1Water Division No. 1

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

STATE WATER RESOURCES COM. L.
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 FRED WIELER Herman Stark
Postoffice address VALE County BUTTE State S.D.

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

(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 FRED WIELER IRRIGATION PROJECT

3. Amount of water claimed 0.5 cubic feet per second

4. Source of water supply Belle Fourche River

5. Location of point of diversion Between a point N 0° E 635 ft. from S 1/4 Cor. Sec. 20, T.8 N., R.7 E-BHM and a point N 0° E 2377 ft. from the S 1/4 Cor. Sec. 20, T.8 N., R.7 E-BHM Butte Co. bank Right (So. of) County.

6. 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? Gravity.

(a) Number of acres to be irrigated 179 acres.

S7-S7-18 Ac., SE-S7-19 Ac. Sec. 17, T.8 N., R.7 E-BHM Total 37 Ac.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated with each subdivision and fraction with acreage thereof, should be written here, or may be attached as part of this application. Same must also be shown on accompanying map.)

NW-S7-37 Ac., NE-S7-38 Ac., SE-S7-39 Ac. Sec. 20, T.8 N., R.7 Total 142 Ac.

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

Total 179 ac

Stockwater and Irrigation.

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

(a) Nature of use Stockwater 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 point None

(d) Method of developing power None

(e) Point where water will be returned to stream X X X

1. Estimated cost of work: 6-22 RV trailer mounted Berkeley Pump

Price \$300.00
75.00

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

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

(c) Fluming, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$ 875.00

2. Description of diversion works:

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

Pumping from Belle Fourche River into ditch

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.....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.....

Belle Fourche Daily Post, Belle Fourche, So. Da.

STATE OF SOUTH DAKOTA

County of Butte

I, Fred Miller, 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 there stated and shown are true.

Signed Fred Miller

Subscribed and sworn to before me this 12th day of September 19 59

Carl M. Cornell,
Notary Public (of which must be officer)

*Each diversion must have a headgate or measuring device.

My Commission expires 4/18/1967.

PLAT
OF
THE FRED MILLER IRRIGATION PROJECT,
Secs 18 & 17, T. 8 N., R. 7 E-BHM, 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 Fred Miller of Vale, Butte County, South Dakota, I have made a survey and have prepared this plat for the purpose of showing the irrigable area embraced in his application for a "Permit to Appropriate Water for Irrigation Purposes" from the Belle Fourche River of which Application this plat is a part.

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

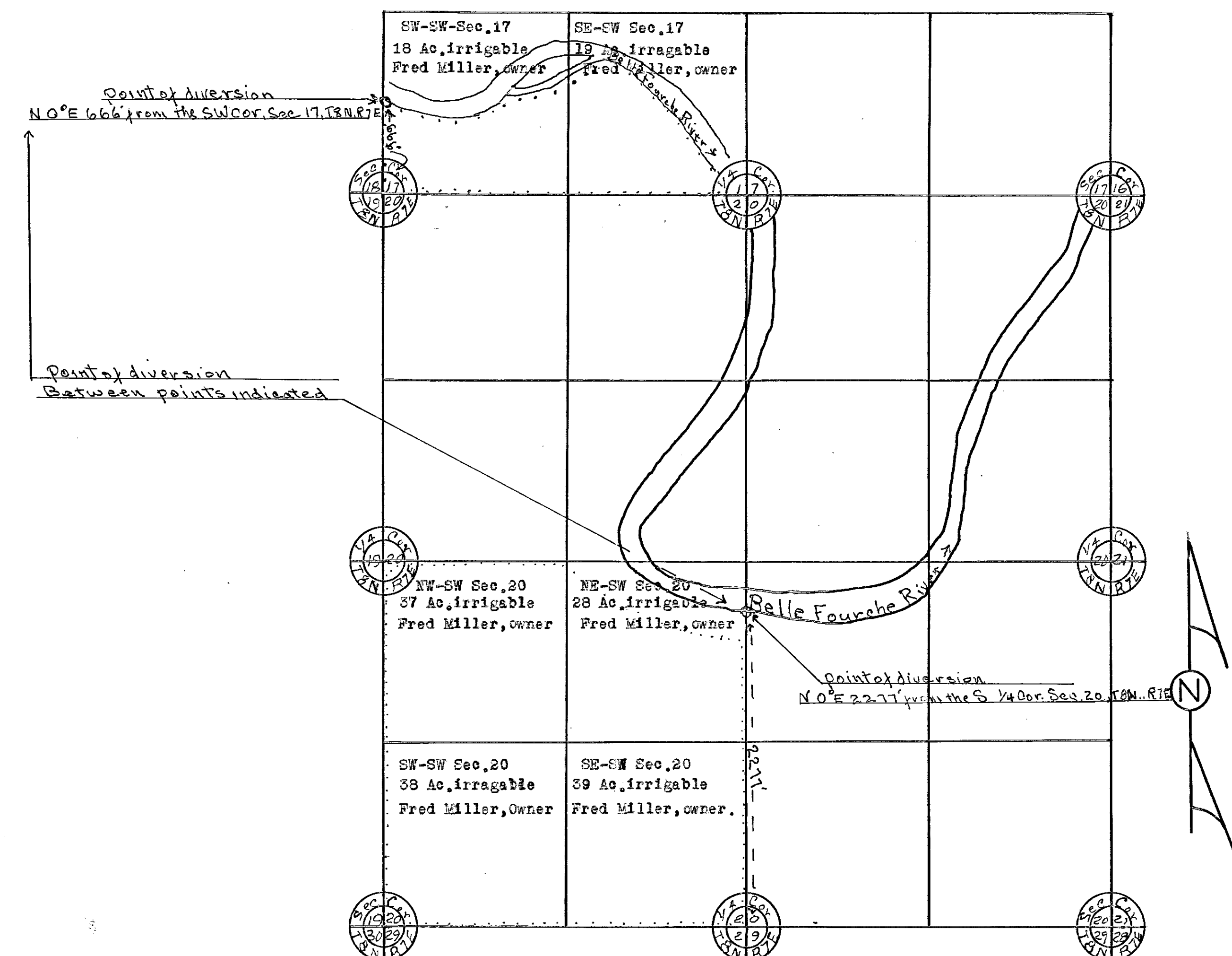
Subscribed and sworn to at Buffalo, South Dakota this 15th day of September, 1959.

SIGNED Carl M. Cornell
Carl M. Cornell, Licensed Surveyor #144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 15th day of September 1959.

Florence Gundersen
Notary Public. (SEAL)
FLORENCE GUNDERSON

My commission expires 4-4-1966.



Map No 365-1
Appl No 419-1

Remarks by State Water Resources Commission:

Primarily water available for this Permit are return
flow from the Belle Fourche Project.
Sec. use of the waters under this permit is
contingent upon supplies being available to protect
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: [Signature]
Chief Engineer, Executive Officer

Number of permit 419-1

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 273

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, 1964

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 2.5 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, 1965; 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: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 15, 1967
Water License issued AUGUST 15, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 419-1.

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

Fred Miller, Jr.

of Vale County of Butte and State of South Dakota duly made application (No. 419-1) to us for a permit to use 2.5 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. 419-1 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. 1958 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 5.5

cubic feet per second of said waters, as evidenced by our Certificate No. 419-1

dated August 15, 1967 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 5.5 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 2.5 cubic feet per second of said water;

for irrigating 179 acres in portions of Sections 17 and 20,

T8N, R7E.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Fred Miller, Jr.
of Vale the holder and owner of said permit No. 419-1
a water right, dating from September 21, 1959 to the use of 2.5
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 between a point N 0° E 666 ft.
from the SW Corner, Sec. 17, and a point N 0° E 2277 ft. from the S 1/4 Corner,
Section 20, T8N, R7E
and conducted to and upon portions of Section 17 and 20, T8N, R7E, more specifically
described in the Certificate of Completion of Works

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 15th day of August 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 _____

Permit No. 419-1Belle Fourche
Water Division No. 1 River, Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Fred Miller, Jr.of Vale, County of Butte, and State ofSouth Dakota, the holder of Permit No. 419-1, issued upon Application No. 419-1 bearing date of priority of September 21, 1959 authorizing the diversion of2.5 cu. ft. per second of the waters of the Belle Fourche RiverCounty of Butte, State of South Dakota, Between a point N 0° E, 666 Ft. from the SW Corner, Section 17, and a point N 0° E, 2277 Ft. from the SE Corner, Sec. 20, T8N, R7E for 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 Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 5.5 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 TEN. R7ESection 17 SW 1/4 SW 1/4 18 AcresSE 1/4 SW 1/4 19 AcresSection 20 NW 1/4 SW 1/4 37 AcresNE 1/4 SW 1/4 28 AcresSW 1/4 SW 1/4 38 AcresSE 1/4 SW 1/4 39 AcresTotal 179 AcresWitness my hand this 15th day of August A. D. 1967

State Water Resource Commission

By:

J.W. GRILES
Chief Engineer, Executive Officer

Permit No. 419-1Water 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~~~~Sept. 1, 1952~~, I have this day made a thorough examination of the diversion works constructed byFred Miller of ValleyButte County, South Dakota, holder of Permit No. 419-1, issuedupon Application No. 419-1, bearing date of priority of September 27, 1952, authorizing thediversion of 2.5 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: two pumps, Berkley 8"x6" pump 1450 gpm, John Deere
gasoline tractor power, Cornell pump 6"x6" 1250 gpm, 25 HP G.E. Electric
motor 400 foot 6" pipe, 350 foot of 8" pipe, two miles of
main ditchand the system is in the following condition: GoodThe point of diversion is located As shown on water right map
No 365-1The works are capable of diverting and conveying to the place of use 5 1/2 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: As listed in permit No 419-1 and
as shown on water right map No 365-1comprising a total of 179 acres of land

The domestic use intended comprises

incidental livestock watering

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

Witness my hand, this 12 day of July, A. D. 1967.

—SEAL—

Donald Marshall
Examining Engineer.Deputy Chief Engineer
Water Resources Commission

Location No. 449-1Water Division No. 1 Belle Fourche Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Fred Miller, Rancher, Vale, S. Dak.

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. September 23, 1959

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

Ans. Belle Fourche River in shown in
water right map to 365-1

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. Two 8" pipe Berkeley 5" x 6" pump, 1450 gpm John Deere 9, 450/100
Cornell pump 6" x 6" 1350 gpm, 25 Hp C.E. Electric motor,
400' 6" pipe, 350' 8" pipe, 2 miles main ditch, completed in 1961

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. All of the 100 acres shown inwater right map to 365-1

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

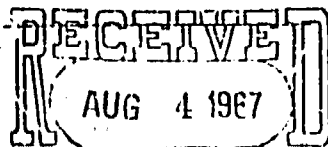
Ans. _____

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

Ans. 2.5 c.f.s. have used 5 1/2 c.f.s.

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.

A

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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 completed in 1961 and started
above, and has been used every year since.

(Sign)

Paul Miller Jr.

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 2 day of August A. D. 1967

Witnesses.

Wm. Blair H. Hawks

John J. J. J. J. J.

Subscribed March 11, 1968

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.

-two

Richard H. Subbach
Robert L. Subbach

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 _____

(First Publication before October 28, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 13, 1959

Notice is hereby given that Fred Miller whose postoffice address is Vale 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 2.5 cubic feet of water per second of time from the Belle Fourche River through the Fred Miller Irrigation Project the point of diversion of which is to be located on the south bank of said stream/in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 17 and a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, both in Twp. 8N Range 7E Said water to be used for the purpose of providing irrigation of the following described land:

SW $\frac{1}{4}$, Sec. 17; SW $\frac{1}{4}$ Sec. 20 T 8 N 7Eand for stockwater 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

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones
 Water Rights Specialist

cc **Lawrence Waylor, Publisher**
Belle Fourche Post
Belle Fourche, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Butte } ss.

Laurence Weyler being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Belle Fourche Post newspaper which during the whole time of publication of said notice herein after 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. 23, 1959

Oct. 24, 1959

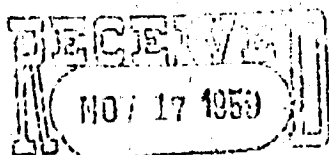
Nov. 6, 1959

Nov. 13, 1959

in each and every issue of the full number thereof, the first publication being made on the 23rd day of Oct. 1959 and the last publication on the 13th day of November 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher the printer of the said newspaper.

Laurence Weyler

Subscribed and sworn to before me this 13 day of Nov. A. D. 1959



STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

No. 419-1
 APPROPRIATION OF WATER

Office of State Water Resources Commission,
 Pierre, S. Dak.
 October 13, 1959

Notice is hereby given that Fred Miller whose postoffice address is Vale, 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 2.5 cubic feet of water per second of time from the Belle Fourche River through the Fred Miller Irrigation Project, the point of diversion of which is to be located on the south bank of said stream between a point in the SW 1/4 of the SW 1/4 Sec. 17 and a point in the NE 1/4 of the SW 1/4 of Section 20, both in Twp. 3N Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Ser. 17; SW 1/4 Sec. 20 T 3N R 7E

and for stockwater 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.

The Water Resources Commission,

By: Burton F. Jones,
 Water Rights Specialist

41 13/17-24-31 11/7

Notary Public: Burton F. Jones Co. De County, S. D.
 My Commission Expires Sept. 27, 1963

September 20, 1961

Fred Miller
Vale, South Dakota

Dear Mr. Miller:

Reference is made to Mr. Trenk's order, as watermaster, to you dated August 26, 1961, restricting your irrigation pumping from the Belle Fourche River.

Inspection now indicates that there is more than ample flow in the Belle Fourche River, between the Irrigation Diversion Dam near Belle Fourche city and the mouth of the Belle Fourche River, to supply domestic, including stockwater, requirements.

Therefore the restrictions as to irrigation pumping contained in the August 31, 1961 letter is hereby rescinded.

Please bear in mind that this does not permit you in anyway to divert all of the flow of the river and any irrigation withdrawals you might make, must allow sufficient water to by-pass your diversion point to supply downstream domestic, including stockwater, and prior water right use.

Sincerely,

J. W. GRUBBS
Executive Officer and
Chief Engineer

JWG:ND:tw

119-1

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA
March 28, 1962

Frank Miller
Vale, South Dakota

Dear Mr. Miller:

This is to inform you that a public hearing pertaining to Water Use Control Area No. 1, will be held in the Nisland City Hall starting at 10:00 A.M. on Friday, April 13, 1962.

One purpose of the hearing is to consider if the services of a Watermaster should be continued or discontinued during the 1962 irrigation season.

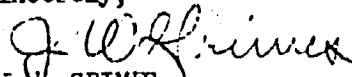
Other matters pertaining to Water Use Control Area No. 1 will also be discussed.

You as holder of Water Right No. 119-1 are within the boundaries of Water Use Control Area No. 1. In 1961, you were assessed a fee of Ten Dollars for each cubic feet per second of your irrigation diversion rate plus twenty-five cents for each acre irrigated under your Water Right. This fee was used in paying for the services of a Watermaster during the 1961 irrigation season.

For your information, the area within Water Use Control Area No. 1 is as follows:

"Those areas irrigated with water obtained from (1) the reach of the Belle Fourche River between a point in the NW $\frac{1}{4}$, Section 2, T 8N, R 2E, immediately downstream from the Belle Fourche Project Diversion Dam and the point where said Belle Fourche River crosses the Southern boundary of Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 35, T 8N, R 7E, (2) the reach of Cottonwood Creek between the point said Creek enters Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 31, T 6N, R 6E, and the confluence of said Cottonwood Creek with the Belle Fourche River in the NW $\frac{1}{4}$, Section 28, T 8N, R 6E, (3) the reach of Owl Creek between a point in the NE $\frac{1}{4}$, Section 19, T 9N, R 4E, immediately downstream from the Belle Fourche (Orman) Dam and the confluence of said Owl Creek with the Belle Fourche River in N $\frac{1}{2}$, Section 11, T 8N, R 5E, and (4) the reach of Horse Creek between the point of confluence of Indian Creek and Horse Creek in the NW $\frac{1}{4}$, Section 27, T 9N, R 5E, and the confluence of said Horse Creek with the Belle Fourche River in the SW $\frac{1}{4}$, Section 18, T 8N, R 7E".

Sincerely,


J. W. GRIMES
Chief Engineer and
Executive Officer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8236

PIERRE, May 29, 1981

Herman Stark, Vale, SD 57788

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

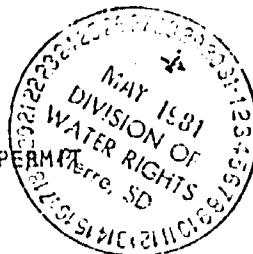
Fee for Application for Permit to Appropriate Water No. 419-1 (examination, processing, recording and filing) -----	
Fee for inspecting Construction, and issuing Cert. of Construction No. -----	
Fee for inspecting Beneficial Use, and issuing Water License No. -----	
Fee for issuing Location Certificate-Dry Draw, No. -----	
Fee for filing transfer of WR# 419-1 -----	2 50 ..
Fee for certified copy of -----	
Fee for Print copy of map -----	
Fee for Certifying -----	
Fee for (any other work as provided by law) -----	
TOTAL	2 50

WATER RIGHTS COMMISSION

By (John Hatch)
 Chief Engineer, Executive Officer
 John HATCH / (bt)

NO. 419-1

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 5-27-81

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

S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 17, SW $\frac{1}{4}$ Section 20, T8N, R7E

formerly owned by Fred Miller

has been transferred to Herman Stark, Vale, SD 57788

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 419-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA
County of Pennington ss.

I, Herman Stark being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Herman Stark
(Signed)

Subscribed and sworn to before me this 27th Day of May, 1981.

J. R. [Signature]
(Notary Public)

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

June 10, 1981

Herman Stark
Vale, SD 57788

Mr. Stark:

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>
419-1	2.50	179.0	\$74.75
TOTAL			\$74.75

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

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8270

PIERRE, June 16, 1981

RECEIVED OF Herman Stark, Route 2, Box 431, Rapid City SD 57701

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 filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for water master services on WR# 419-1 _____	74	70 75
(any other work as provided by law) _____		
TOTAL	74	70 75

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH (KWL)

44-1

Thomas L. 1872

2121-1-

15 1872 1530

3944781

Thompson Medley

6872

6010598

Pumpkin 12 10 9 10

11 20 10 10 10 10

11 20 10 10 10 10

Booster 30 18 18 18 18 18

354560

Thompson Medley 18 18 18 18

11 18 18

1800 18 18 18

18 18 18 18

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 Use -'s fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	\$7,379.37	\$2,028.62	\$5,350.75

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayer	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.52
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	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.03
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	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.30	418.00	164.50	145.01
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	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Retu. ned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lzurence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	501.00	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	60.86
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	2.35	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Milier	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	65.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Axer	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 Carness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Judmayr)	1.87	121.00	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	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
552-1	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	2.65	198.00	79.50	---
865-1	Solomn 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	---

STATE OF SOUTH DAKOTA

Do not use this space.

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
117	11/10/81

PAYEE .

DEPT. .

STAPLE
HEREHerman Stark
Vale, SD 57788DWR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

AGENCY .

ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Subj. Obj.	Agency Coding	Amount	Contract No.
200301	899	01	0000	0801		66.17	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22	66.17

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 419-1 Herman Stark		66.17	
TOTAL					66.17	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

Herman Stark
Claimant Signature

11-5-81
Date

[Signature]
DIVISION APPROVAL

11-5-81
DATE

APPROVAL SIGNATURE

DATE



Rapid City, S.D. 57101
Nov 14 - 1981

Dear Sir:

In the Summer of 1981
a representative of the Water
Commission gathered information
concerning water uses on our
farm. Having leased the farm
the my sons & not being available
at that the time of his presence
I gave information. We agreed we must
connect & would like to clear
this matter at your convenience
also we always were led
to believe we had app. 5 acre
feet pumping permit on this
land & would like to have a
thorough check on this matter
Permit No 419-1

Heaman Stark

Rt 8 - Box 431

Rapid City, S.D. 57101