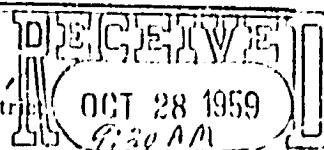


1. Considered 1-26, 1960 Appl. No. 435-1
2. Name of Applicant Davis & Hitzel
3. Post Office Address Bella Fourche
4. Amount of water claimed 47 cfs
5. Source of water supply N. & S. Indian Creeks
6. Water to be used for irrigation
Acres to be irrigated 329
7. Water to be diverted and used in Bella County about
_____ miles _____ of _____.
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 435-1
 Water Division No. 1 Butte Indian Res. District
 (Blanks to be filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

To Appropriately Water within the State of South Dakota

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

1. Name of applicant DAVIS & HETTEL (LENNIE E. DAVIS AND HARRY CASITZEL)Postoffice address BEILLE, SOUTHERN, County DEUEL, State SOUTH DAKOTAI. 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 of others, or by direct labor)

(b) Cash on hand, \$ 5 X (c) Treasury stock, \$ 2 X(d) Bonds to be issued, \$ X X (e) Other resources, \$ X X2. Name of diversion work DAVIS & HETTEL IRRIGATION PROJECT3. Amount of water claimed 4.7 cubic feet per second4. Source of water supply North Indian Creek and South Indian Creek5. Location of point of diversion N 90°E 830' from the N 1/4 Cor. 13, T.11 N., R. 3 E-BHM on N. Indian CreekSec. 24, T.11 N., R. 3 E-BHM (South Indian Creek) (BOTH BANKS) County.BUTTE COUNTY6. Annual period or periods during which water is to be used April 1st thru Nov. 30.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 329 acresNW-NE-6 Ac., NE-NE-9 Ac., Sec. 13, T.11 N., R. 3 E-BHM Total 15 Ac.NE-NW-31 Ac., SE-NW-10 Ac., SE-NW-24 Ac., NW-SW-2 Ac., NE-SW-30 Ac.,NW-SE-10 Ac., SE-SW-24 Ac., Sec. 13, T.11 N., R. 3 E-BHM Total 133 Ac.NW-NW-18 Ac., NE-NW-30 Ac., SW-NW-18 Ac., SE-NW-30 Ac., Sec. 13 - Total 108 Ac.NW-NE-30 Ac., NE-NE-33 Ac., SW-NE-4 Ac., SE-NE-11 Ac. Sec. 24,T.11 N., R. 3 E-BHM Total 73 Ac.Grand Total - 329 Ac.(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

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

- SURVEYOR'S CERTIFICATE -

I further certify that the bearings and lengths of the several lines, shown hereon, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 17th day of October 1969.

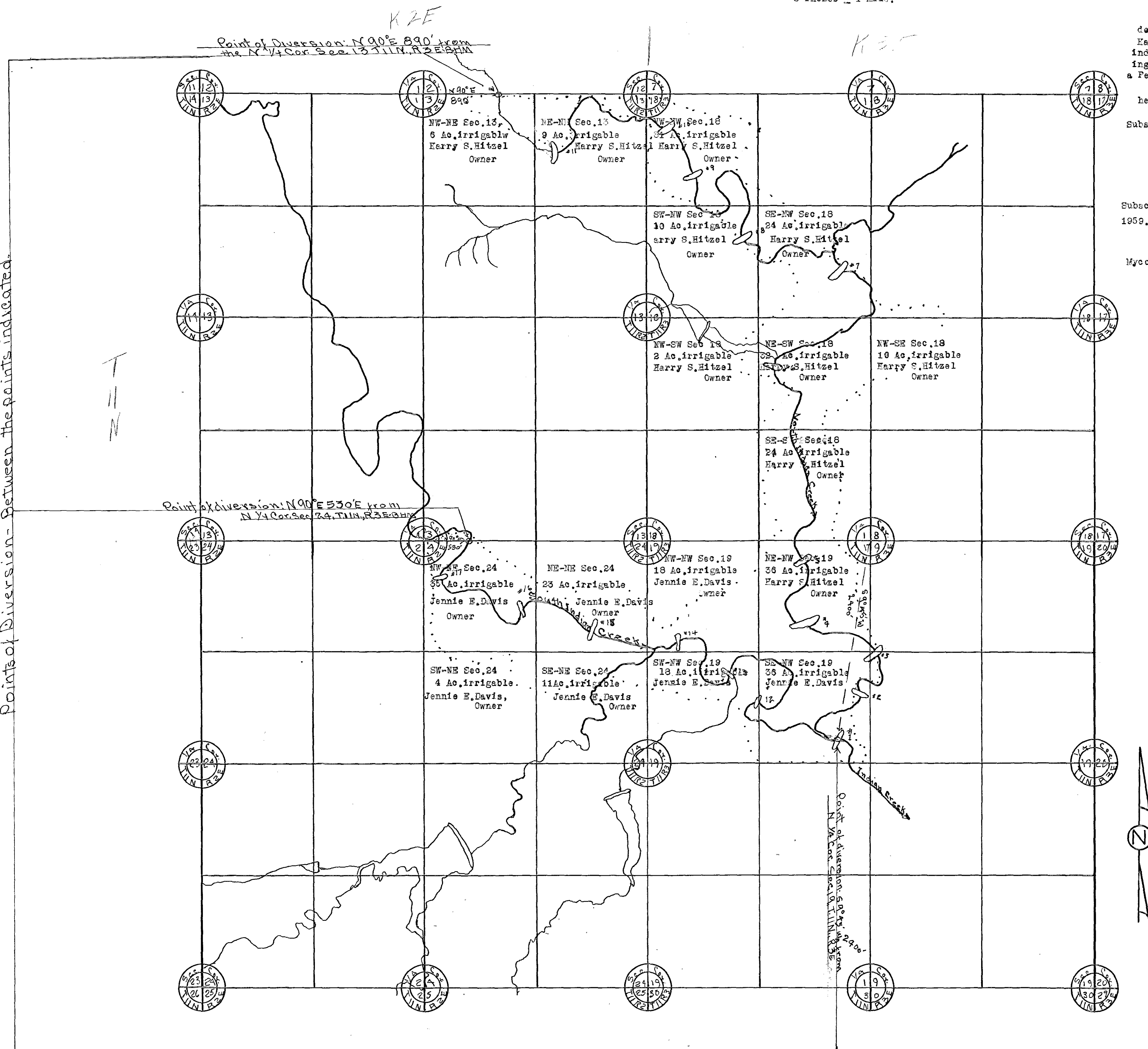
SIGNATURE: Carl M. Cornell
Carl M. Cornell, Licensed Surveyor
144 STAL

Subscribed and sworn to before me at Buffalo, South Dakota this 17th day of October 1959.

M. R. Hanna
Notary Public SEAL

My commission expires Aug 9 1966.

Points of Diversion- Between the points indicated.



Map No 379-1
(App'l No ~~435-1~~
435-1)

LANDS IRRIGATED

All in Twp. 11N, Rge. 2E

Description		Acres
Section 13	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9
Section 24	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	23
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11

All in Twp. 11N, Rge 3E.

Section 18	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	24
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	32
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24
Section 19	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	18
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	36
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	18
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	36

TOTAL ACRES

329

8. Estimated cost of work:

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

(c) Fluming, \$-----

(e) Other structures -----

(d) Canal-earth, \$-----

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

(g) Estimate Pumping plant Rock, \$-----

Total, \$-----

9. Description of diversion works:

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

Probably some pumping in flood season
17 proposed spreader dam to fill bottom in flood season. xii

II. Dimensions of works

(Average) (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. Dak.

STATE OF SOUTH DAKOTA
County of Butte ss.

I, Davis and Hitzel (Jennie E. Davis and Harry S. Hitzel), by Jennie E. Davis 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, Davis and Hitzel by Jennie E. Davis

Subscribed and sworn to before me this 19th day of October 1909

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission Expires

Remarks by State Water Resources Commission:

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,

January 29, 1960

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

A. m. upon the 28th day of October, 1959

State Water Resources Commission

By:

W. H. Binner

Chief Engineer, Executive Officer

Number of permit 435-1

Date of first receipt of application October 28, 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 October 28, 1959

Approved January 26, 1960, Recorded in Book 5 Page 305

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

July 26, 1962

2nd. The whole of said work is to be completed on or before January 26, 1965

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

January 26, 1969

4th. The water appropriated shall be used for the purpose of Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.7 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 January 26, 1969; said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this

29th

day of

January

1960

State Water Resources Commission

By:

W. H. Binner

Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 4, 1971

Water License Issued

OCTOBER 4, 1971

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 435-1.

(1) WHEREAS, On the 28th day of October A. D. 19 59
Davia and Hitzel
 made Water Right Application No. 435-1 for a permit to use 4.7 cubic feet per second of the waters
 of North and South Indian Creek
 County of Butte, State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 29th day of January A. D. 19 60
 Permit No. 435-1, with a date of priority of October 28, 1959
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 26th day of January A. D. 19 65 and for the
 application to beneficial use of said water on or before the 26th day of January A. D. 19 69

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 4.7 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

for irrigating the lands shown on the attachment.

(5) 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 Davis and Ritzel

_____ of Belle Fourche, S.D.

the holder _____ and owner _____ of said permit No. 435-1 a water right, dating from October 28, 1959

to use of 4.7 cubic feet per second of the waters of North and South Indian Creeks

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 N. Indian Creek-between a point N. 90° E., 690' from the N½ Corner, Sec. 13, T11N, R3E, and a point S. 90° 45' W., 2400' from the N½ Corner,

Sec. 17, T11N, R3E. From S. Indian Creek, between a point N. 90° E., 530' from the N½ Corner, Sec. 24, T11N, R2E, and the same lower point listed for N. Indian Creek

and conduct to and upon portions of Sections 13 and 24, T11N, R2E and Section 18 and 19, T11N, R3E, described on the face of this License (see attachment)

for the purpose of irrigation

Subject to any limitations stated in Water Right Permit No. 435-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of October A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer J.W. CRIMES

Form 15.

Permit No. 435-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

Davis and Hitzel

This is to Certify, That _____

_____ the holder _____ of
Permit No. 435-1, issued upon Application No. 435-1, bearing date of priority of October 28,
1959 authorizing the diversion of 4.7 cu. ft. per second of the waters of _____
North & South Indian Creek Butte County State of South Dakota
N. Indian Creek between a point N. 90° E., 890' from the N. Corner, Sec. 17, T11N, R3E, and
a point S. 9° 45' W., 2400' from the N. Corner, Sec. 17, T11N, R3E. From S. Indian Creek
between a point N. 90° E., 530' from the N. Corner, Sec. 24, T11N, R3E, and the same lower
point listed for N. Indian Creek.

_____ for Irrigation

_____ has 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 up to 50 cu. ft. per second of water.

Date October 4, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No.

435-1

Water Division

1 BELLE FOURCHE RIVER

Water District

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by DAVIS & HITZEL of BELLE FOURCHE holder of Permit No. 435-1, bearing date of priority of OCTOBER 28, 1959, authorizing the diversion of 4.7 cu. ft. per second of the waters of NORTH & SOUTH INDIAN CREEKS for IRRIGATION purposes, in BUTTE County.

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

The Water Use System consists of,

A. Works used to divert the water:

DAVIS PORTION ON S. INDIAN CREEK - FAIRBANKS-MORSE 6" PUMP W/ F.M. 15 H.P. ELECTRIC MOTOR - 1190' OF 6" PIPE TO DITCHES. ALSO SERIES OF B PLUGS IN CREEK TO DIVERT WATER TO BOTTOMS.

B. Works used to transport water to place of use,

HITZEL PORTION - ON N. INDIAN CREEK - SERIES OF 11 DIKES ACROSS CREEK TO DIVERT WATER TO FLOODPLAIN FLATS. 6" DROP INLET BELOW CONFLUENCE OF CREEKS

C. Works used to apply water to beneficial use.

ALLOWS FOR RELEASE OF WATER DIVERSION & SPREADER DIKES FOR WATER SPREADING

The system is in the following condition:

GOOD

N. INDIAN CREEK - BETWEEN A POINT N90°E, 890' FROM THE N 1/4 CORNER SECTION 13, T11N, 22E AND A POINT S90°45'W, 2400' FROM THE N 1/4 CORNER, SECTION 17, T11N, 22E. FROM S. INDIAN CREEK BETWEEN A POINT N90°E, 530' FROM THE N 1/4 CORNER, SECTION 24, T11N, 22E, AND THE SAME LOWER POINT LISTED FOR N. INDIAN CREEK

The works are capable of diverting and conveying to the place of use

UP TO 56

cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: FOR IRRIGATING THELANDS SHOWN ON THE ATTACHMENTcomprising a total of 329 acres of land.

Date

SEPTEMBER 23, 1971

Phyllis J. Jones
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

PROOF OF PUBLICATION

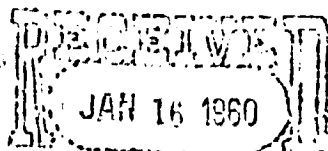
STATE OF SOUTH DAKOTA.

County Butte ss.Lawrence W. Hager 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 a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Butte and State of South Dakota;

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

Dec 9 - 1959
" 16 1959
" 23 1959
" 30 1959in each and every issue of the full number thereof, the first publication being made on the 9 day of Dec1959 and the last publication on the 30 day ofDec 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Lawrence W. Hager the printer and publisher of the said newspaper.Subscribed and sworn to before me this 30 day of December A. D. 1959STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTANo. 435-1
APPROPRIATION OF WATER
Office of State Water
Resources Commission
Pierre, S. Dak.
December 2, 1959

Notice is hereby given that Davis and Hitzel whose post-office address is Belle Fourche, 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 4.7 cubic feet of water per second of time from North and South Indian Creeks through the Davis & Hitzel Irrigation Project the point of diversion of which is to be located on both banks of said stream between points in the NW 1/4 NE 1/4, Sec. 13, & the NW 1/4 NE 1/4 Sec. 24, T 11N, R 2E, and a point in the SE 1/4 of the SW 1/4 of Section 19 Twp. 11N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 NE 1/4 Sec. 13 & the NW 1/4 Sec. 24 T 11N, R 2E; and the NW 1/4 SE 1/4, NW 1/4 & SW 1/4 Sec. 13 & the NW 1/4 Sec. 19, T 11N, R 2E 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 26th day of January, 1960, at 2 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: Euston F. Jones
Water Rights Specialist
At 12/9-10-23-30Notary Public Butte County, S. D.
Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 27, 1965

Attention to Appropriate Water

No. 435 -1

(First Publication on or before Jan. 1, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Com.
Pierre, S. Dak. December 4, 1959

Notice is hereby given that Davis & Hitzel whose postoffice address is Belle Fourche 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 4.7 cubic feet of water per second of time from North and South Indian Creeks through the Davis & Hitzel Irrigation Project, the point of diversion of which is to be located on both banks of said stream between points in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 13, & the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 24, T 11N, R 2E, and a point in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19 Twp. 11N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ Sec 13 & the NW $\frac{1}{4}$ Sec 24 T 11N, R 2E; and the NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$ & SW $\frac{1}{4}$ Sec 18 & the NW $\frac{1}{4}$ Sec 19, T 11N, R 2E
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 26th day of January, 1960, at 2 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

cc: Lawrence Keyler-Publisher
Belle Fourche Daily Post
Belle Fourche, South Dakota

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**



Department of Water & Natural Resources

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

January 29, 1988

DAVIS RANCHES INC - Tom Davis
CAMP CR SR BX 1
BELLE FOURCHE, SD 57717

NOTICE

Re: Violation of Requirement to Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 899-1, 435-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 899-1, 435-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 12, 1988

435-1
899-1

Davis Ranches, Inc.
Tom C Davis
HCR 64, Box 38
Belle Fourche SD 57717

Dear Mr. Davis:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 435-1 & 899-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

435-1

 **Department of
Water & Natural Resources**

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

May 26, 1988

Tom Davis
Davis Ranch, Inc.
HCR 64, Box 38
Belle Fourche, SD 57717

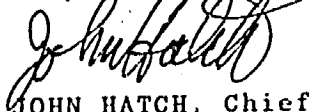
Dear Mr. Davis:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 435-1, 899-1.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



S. D. Dept. of Water & Natural Resources
Joe Foss Building
503 East Capitol
Pierre S. D.
57501-3181



Dear Mr. Hatch,

I am writing to tell you I would like to keep my water rights if at all possible.

The reason I have not used my irrigation system is because of the high cost of electricity. I would like to set up a diesel or propane motor but haven't as of now.

Last year we received ample rain and would not have needed the irrigation system. Now this year I could put it to use (if I had it set up) but there hasn't been any run off. In fact, we are very dry.

Tom Davis
Davis Ranch Inc.
16264 Box 38
Belle Fourche, S. D.
57717



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 22, 1998

435-1

Tom C Davis
Davis Ranches Inc
HCR 64 Box 38
Belle Fourche, SD 57717

Dear Mr. Davis:

I am writing to you in regard to the type of irrigation system you use for Water Right No. 435-1. Water Right No. 435-1 authorizes diversion of water from North and South Indian Creeks to irrigate 329 acres in Sections 13 & 24, T11N, R2E and Sections 18 & 19, T11N, R3E.

In 1971, an investigation of your water use system was conducted to allow for issuance of the water license. At that time, you had the capability of using a pump to divert water from the stream to spreader dikes and ditches. Enclosed is a copy of the 1971 report.

I noticed when reviewing last year's irrigation questionnaire, that you listed "flood irrigation" and did not include a pump rate. In order to calculate how much water is used from a particular water source, it is necessary to have a pump rate listed along with the days per month and average hours per day the system is used.

Do you still utilize a pump with your irrigation system or is it entirely a water spreading system? Please take a few minutes to write or call and let me know if your irrigation system has changed. You may make any necessary corrections on the enclosed report and send it back to me.

I appreciate any assistance you may give in this matter. If you have any questions, please get in touch with me.

Sincerely,

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

encl

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Tom C Davis, w/Davis Ranches Inc

ADDRESS: HCR 64 Box 38, Belle Fourche, SD 57717

DATE: July 23, 1998

TELEPHONE:

RE: irrigation system

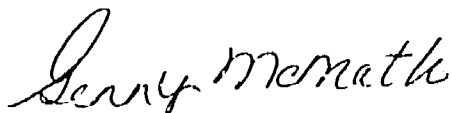
COMMENTS:

Mr. Davis called in regard to a letter I mailed him July 22nd about his irrigation system. Mr. Davis normally reports "flood irrigation" and does not list a pump rate.

He indicated he still uses a pump when necessary. He replaced his electric motor with a diesel one and says when necessary he pumps out of the reservoir into the spreader system.

I told Mr. Davis that when returning his yearly irrigation questionnaires to make a notation on the form on whether or not he pumped for that specific crop year. He said he would do that. (I am not sure he knew what the pump rating was, but said it produced a 12" stream when it was wide open).

Some time in the future it may be necessary to reinspect his irrigation system. He indicated a portion of the spreader dikes or ditches had washed out and some of the land could not be irrigated. He didn't say when this occurred or how long it had been since the land was not irrigated.



Genny McMath
Environmental Scientist

435-1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVIS RANCHES INC
TOM DAVIS
HCR 64 BOX 38
BELLE FOURCHE SD 57717

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
Tom C. Davis 1-20-01

C. Signature

X Tom C. Davis

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3727

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



435-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: DAVIS RANCHES INC, TOM DAVIS, HCR 64 BOX 38, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 435-1 & 899-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 Nos. 435-1 & 899-1 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 questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2001

435-1
899-1

Tom Davis
Davis Ranches, Inc
HCR 64 Box 38
Belle Fourche, SD 57717

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 435-1 and 899-1.

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

435-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 7, 2022

Tom C Davis
Davis Ranches Inc
17153 Camp Crook Rd
Belle Fourche SD 57717

RE: Water Right Nos. 435-1, 899-1, 1842-1 and 1899-1

Dear Mr. Davis:

Enclosed is a "Notice" dated October 21, 2022 concerning the 2022 irrigation questionnaires.

The notice was originally mailed to 11022 Davis Rd, Belle Fourche SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: DAVIS RANCHES INC, TOM C DAVIS, 17153 CAMP CROOK RD, BELLE FOURCHE, SD 57717 6200

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 435-1 & 899-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1842-1 & 1899-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1842-1 & 1899-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 435-1 & 899-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CUEDDS**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 6, 2023

Tom C Davis
Davis Ranches Inc
17153 Camp Crook Rd
Belle Fourche SD 57717-6200

RE: Water Right Nos. 435-1, 899-1, 1842-1 & 1899-1

Dear Mr. Davis:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 435-1, 899-1, 1842-1 & 1899-1. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us