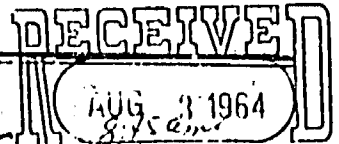


734-1

1. Considered 9-16, 1961
2. Name of Applicant DONALD L. HOEYE
3. Post Office Address BELLE FOURCHE
4. Amount of Water Claimed 5.94 + 72 AC.FT STORAGE
5. Source of water supply HILDEBRAND CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 416
7. Water to be diverted and used in BUTTE County about
18 N 4 E Miles of BELLE FOURCHE.
8. Proof of Publication Received 1st
Not Received
9. Application Approved ✓ Sub
Subject to Prof
Not Approved
Action deferred

10. Remarks:



No. 234-1
 Water Division No. 1 Belle Fourche River
 (Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant RONALD L. HOEYER (phone 892-3240)
 Postoffice address BELLE FOURCHE, County BUTTE, State S.D. DAK.

I. If a corporation

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

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

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

2. Name of diversion work THE CENTER OF THE NAT. IRRIGATION PROJECT
 3. Amount of water claimed 5.94 cubic feet per second
 4. Source of water supply HILDESHAND CREEK
Between a point N 81° E N 2112' from the W 1/4 Cor. Sec. 28, T.12 N., R.3 E-
 5. Location of point of diversion SE 1/4 NE 1/4
and a point N 560' from the SE Cor. Sec. 4, T.11 N., R.3 E-BHM
on Both bank Butte County.
 6. Annual period or periods during which water is to be used Mar. 15th thru Nov. 15th
 7. To be used for:

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

- (a) Number of acres to be irrigated 416 acres.

(b) Local subdivisions to be irrigated

NW-NW-26 ac., NE-NW-7 ac., SW-NW-5 ac., SE-NW-5 ac., Total - 43 ac.
 Sec. 3, T.11 N., R.3 E-BHM.
 NE-NE-26 ac., SE-NE-22 ac., Total - 48 ac.,
 Sec. 4, T.11 N., R.3 E-BHM
 SW-NW-34 ac., SE-NW-15 ac., NW-SW-38 ac., SW-22 ac.,
 SW-SW-15 ac., SE-SW-8 ac., SW-SE-2 ac., SE-SE-5 ac., Total 139 ac.
 Sec. 28, T-12 N., R.3 E-BHM
 NW-NE-18 ac., SW-NW-30 ac., SE-NW-27 ac., SW-NE-5 ac.,
 NW-SW-20 ac., SW-SW-11 ac., NW-SE-21 ac., NE-SE-4 ac.,
 SW-SE-30 ac., SE-SE-20 ac., Sec. 33, T.12 N., R.3 E-BHM Total 186 ac.
 Grand Total - 416 ac.

Mar No 6/5-1

(SPREADER SYSTEM IN SEC.28 - IN OPERATION)

Main reservoir 17552 cu.yds @ 15¢ 2632.30
374' 12" flume with headgate 833.00
Estimated cost of work 1722.00
11480' broad dikes, 11480 cu.yds @ 15¢ - (b) Pumping plant 300.00
5-20' X 12" deformed flume with gates @ \$60.00 ea Back 150
132 ac. levele @ 25.00 (d) Canal earth, \$
(e) Other structures
Total, \$2727.80

9. Description of diversion works: (To be constructed)

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
10580' dikes and ditches = 4500 cu.yds @ 15¢ \$675.00
--- Pump and main line --- 1390.00
II. Dimensions of works.
Grand total 21780' feet; length at bottom 21780' feet; length at top
(Dam in S. 28) Dam: Height 30' feet; thickness at bottom 135' feet; thickness at top 12'
21765' feet; slope at front water face 4:1; slope at back face 2:1
material used in construction Earth
(b) Reservoir: Capacity when filled 30 acre feet. Surface area at highwater
mark 22 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	ACRE- FEET CAPACITY

(c)* Head gate: Width 12" (round) feet; height
Material Trickle tube 8"

Dikes (3) Canal: Total length 11480' 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 5 years.
12. Choice of newspaper for publication of notice of intention to appropriate
The Belle Fourche Bee, Belle Fourche, S. D.
STATE OF SOUTH DAKOTA

County of Butte ss.

I, Donald L. Hays, 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 Donald L. Hays

Subscribed and sworn to before me this 15th day of July 1964

Carl M. Cornell,

Notary Public (X) DOROTHY M. KATZ

*Each diversion must have a headgate or measuring device.

Notary Public

Surveyor's Certificate

I, Fred D. Brady, Prof. Engr. Reg. Land Surveyor do hereby certify that at the direction of the Spearfish Valley Ranch, I have surveyed the location of Well #24 and one Dam & Res. Site and the areas to be irrigated as shown hereon. All dimensions are true & correct.

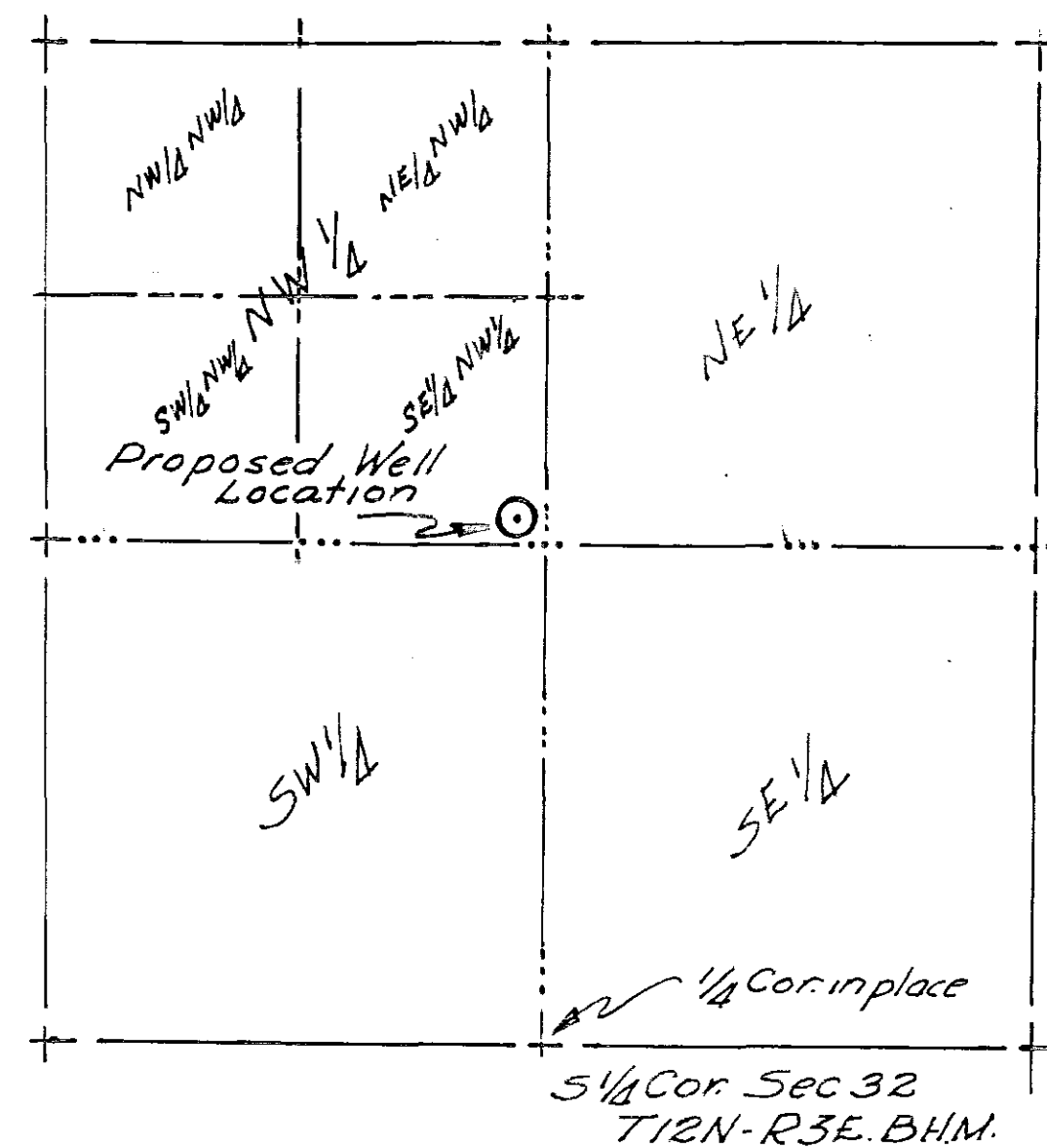
Fred D. Brady
Reg. L.S. & P.E. SD #478.

Acknowledgement of Surveyor

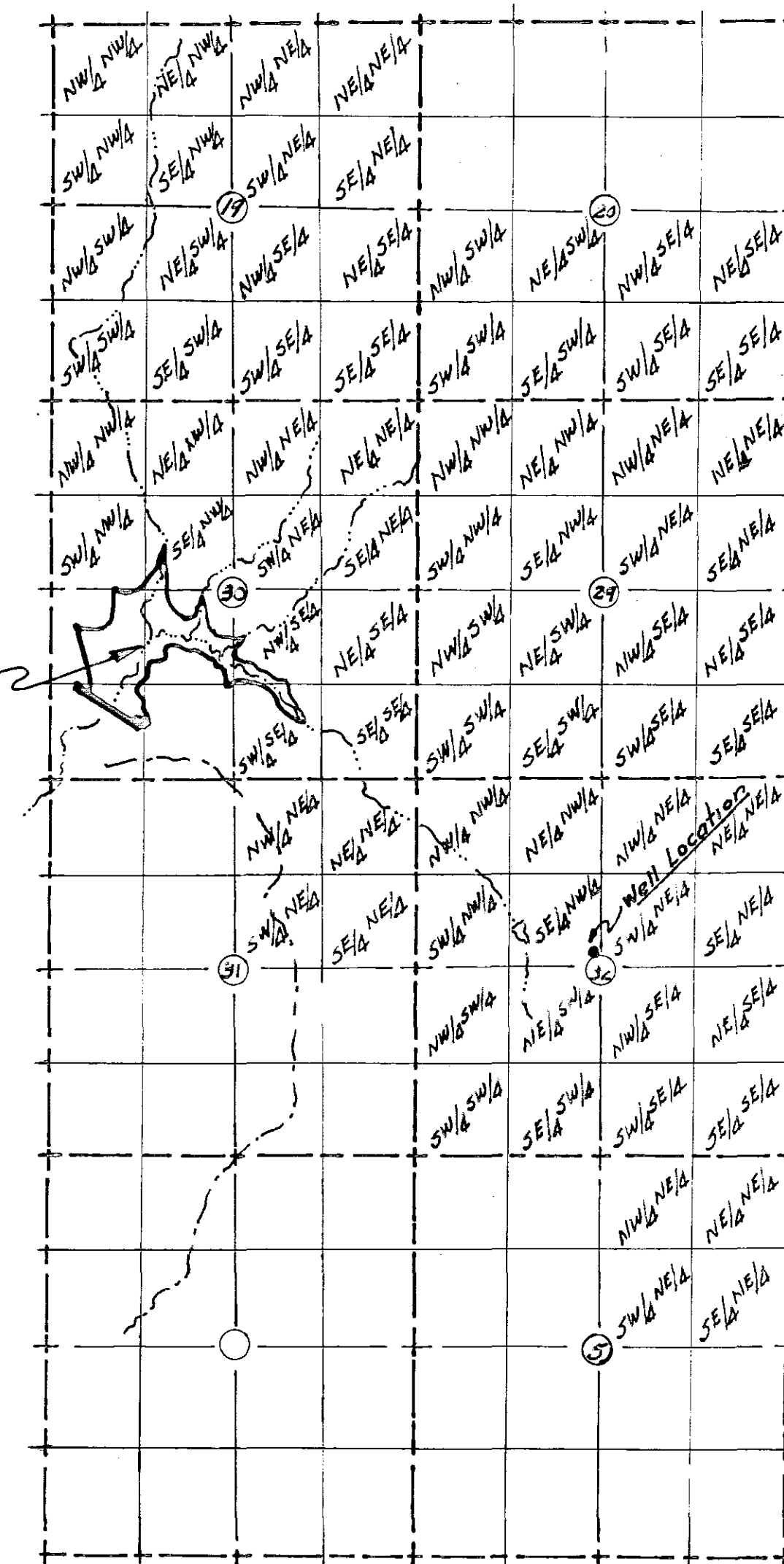
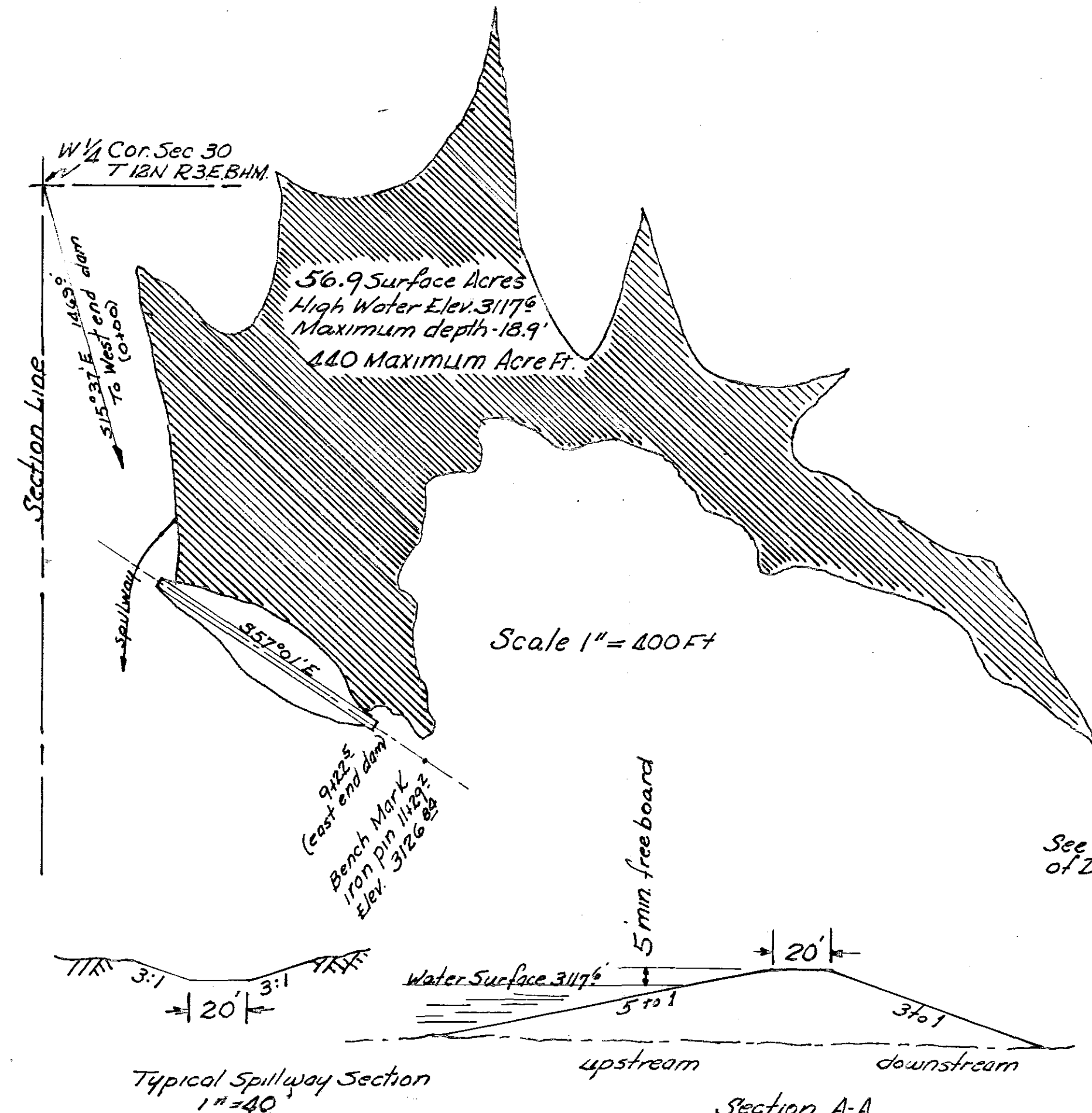
Be it remembered that on this 3rd day of June 1974, before me a Notary Public personally appeared Fred D. Brady, known to me to be the person described in and who executed the foregoing certificate.

My Commission expires August 15, 1975.

Mr. Sharp
Notary Public



Proposed Well Location is in SE 1/4 NW 1/4 Sec 32 T12N-R3E
 & is 2796' N 3°27'W from 5 1/4 Cor. Sec 32 T12N, R3E B1M.
 1" = 1000' Ground Elev. 3151.3

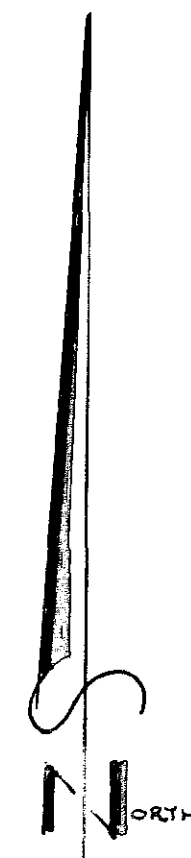


Lands to be Irrigated:

T12N, R3E, B1M.		Acres
Section 19 - All		640
Section 20 - 5/2		320
Section 29 - All		640
Section 30 - NW 1/4, NE 1/4 & SE 1/4		480
Section 31 - NE 1/4		160
Section 32 - All		640
	2880	~ 2880
T11N, R3E, B1M.		
Section 5 - NE 1/4	160	~ 160
<u>Total Acres</u>		<u>3040</u>

Spearfish Valley Ranch -
 Sprinkler Irrigation Project # 2-H
 by Fred D. Brady - P.E. #478
 May 28, 1974 - Scale 1"=2000'
 (except where noted)

Wells not approved
[Signature]



PLAT OF
The Center of the Nation Irrigation Project in Sec. 3 and 4, T.11 N., R.3 E-
and Sec.s 28 and 33 of T.12 N., R.3 E-6th in Butte County, South Dakota

Scale - 1 inch = 660 feet
3 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 Donald L. Hoyer of Belle Fourche, Butte County, South Dakota, I have made a survey of the tracts, shown on this plat, for the purpose of preparing the required map of the Center of the Nation Irrigation Project as part of his Application for a Permit to appropriate water for irrigation and stockwatering from Hildebrand Creek. I further certify that the lines and the lengths thereof as shown hereon and their location with reference to the Government land corners shown, are correct, to the best of my knowledge and belief.

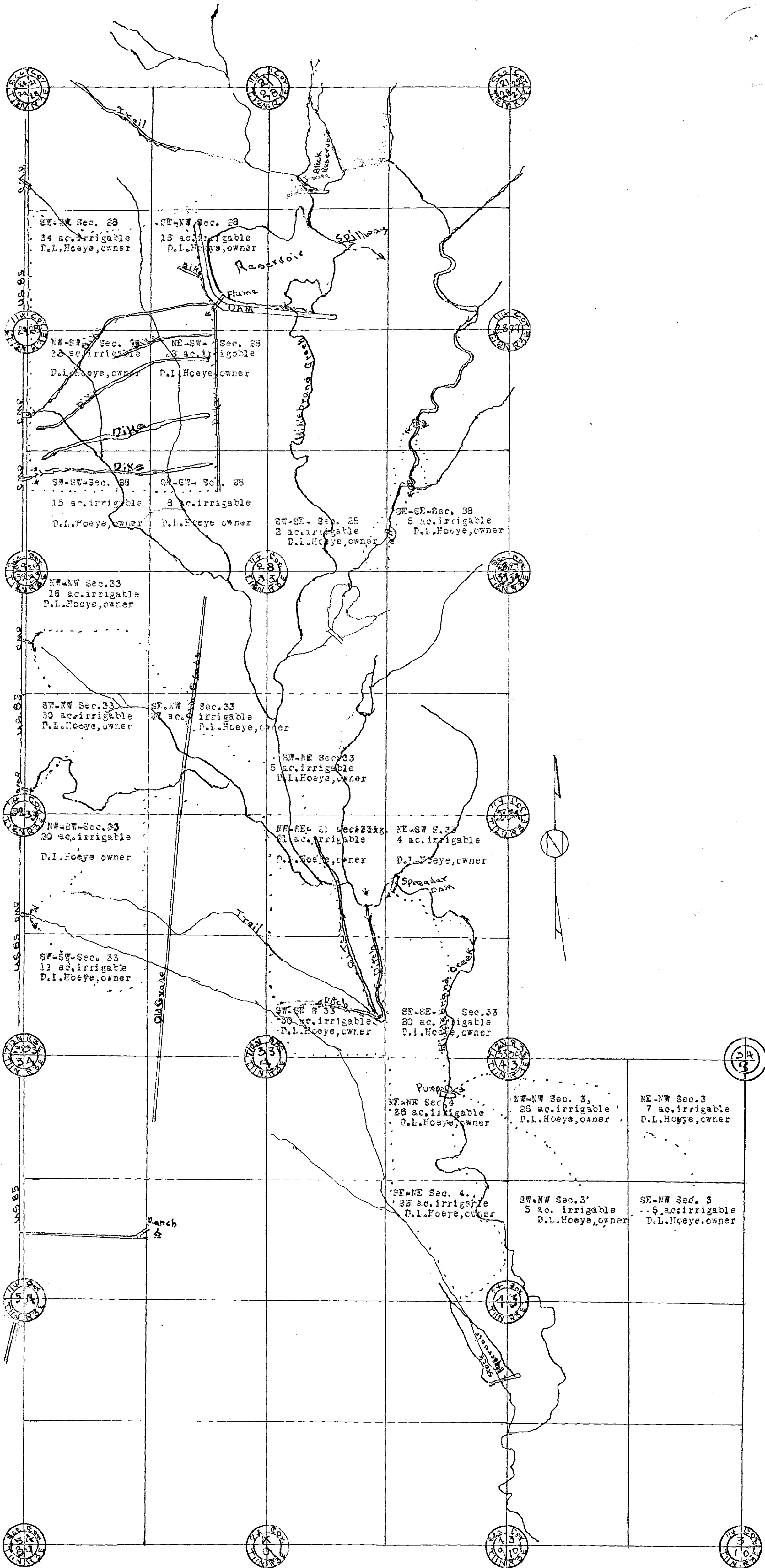
Subscribed and sworn to at Buffalo, Harding County, South Dakota this 27th day of July, 1964.

Carl M. Cornell, Licensed Surveyor # 144 (SFAI)

Subscribed and sworn to before me at Buffalo, South Dakota this 27th day of July 1964.

Notary Public/

(SEAL)



Map No 615-1 App 1 No 734-1

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights. This permit also authorizes

the storage of up to 72 acre-feet of water annually

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

September 24, 1964

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock

a.m. upon the

3

day of

August

1964

State Water Resources Commission

By:

Donald Wiscoll

for Chief Engineer, Executive Officer

Number of permit 234-1

Date of first receipt of application

August 3

1964

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

August 3

1964

Approved

September 16

1964

Recorded in Book

8

Page

243

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

March 16

1967

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

September 16

1969

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

September 16

1973

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 5.94 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

September 16

1973;

said water to be used during the following described annual period:

March 15

through

November 15

Witness my hand this

34th

day of

September

1964

State Water Resources Commission

By:

Donald Wiscoll

Chief Engineer, Executive Officer

Certificate of Construction issued

19

Water License issued

19

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Belle Fourche ss.

Lawrence Taylor being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the Daily Belle Fourche a 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 Belle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Aug. 14, 1964
Aug. 21, 1964
Aug. 28, 1964
Sept. 4, 1964
 in each and every issue of the full number thereof, the first publication being made on the 14th day of August 1964 and the last publication on the Sept 4 day of Sept 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

No. 734-1
APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., August 10, 1964.

Notice is hereby given that Donald L. Hoeye 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 5.94 cubic feet of water per second of time from Hildbrand Creek through the Center of the Nation Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T 12 N, R 3 E, and a point in the SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 28, Twp. 12N, Rge 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW $\frac{1}{4}$ Section 3; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 4, T 11 N, R 3 E; SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 20; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 33, T 12 N, R 3 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964, at 1 p.m. All interested persons may appear and be heard.

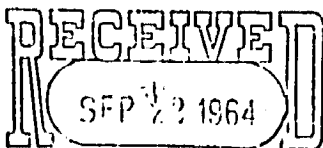
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission By:

BURTON F. JONES
Water Right Specialist

BH 8/14-21-28 9/4

Subscribed and sworn to before me this 4 day of Sept A. D. 1964



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public Belle County, S. D.

Notary Public, Belle County, So. Dak.
My Commission Expires Sept. 22, 1966

(on or before August 20, 1964)
(First Publication)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., August 10, 1964

Notice is hereby given that Donald L. Hoeys 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 5.94 cubic feet of water per second or time from xxx Hildebrand Creek through the Center of the Nation Irrigation Project, the point of diversion of which is to be located on xxx both between a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T11N, R3E, and a point banis of said stream/ in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 28 portions of Twp. 12N Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ Section 3; E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4, T11N, R3E; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28;

SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Section 33, T12N, R3E

xxxxxx and for xxxxxx purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of September, 1964 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:

CC: Laurence Weyler, Publisher
Belle Fourche Bea
Belle Fourche, S. Dak.

BURTON F. JONES
Water Right Specialist

Buffalo, So.Dak. 9/12/64.

State Water Resources Commission,
Pierre, So.Dak. Attention; Burton F. Jones,
Water Right Specialist.

Dear Burt;

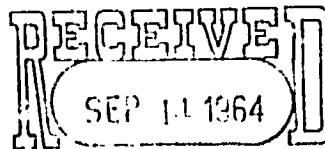
In answer to yours of the 4th inst., relative to the Hoeys application #739-1, will say that the figures I gave you relative to the capacity of the dam were, as you suggested, incorrect. The SCS rebuilt the dam in 1962 and evidently gave me figures which related to the dam previous to that time. Their latest figures are 72 Ac.Ft. storage but they could not find a figure on surface area. They give it a "50% chance of yield" of 44.3 Ac.Ft. "from a drainage area of 1718 Ac.

Thanks a lot and the best to you and yours.

Sincerely,



Carl M. Cornell,
Buffalo, So.Dak.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

September 4, 1964

Mr. Carl Cornell
Buffalo, S. Dak.

Dear Carl:

In the Donald L. Hoeye water right application, No. 739-1, on the second page under "II. Dimensions of Works", it shows that the storage dam, 20 feet high and having a surface acreage of 22 acres, will have a capacity of only 30 acre feet.

This 30 acre feet figure doesn't sound quite right. Would you please send me a corrected figure for the capacity of the dam, or verify the 30 acre foot figure.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFF:mf

September 4, 1964

Mr. Carl Cornell
Buffalo, S. Dak.

Dear Carl:

In the Donald L. Hoey water right application, No. 739-1, on the second page under "II. Dimensions of Works", it shows that the storage dam, 20 feet high and having a surface acreage of 22 acres, will have a capacity of only 30 acre feet.

This 30 acre feet figure doesn't sound quite right. Would you please send me a corrected figure for the capacity of the dam, or verify the 30 acre foot figure.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

754-1 Donald L. Hoyle
Melvin Delger.

Make overlay of 1980 map or
or obtain copy from ASCS office
then checked with Roger
Delger.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 734-1

November 15, 1984

Delzer Construction Co.
2040 W Main
Rapid City SD 57701

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

NW $\frac{1}{4}$ Section 3; E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4, T11N, R3E; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28;

SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 33, T12N, R3E

formerly owned by Donald L Hoeye

has been transferred to Delzer Construction Co., 2040 W Main, Rapid City SD 57701

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 734-1 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 Div. 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, Melvin E Delzer 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.

Melvin E Delzer
(Signed)

Subscribed and sworn to before me this 20 day of November, 1984.

Alvin M. Pruefer
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

NO 4 9834

Pierre, November 26, 1984

RECEIVED OF Delzer Construction Co., 2040 W. Main, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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 for <u>WR#734-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH/MS



Department of Water & Natural Resources

Jess Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

November 27, 1984

Delzer Construction Co.
2040 W Main
Rapid City SD 57701

Dear Sir:

Enclosed is receipt No. 4 9834 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 734-1.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Aide

enclosure

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

December 4, 1984

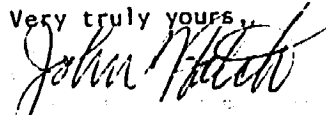
Delzer Construction Co., Inc.
2040 W Main
Rapid City SD 57701

Dear Sir:

Enclosed herewith is, Water License No. 1014-1. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Right Division

JH: ks

Enclosures

NOTE: The applicable portions of Water Permit No. 734-1 are being incorporated into this Water License No. 1014-1, with priority dates of 3.44 cubic feet per second (cfs) of water from August 3, 1964 and 5.76 cfs from April 3, 1974.

WNR-817 3/83

Transmittal of Water License