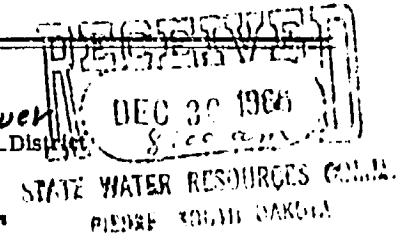


789-1

1. Considered Mar. 15, 1967
2. Name of Applicant Lowis W. Budman
3. Post Office Address Belle Fourche
4. Amount of water claimed 0.90
5. Source of water supply Belle Fourche River
6. Water to be used for irrigation
Acres to be irrigated 75.5
7. Water to diverted and used in Butte ^{Creek County Wyo} County
about 5 miles 180 of Belle Fourche
8. Proof of Publication
Received ✓
Not Received _____
9. Application
Approved ✓
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 789-1
 Water Division No. 1 Belle Fourche River
 (Blanks to be filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant LOUIS W. BUDMAYR
 Postoffice address BELLE FOURCHE, County BUTTE, State SOUTH DAKOTA

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) Other resources, \$ _____

2. Name of diversion work BUDMAYR PIPELINE

3. Amount of water claimed 0.90 cubic feet per second

4. Source of water supply BELLE FOURCHE RIVER

5. Location of point of diversion 50 FEET WEST OF S.W. COR. SEC. 7, T9N, R1E, BUTTE
COUNTY, SOUTH DAKOTA on SOUTH bank CROOK County, Wyo.

6. Annual period or periods during which water is to be used JUNE - JULY - AUGUST

7. To be used for.

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

- (a) Number of acres to be irrigated 95.5 acres. (S. DAK.)
LOT 4, SEC. 7, LOTS 1 & 2 AND NE 1/4 AND SE 1/4
 (b) Legal subdivisions to be irrigated ALL IN SEC. 18, T9N, R1E, BULL

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

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

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

- (a) Nature of use _____
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

661-1

MAY

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$3500.00
(c) Fluming, \$----- (d) Canal-earth, \$2000.00 Rock, \$-----
(e) Other structures 12" ALUM. PIPE 700' \$500.00 Total, \$6000.00

9. Description of diversion works:

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

PUMPING PLANT

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	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-----IMO-----years.
11. Time required for complete application of water to the proposed beneficial use-----216-----years.
12. Choice of newspaper for publication of notice of intention to appropriate-----
BELLE FOURCHE Bee

STATE OF SOUTH DAKOTA

County of LAWRENCE } ss.

I, LOUIS W. BUDMAYR, 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 Louis W. Budmayr

Subscribed and sworn to before me this 28th day of DECEMBER 1966

George E. Olson
Notary Public (or other quality, if any.)
GEORGE E. OLSON
NOTARY PUBLIC, LAWRENCE COUNTY, S. DAK.
HIS COMMISSION EXPIRES APRIL 20, 1969

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

This permit covers unappropriated water which exists at this location only in the amount of water that would otherwise overflow the Belle Fourche Irrigation District diversion dam in the Belle Fourche River. This water supply is not a dependable source of water for irrigation. Additional water may be obtained by contract with the Bureau of Reclamation for service from Keyhole Reservoir.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, March 17, 1967

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock A.m. upon the 30 day of December, 1966.

State Water Resources Commission

By: Richard D Schump
for Chief Engineer, Executive Officer

Number of permit 789-1

Date of first receipt of application December 30, 1966

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 December 30, 1966

Approved March 16, 1967, Recorded in Book 7 Page 227

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, 1968

2nd. The whole of said work is to be completed on or before March 16, 1968

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 16, 1971

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 0.90 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, 1971; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 17 day of March, 1967.

State Water Resources Commission

By: Richard D Schump
Chief Engineer, Executive Officer

Certificate of Construct. Issued JANUARY 18, 1967.

Water License Issued JANUARY 18, 1967.

Remarks by the Applicant:

IRRIGABLE LANDS -

WYOMING - SEC. 21 - T55N - R60W

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4.2 ACRES

NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 11.7 ACRES

TOTAL WYOMING - 15.9 ACRES

SOUTH DAKOTA - SEC. 7 - T9N - R1E BHM

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 15.3 ACRES

SEC. 18 - T9N - R1E BHM

LOT 1 - 25.4 ACRES

LOT 2 - 12.9 ACRES

NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 31.2 ACRES

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10.7 ACRES

TOTAL SOUTH DAKOTA - 95.5 ACRES

Permit No. 789-1

Water Diversion No. 1 Belle Fourche River Water District

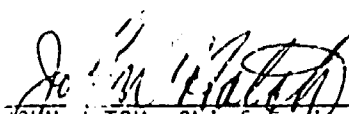
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Louis W. Budmayr

_____ The holder _____ of
Permit No. 789-1, issued upon Application No. 789-1, bearing date of priority of _____
December 30, '56 authorizing the diversion of 0.90 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
Between point A, S35°30' West, 680 ft from N 1/4 corner, Section 21, T65N, R66E
(BA), Crook Co. Wyo and Point C S88° east, 1400 ft from NW corner, Section
18, T9N, R1E (BA), for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use. 2.0 cu. ft. per second of water.

Date January 13, 1982


JOHN LITCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 789-1

(1) WHEREAS, On the 30th day of December A. D. 19 66

Louis E. Judeayr

made Water Right Application No. 789-1 for permit to use 0.90 cubic feet per second of the waters of the Belle Fourche River

County of Butte State of South Dakota, for irrigation

— purposes; and

(2) WHEREAS, On the 16th day of March A. D. 19 67

Permit No. 789-1 with a date of priority of December 30, 1966

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 16th day of March A. D. 19 69 and for the application to beneficial use of said water on or before the 16th day of September A. D. 19 71

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 0.90 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,

to irrigate the following lands:

Section 7, T9N, R1E	Acres
SW 1/4 SW 1/4 (CC)	15.3
Section 18, T9N, R1E	
NW 1/4 NW 1/4 (BD)	25.4
NE 1/4 NW 1/4 (BA)	31.2
SW 1/4 NW 1/4 (BC)	12.0
SE 1/4 NW 1/4 (ED)	10.7
The following land located in Wyoming (Crook County)	
Section 21, T65N, R60W	
NE 1/4 NW 1/4 (BA)	4.2
NW 1/4 NE 1/4 (AB)	11.7
TOTAL, 111.4 (95.5 acres in South Dakota)	

(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 Louis W. Budmayr

_____ of Belle Fourche, South Dakota
the holder _____ and owner _____ of said permit No. 739-1 a water right, dating from December 30, 1956
_____ to use of 0.90 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 hereinafter mentioned, to be diverted at Between point A, S 85°30' west, 680 ft from N 1/4
corner, Section 21, T65N, R60W (EA), Crook Co. Wyo and Point C S 38° east, 1400
feet from NW corner, Section 18, T9N, R1E (BA)

and conducted to and upon land in Section 7 & 18, T9N, R1E (South Dakota) and in
Section 21, T65N, R60W (Crook County, Wyo) more fully described on the face
of this License.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 739-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of January A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Klatits
Chief Engineer, Executive Officer

Permit No. 789-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Louis W. Budmeyer of 919 State St. Belle Fourche, S. Dak holder of Permit No. 789-1, bearing date of priority of December 30, 1966 authorizing the diversion of 0.9 cu. ft per second of the waters of Belle Fourche River for Irrigation purposes, in Butt 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:

12" Cristaulli Pump pumps 1500 gpm
Tractor Power Take-off
Rammaster Pump Model 5DP pumps 1500 gpm
Tractor Power Take-off

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

200 ft. 12" Rubber Hose

C. Works used to apply water to beneficial use.

Barriers.The system is in the following condition Good

The point of diversion is located On Belle Fourche River Between Pt A" S 85° 30' W 660 ft
from N $\frac{1}{4}$ Cor Sec. 21, T65N R60W, and Pt C" S 88° E 1400 ft from the NW
Cor Sec. 18, T7N R1E (VA) (See map, encl.)

The works are capable of diverting and conveying to the place of use 9.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7, T7N R1E

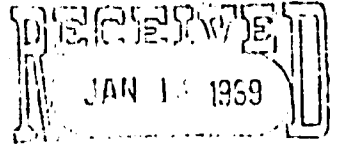
15.3 Ac., The following in Sec. 18, T7N R1E. NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 25.4 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 31.2 Ac., SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 12.8 Ac., SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 10.7 Ac.

The following is located in Wyoming in Sec. 21, T65N R60W.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 4.2 Ac., NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 11.7 Ac.

comprising a total of 111.4 acres of land. (includes acreage in Wyoming)95.5 Acres in S. Dak.

license for 0.90 cfs.

Date September 15, 1981
Louis W. Budmeyer
 (Signature)

Permit No. 797-1Water Division No. 1Water District Black HillsSTATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Box 37 - Belle Fourche, S.D. 57717(Date) January 10 - 69

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

_____ 0.90 cu. ft. per second of the waters of the state from 4/1

through the Little Missouri

for irrigation purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Levi W. Rudinoy

2. The postoffice address of such person or the place of business of such corporation is Belle Fourche
County of Bute State of South Dakota

3. The number of such permit is 797-1 and the date set for the completion of such work is

March 16 - 1969

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 0.90 cubic feet per second.

6. The amount of land for which said water is available is 95.5 acres,
particularly described as follows: Lot 4, Sec 7, T4N 14E and NE 1/4 NW 1/4 SE 1/4 NW 1/4
all in Sec 18 T4N 14E BHM

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners) Levi W. Rudinoy

On or before **February 16** 19**67**
 (First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., **February 6** 19**67**

Notice is hereby given that **Louis W. Budmayr** 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 **0.90** cubic feet of water per second of time from the **Belle Fourche River** through the **Budmayr Pipeline** the point of diversion of which ~~is~~ ^{are} to be located on ~~the~~ ^{both} **in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, and** ~~bank of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, both in~~ **Crook County, Wyoming.** ~~portions of~~ Twp. **65N** Range **60W** / Said water to be used for the purpose of providing irrigation on the following described land:

Lot 4, Section 7; Lot 1, Lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, all in

T9N, R1E, Butte county, South Dakota

~~NOTICE~~ ~~XXXXXXXXXXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **5th** day of **March** 19**67** 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.

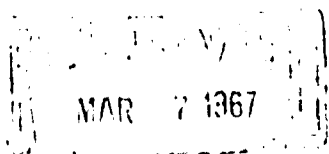
State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD D. SCHMOYER
 Water Right Specialist

CC: Mr. Laurence Weyler, Publisher
 Belle Fourche Bee
 Belle Fourche, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.Laurence Taylor being duly sworn, deposes and says the annexed printed copy of Noticeof Intention to Appropriate Water was taken from the _____
Belle Fourche Bee 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 _____
Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:February 10, 1967
February 17, 1967
February 24, 1967
March 3, 1967in each and every issue of the full number thereof, the first publication being made on the 10 day of February 1967 and the last publication on the 3rd day of March 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Laurence Taylor, the printer and publisher of the said newspaper.Subscribed and sworn to before me this 7 day of March A. D. 1967STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

No. 789-1

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., February 6, 1957

Notice is hereby given that Louis W. Budmayr whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water law of South Dakota for a permit to appropriate for beneficial use 0.90 cubic feet of water per second of time from the Belle Fourche River through the Budmayr Pipeline, the points of diversion of which are to be located on both bank of said stream in the NE 1/4 NW 1/4 Section 21, and in the NW 1/4 of the NE 1/4 of Section 21, both in Twp. 65N Range 60W Crook County, Wyoming. Said Water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 4, Section 7; Lot 1, Lot 2, NE 1/4 NW 1/4 and SE 1/4 NW 1/4, Section 18, all in T9N, R1E, Butte county, South Dakota.

This application will be taken by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 1957, 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 Richard D. Schroyer
Water Right Specialist

B-41 (2) 10-17-21-(3)-3

Notary Public Butte County, S. D.Notary Public Butte County, S. Dak.
My Commission Expires Sept. 29, 1974

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

State of Wyoming



STATE ENGINEER'S OFFICE

Cheyenne

December 9, 1966

Mr. Frank R. Brady
Brady Consulting Engineers
Spearfish, South Dakota 57783

Re: Budmayr Pipe Line
Temporary Filing No. 19 4/386

Dear Mr. Brady:

We have checked this application over and have several changes and additions which we are requesting your permission to make.

1. The facility name on the map should be "Budmayr Pipe Line" to make it agree with the name shown on the application.
2. The lotting should be shown on the map for Sections 16 and 21.
3. The Wyoming township is shown as T.65 N. on the map and application; this should be changed to T.55 N.
4. The agent's name at the top of page 1 of the application should be Louis W. Budmayr, instead of Louis Budmayr, to make it agree with the agent's signature.
5. The ditch length on the application should be 1.4 miles, instead of 0.05 miles, to include the distribution ditches shown on the map.

Mr. Frank R. Brady
Brady Consulting Engineers
Page 2
December 9, 1966

We would appreciate having your permission to make the changes noted above, so we can get this application in shape for the State Engineer's consideration for approval.

Yours truly,

A handwritten signature in dark ink, appearing to read "P. J. Tangeman".

P. J. TANGEMAN

Second Assistant State Engineer

RJT:alw

cc: South Dakota Water Resources
Commission
Pierre, South Dakota

II
Initial for signature
1966-1
789-1

January 20, 1967

Mr. R. J. Tangeman
State Engineer's Office
Capitol Building
Cheyenne, Wyoming

Re Budmayr Pipe Line
Temporary Filing No. 19 4/386

Dear Mr. Tangeman:

In your letter dated December 9, 1966, you request action on behalf of the State of South Dakota pursuant to Article VII B. of the Belle Fourche River Compact concerning "Application for a Permit to Divert and Appropriate the Water of the State of Wyoming" by Louis Budmayr under date of August 8, 1966.

Copy of this application by Mr. Budmayr was sent to this office under date of August 9, 1966. Also, on December 30, 1966, an "Application for Permit to Appropriate Water within the State of South Dakota" from Louis W. Budmayr was received in this office. Processing of this latter application is underway pursuant to South Dakota law and action thereon is expected on March 15, 1967. Following such action, proper notation on copy of Mr. Budmayr's application to you will be supplied to you pursuant to Article VII B. of the Belle Fourche River Compact.

Some explanation of actions on an application for water rights by the South Dakota Water Resources Commission under South Dakota law may be helpful in this case. When considering an application, the Commission must determine whether or not or to what extent unappropriated water is available to satisfy the application. If unappropriated water is so available, it is mandatory for the Commission to grant a permit to appropriate water with restrictions as may be pertinent. If unappropriated water is not available, it is mandatory upon the Commission to reject the application. Also, the Commission cannot commit itself as to an application or otherwise until all procedural steps are accomplished as specified in South Dakota law, in-

R. J. Tangeman

2.

January 20, 1967

cluding public hearings. Consequently, the action outlined in the preceding paragraph is suggested.

While no advance commitment can be made, precedents and policies prescribed by the Water Resources Commission in cases related to Mr. Budmayr's applications indicate determinations and action as follows:

Unappropriated water during the irrigation season in the flows of the Belle Fourche River upstream from the Belle Fourche Project Diversion Dam exist only during infrequent high flow occasions. Stored water is available in Keyhole Reservoir in Wyoming under appropriative rights acquired by the United States Bureau of Reclamation. Such stored water may be provided to the applicant through contract for water service with the Bureau of Reclamation.

Permit will be issued to Mr. Budmayr, to use water from the Belle Fourche River during high flow periods only (measured for regulation of use purposes as being those periods when the Belle Fourche Project Diversion Dam is spilling or would have spilled if diversion by Mr. Budmayr did not occur) and to use stored water in Keyhole Reservoir subject to the applicant having a valid current contract with the Bureau of Reclamation under which releases from Keyhole Reservoir provides the water supply for use by the applicant.

Pending official action by the South Dakota Water Resources Commission, I hope that this advance information may be of some assistance to you.

In your letter of December 9, 1966, you requested, also, the acreages in Lots 1, 2, 3, 4, Sec. 18, T 9 N, R 1 E, BHM. These acreages are as follows: Lot 1-40.48, Lot 2-40.49, Lot 3-40.50, Lot 4-40.51.

If I can help further, please advise.

Sincerely,

JWG:ls

J. W. Grimes

March 27, 1967

Mr. R. J. Tangeman
State Engineer's Office
Capitol Building
Cheyenne, Wyoming 82001

Dear Mr. Tangeman:

Re Budmayr Pipe Line
Temporary Filing No. 19 4/386

Under date of January 20, 1967, I wrote to you about referenced application for water rights in Wyoming and "Application for Permit to Appropriate Water within the State of South Dakota" (No. 789-1) by Mr. Budmayr.

On March 15, 1967, the Water Resources Commission, State of South Dakota, granted "Permit to Appropriate Water" (No. 789-1) to Mr. Budmayr with the following limitation and privilege made a part thereof: "This permit covers unappropriated water which exists at this location only in the amount of water that would otherwise overflow the Belle Fourche Irrigation District diversion dam in the Belle Fourche River. This water supply is not a dependable source of water for irrigation. Additional water may be obtained by contract with the Bureau of Reclamation for service from Keyhole Reservoir". Copy of this Permit (South Dakota) is attached for your records.

Pursuant to Article VII B. of the Belle Fourche River Compact, a notation has been placed on copy of "Application for a Permit to Divert and Appropriate the Water of the State of Wyoming" (Budmayr Pipeline, Temporary Filing No. 19 4/386) and upon copy of map, "Map to Accompany Application for Budmayr Irrigation Facilities". This notation states the degree to which irrigation of the land described in Mr. Budmayr's application does not conflict with existing water rights in South Dakota. Copy each of Mr. Budmayr's application (Wyoming) and map are attached with the notation placed thereon and copy of each,

Including notation, have been filed in the records of this office.

I hope that these materials meet your needs as stated in your letter of December 9, 1966.

Sincerely,

JWG:ls
Encl. Appl. (Wyo), map.

J. W. Grimes

NOTE: "DO NOT FOLD THIS FORM. — ONLY FORMS COMPLETED WITH TYPE-
WRITER OR NEATLY LETTERED WITH WATERPROOF INK WILL BE ACCEPTED."

Form A-1

Temp. Filing No. 19 4/386

PERMIT NO. 22904
E-12

NAME OF FACILITY Budmayr Pipe Line

APPLICATION FOR A PERMIT TO DIVERT AND APPROPRIATE THE WATER OF THE
STATE OF WYOMING

WATER DIVISION NO. 2

DISTRICT NO. 7

I, Louis W. BUDMAYR
of _____, County of CROOK
State of WYOMING, being duly sworn according to law, upon my oath say:

1. The name of the applicant LOUIS BUDMAYR
2. The postoffice address of the applicant BELLE FOURCHE, SOUTH DAKOTA
3. The use to which the water is to be applied is IRRIGATION
4. The name of the ditch, canal, pipe line or other facility is BUDMAYR PIPELINE
5. The source of the proposed appropriation is BELLE FOURCHE RIVER, A TRIBUTARY OF THE
CHEYENNE RIVER
_____, which is a tributary of MISSOURI RIVER
6. The point of diversion of the proposed works is located _____ feet distant from the _____ corner of Section _____ T. _____ N., R. _____ W., and is in the _____ of Section _____ T. _____ N., R. _____ W.
SEE REFERENCE ON SECOND PAGE ² OF APPLICATION UNDER "REMARKS".
7. The said ditch, canal, pipe line or other facility is to be 1.4 miles long.
8. (a) The carrying capacity of the ditch, canal, pipe line or other facility at the point of diversion is 0.9 cu. ft. per sec.
(b) If pipe line, size of pipe 12 inches.
9. (a) The nature of the material to be moved is _____
(b) Number, length and size of tunnels _____
(c) Number, length and size of flumes _____
10. The estimated cost of said work is SIX THOUSAND Dollars.
11. Construction work will begin within one year from date of approval of this application.
12. The time required for completion of the works is TWO years 5 from December 31st, 19 66.
13. The time required to complete the application of water to the beneficial uses stated in this application is 2 1/2 year 5 from December 31st, 19 66.
14. The accompanying map is prepared in accordance with the Manual of Regulations and Instructions for Filing Applications in the State Engineer's Office and is hereby declared a part of this application.

Permit No. 22904

Page No. 88

15. The land to be irrigated is described in the following tabulation:

(Give irrigable acreage in each 40-acre subdivision. Designate ownership of land, Government, State or Private. If Private, give names of owners.)

Township	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			WYOMING																
55N	60W	21		Lot 2 11.7			4.2												15.9
			SOUTH DAKOTA																
9N	1E	7						Lot 1	Lot 2				15.3						15.3
9N	1E	18					31.225.4	12.9	10.7										80.2
			ALL ABOVE LISTED LAND OWNED BY LOUIS S. BUDMAYR																

Total Number of Acres to be Irrigated 111.4

(Signed) Louis S. Budmayr

THE STATE OF WYOMING,

County of Crook ss.

I hereby certify that the foregoing application was signed in my presence and sworn to before me by Louis S. Budmayr this 28th day of August, 1966.

My Commission Expires September 28, 1966. Louis S. Budmayr Notary Public.

REMARKS

6. PUMP SITE No. 1 - S. 85° 30' W., 680 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 16, T55N, R60W AND IS IN THE NE 1/4 NW 1/4 SECTION 21, T55N, R60W.
PUMP SITE No. 2 - S. 3° 30' W., 825 FEET FROM THE SOUTHEAST CORNER OF SECTION 16, T55N, R60W AND IS IN THE NW 1/4 NE 1/4 SECTION 21, T55N, R60W.

CERTIFICATION

Pursuant to Article VII.B. of the Belle Fourche River Compact, irrigation of the lands described in "Application for a Permit to Divert and appropriate the waters of the State of Wyoming" (Budmayr Pipeline, Temporary Allow. No. 19-7-83) does not conflict with existing water rights in the State of South Dakota only to the extent contained in the following statement, which has been incorporated in a "Permit to appropriate water within the State of South Dakota" granted to Mr. Louis S. Budmayr to irrigate a portion of those same described lands in the State of South Dakota: "This permit covers unappropriated water which exists at this location only in the amount of water that would otherwise overflow the Belle Fourche Project diversion dam in the Belle Fourche River. This water supply is not a dependable source of water for irrigation. Additional water may be obtained by contract with the Bureau of Reclamation for service from the Keyhole Reservoir."

For the original signed copy of the above statement and for South Dakota Permit No. 730-1 filed in Miscellaneous Notices, Permit No. 22904

South Dakota Water Resources Comm.
Lloyd J. J. Grimes
Chief Engineer

THIS SECTION IS NOT TO BE FILLED IN BY APPLICANT

THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE } ss.

This instrument was received and filed for record on the 15th day of August, A. D. 19 66, at 9:30 o'clock A. M.

George L. Christopoulos
George L. Christopoulos, Deputy State Engineer.

Recorded in Book 80 of Applications, on Page 88.

Fee Paid \$_____ Map filed "E"

~~THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE } ss.~~

~~THIS IS TO CERTIFY that I have examined the foregoing application and have rejected same for the following reason: _____~~

~~Witness my hand this _____ day of _____, A. D. 19 _____~~

~~_____
State Engineer.~~

THE STATE OF WYOMING, }
STATE ENGINEER'S OFFICE } ss.

THIS IS TO CERTIFY that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit grants only the right to use the water available in the stream after all prior rights are satisfied.

Construction of proposed work shall begin within one year from the date of approval.

The time for completing the work shall terminate on December 31, 19 70.

The time for completing the application of water to beneficial use shall terminate on December 31, 19 71, and final proof of appropriation shall be made within five years thereafter.

The amount of appropriation shall be limited to one cubic foot per second of time for each seventy acres of land reclaimed on or before December 31, 19 71, except as provided in Section 41-184, Wyoming Statutes, 1957, and the additional volume used for _____

_____ purposes on or before said date.

Witness my hand this 31st day of December, A. D. 19 68.

Lloyd A. Bishop
Lloyd A. Bishop, State Engineer.

November 6, 1969

Mr. Louis W. Budmayr
Belle Fourche, South Dakota 57717

Dear Mr. Budmayr:

Mr. Driscoll of this office visited with you on October 20, 1969 about your Water Permit No. 789-1. At that time there was some question about the provisions of your Water Permit No. 789-1.

Your permit, approved March 16, 1967 authorizing the diversion of 0.90 cubic feet per second of water from the Belle Fourche River to irrigate 95.5 acres of land, contains the following qualification: "This permit covers unappropriated water which exists at this location only in the amount of water that would otherwise overflow the Belle Fourche Irrigation District Diversion Dam in the Belle Fourche River. Additional water may be obtained by contract with the Bureau of Reclamation for service from Keyhole Reservoir.

Unless the Belle Fourche River is overflowing the Belle Fourche Irrigation District Diversion Dam, all flows of the Belle Fourche River at your diversion points are allocated to, and are going to be used by, the Belle Fourche Irrigation District or by, holders of prior water rights on the Belle Fourche River between your diversion points and said diversion dam. The Belle Fourche Irrigation District includes irrigators on the Johnson Lateral and Inlet Canal as well as those receiving water from Orman Dam.

Thus, unless you use water delivered to you under a contract with the Bureau of Reclamation for water service from Keyhole Dam in Wyoming, you must be very careful that the Belle Fourche Irrigation District Diversion Dam is overflowing when you are diverting water for irrigation purposes. Otherwise you may be liable for damages to the Belle Fourche Irrigation District and the other water right holders mentioned. You would also be subject to corrective action by the Water Resources Commission.

For your information, the person to check with about a contract with the Bureau of Reclamation for water service from Keyhole Reservoir is Mr. Martin Oleson, Bureau of Reclamation, P.O. Box 825, Heron, South Dakota 57350.

Sincerely,

J. W. Grimmer

JWG:ls
cc Martin Oleson

THE STATE OF WYOMING
Certificate of Appropriation of Water

Proof No. 30146
Certificate Record No. 71, Page 76

WHEREAS, Louis W. and Minnie E. Budmeyer, husband and wife have presented to the Board of Control of the State of Wyoming proof of the appropriation of water from Belle Fourche River, trib. Cheyenne River, trib. Missouri River through the Budmeyer Pipeline for irrigation of the lands herein described, lying and being in Crook County, Wyoming.

NOW KNOW YE, That the State Board of Control, under the provisions of the Statutes of Wyoming, has, by an order duly made and entered on the 29th day of August, A. D. 1972, in Order Record No. 19, Page 364, determined and established the priority and amount of such appropriation as follows: Louis W. and Minnie E. Budmeyer, husband and wife; Postoffice Address Box 637, Belle Fourche, South Dakota 57717, Wyoming; Date of Appropriation August 15, 1972; Total Acreage One Hundred Eleven and Four Tenths (111.4) Acres; Amount of Appropriation 1.59 cu. ft. per sec.; Description of land to be irrigated and for which this appropriation is determined and established:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
			WYOMING LANDS:												
55 N.	60 W.	21				4.2		11.7	ac.-lot 1						15.9
			SOUTH DAKOTA LANDS: (Black Hills Meridian, Butte County, South Dakota)												
9 N.	1 E.	7			15.3	ac.-lot 4									15.3
9 N.	1 E.	18				31.2		10.7		25.4	ac.-lot 1, 12.9	ac.-lot 2			80.2
															TOTAL 111.4

H.G. Pump Site No. 1 - NE 1/4 Sec. 21-55-60 Pump Site No. 2 - NW 1/4 Sec. 21-55-60
The right to water hereby confirmed and established is limited to irrigation. and the use is restricted to the place where acquired and to the purpose for which acquired, rights for irrigation not to exceed one cubic foot of water per second for each seventy acres of land for which the appropriation is herein determined and established, except when there is surplus water in the stream as provided by Sections 41-161 to 41-189, Wyoming Statutes, 1957.

IN TESTIMONY WHEREOF, I, FLOYD A. RISHOP, President of the State Board of Control, have hereunto set my hand this 29th day of August, A. D. 1972, and caused the seal of said Board to be hereunto affixed.
Attest: Ex-officio Secretary. President.



Department of Water & Natural Resources

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

June 10, 1981

Louis Budmayr
919 State Street
Belle Fourche, SD 57717

Mr. Budmayr:

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>
789-1	.90 cfs	95.5	\$34.00
/ TOTAL			\$34.00

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, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8291

PIERRE, June 13, 1981

RECEIVED OF Louis W. Budmayer, 919 State St., Belle Fourche, SD 57717

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and Issuing Water License No.....		
Fee for Issuing Location Certificate-Dry Draw, No.....		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 789-1 (any other work as provided by law)	34	00
TOTAL	34	00

WATER RIGHTS COMMISSION

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

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

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

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	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	75.00	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	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	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	4.38	324.14	125.75	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	McHenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
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	Lawrence 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	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
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	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay(Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	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	---

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE

Louis Budmayr
919 State Street
Belle Fourche, SD 57717

DEPT.

DWR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

STAPLE
HERE

AGENCY

ADDRESS

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0301		30.10	
							1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						30.10	

Warrant # 82079293
CC # 077399
date 11/10/81

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			
			789-1 Louis Budmayr		30.10	
TOTAL					30.10	

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.

Claimant Signature _____ Date _____

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.

DIVISION APPROVAL _____

APPROVAL SIGNATURE _____

DATE _____

DATE _____

RECEIPT

WATER RIGHTS COMMISSION

No 4 8640

State of South Dakota

PIERRE, ~~XXXX~~ January 6, 19⁷²

RECEIVED OF Louis Budmayr, 919 State St, Belle Fourche SD 57717
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. 789-1)	1	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 789-1)		
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		
(any other work as provided by law)		
TOTAL	1	00

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH



Department of Water & Natural Resources

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

June 21, 1988

789-1

NOTICE

TO: Louis Budmayr
919 State Street
Belle Fourche SD 57717

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Notice of Shutoff Order to Belle Fourche River
Irrigators Above Belle Fourche Irrigation Project
Diversion Canal

The Belle Fourche Irrigation District has ordered releases of water from the Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to Shutoff any irrigation pumping from the Belle Fourche River effective immediately.

Contact us, if you have any questions.

cc: Belle Fourche Irrigation District



CERTIFICATION

I hereby certify that on June 21, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Shutoff Order to Belle Fourche River Irrigators Above Belle Fourche Irrigation Project Diversion Canal addressed as follows:

Louis Budmayr
919 State Street
Belle Fourche SD 57717

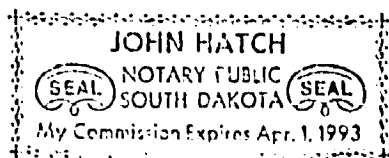
Harold Skjoldah, Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of June, 1988.

John Hatch
Notary Public



South Dakota Department of
Water & Natural Resources

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

June 27, 1989

789-1

NOTICE

TO: Louis Budmayr
919 State Street
Belle Fourche, SD 57717

FROM: James Winterton, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division *James Winterton*
605 773-3352

SUBJECT: Notice of Shutoff Order to Belle Fourche River
Irrigators Above Belle Fourche Irrigation Project
Diversion Canal

The Belle Fourche Irrigation District has ordered releases of water from the Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to Shutoff any irrigation pumping from the Belle Fourche River effective immediately.

Contact us if you have any questions.

cc: Belle Fourche Irrigation District



14

I hereby certify that on June 27, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice of Shutoff Order to:

Louis Budmayr
919 State Street
Belle Fourche, SD 57717

Belle Fourche Irrigation District
209 Dartmouth
Newell SD 57760

Marin Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of July, 1989.

John Hatch
Notary Public

**Dakota Department of
Water & Natural Resources**

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

789-1

June 22, 1990

NOTICE

TO: Louis Budmayr
919 State Street
Belle Fourche SD 57717

FROM: DELVIN D. BROSZ, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice of Shutoff Order to Belle Fourche River
Irrigators Above Belle Fourche Irrigation Project
Diversion Canal

The Belle Fourche Irrigation District has ordered releases of water from the Keyhole Reservoir in Wyoming. As a Belle Fourche River Irrigator, you are ordered to Shutoff any irrigation pumping from the Belle Fourche River effective immediately.

Contact us if you have any questions.

cc: Belle Fourche Irrigation District

CERTIFICATION

I hereby certify that on June 22, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order to:

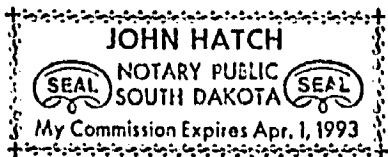
Louis Budmayr
919 State Street
Belle Fourche SD 57717

Belle Fourche Irrigation District
209 Dartmouth
Newell SD 57760

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of June, 1990.



John H. [Signature]
Notary Public



289-1

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: LOUIS W BUDMAYR, 919 STATE ST, BELLE FOURCHE, SD 57717 1537

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 Questionnaires have not been submitted for Permit Nos. 1250-1, and 789-1. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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. 789-1 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. 1250-1 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in 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. 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. 1250-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 789-1 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 on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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 24, 2001

789-1
1250-1

Louis W Budmayr
919 State St
Belle Fourche, SD 57717-1537

Dear Mr. Budmayr:

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. 789-1 and 1250-1.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 2006

NOTICE OF SHUTOFF ORDER

TO: Louis Budmayr
919 State St.
Belle Fourche, SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Shutoff Order Water Right No. 789-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for the acreage in South Dakota with the priority date of December 30, 1966 as listed on the enclosed attachment for Water Right No. 789-1.

This order shall remain in effect until January 1, 2006. If Belle Fourche River natural flows return to a level sufficient to fill the Belle Fourche Reservoir permitting you to pump the full appropriation for No. 789-1 before January 1, 2006, you will be issued an order allowing you to resume pumping for the acreage with the priority date of December 30, 1966.

If you should have any questions please contact Mark Rath or Don Stroup at (605) 773-3352.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760



789-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 26, 2006

NOTICE OF SHUTOFF ORDER

TO: Louis Budmayr
919 State St.
Belle Fourche, SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Revised Shutoff Order Water Right No. 789-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for the acreage in South Dakota with the priority date of December 30, 1966 as listed on the enclosed attachment for Water Right No. 789-1.

This order shall remain in effect until January 1, 2007. If Belle Fourche River natural flows return to a level sufficient to fill the Belle Fourche Reservoir permitting you to pump the full appropriation for No. 789-1 before January 1, 2007, you will be issued an order allowing you to resume pumping for the acreage with the priority date of December 30, 1966.

If you should have any questions please contact Mark Rath or Don Stroup at (605) 773-3352.

Enclose: Attachment for Water Right No. 1258-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

CERTIFICATION

I hereby certify that on April 26, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 26, 2006 regarding Revised Shutoff Order Water Right No. 789-1 addressed as stated below:

Louis Budmayr
919 State St
Belle Fourche SD 57717

Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell SD 57760

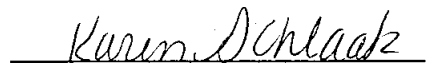
Cody Steinbrecker
PO Box 1030
Sundance WY 82729



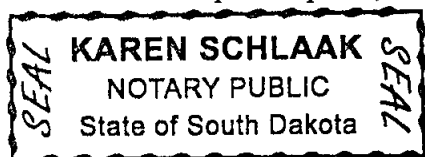
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of April, 2006.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





789-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2007

NOTICE OF SHUTOFF ORDER

TO: Louis Budmayr
919 State St.
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Shutoff Order Water Right No. 789-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for the acreage in South Dakota with the priority date of December 30, 1966 as shown on the Attachment for Water Right No. 789-1.

This order shall remain in effect until January 1, 2008. If Belle Fourche River natural flows return to a level sufficient to allow you to pump the full appropriation for No. 789-1 before January 1, 2008, you will be issued an order allowing you to resume pumping for the acreage with the priority date of December 30, 1966.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

Enclose: Attachment for Water Right No. 789-1

cc: Belle Fourche Irrigation District
Clint Pitts
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

789-1

WATER LICENSE NO. 789-1

(1) WHEREAS, On the 30th day of December, A. D. 19 66
Louis V. Jadeny

made Water Right Application No. 789-1 for permit to use 0.90 cubic feet per second of the waters
of the Belle Fourche River
County of Butte, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 16th day of March, A. D. 19 67
Permit No. 789-1 with a date of priority of December 30, 1966

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 16th day of March, A. D. 19 69 and for the
application to beneficial use of said water on or before the 16th day of September, A. D. 19 71

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 0.90 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,

to irrigate the following lands:

Section 7, T9N, R1E	Acres
SW 1/4 SW 1/4 (CC)	15.3
Section 18, T9N, R1E	
NW 1/4 NW 1/4 (BD)	25.4
NE 1/4 NW 1/4 (BA)	31.2
SW 1/4 NW 1/4 (BC)	12.0
SE 1/4 NW 1/4 (BD)	10.7

The following land located in Wyoming (Crook County)

Section 21, T65N, R60W	
NE 1/4 NW 1/4 (BA)	4.2
NW 1/4 NW 1/4 (AB)	11.7

TOTAL 111.4 (95.5 acres in South Dakota)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: Louis Budmayr
919 State St.
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Shutoff Order Water Right No. 789-1

Due to very low natural flows in the Belle Fourche River, you are ordered to cease diversion of water for the acreage in South Dakota with the priority date of December 30, 1966 as shown on the Attachment for Water Right No. 789-1.

This order shall remain in effect until January 1, 2009. If natural flows in the Belle Fourche River return to a level sufficient to allow you to pump the full appropriation for No. 789-1 before January 1, 2009, an order will be issued allowing you to resume pumping for the acreage with the priority date of December 30, 1966.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

cc: Clint Pitts
Belle Fourche Irrigation District
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

Curt Anderson
US Bureau Of Reclamation
515 9th St Room 101
Rapid City SD 57701



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

RESCISSION OF SHUTOFF ORDER

TO: Louis Budmayr
919 State St.
Belle Fourche SD 57717

FROM: Garland Erbele, Chief Engineer
SD DENR, Water Rights Program

SUBJECT: Rescission of Shutoff Order for Water Right No. 789-1

Due to the recent large precipitation events in the Belle Fourche River basin and increased runoff to the river, the Belle Fourche Reservoir will receive its annual fill this year. Therefore I am rescinding the March 19, 2008 shutoff order for Water Right No. 789-1. You are now allowed to pump the full appropriation of natural flows from the Belle Fourche River authorized by for No. 789-1.

If you should have any questions please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program.

cc: Clint Pitts
Belle Fourche Irrigation District
209 Dartmouth Box 225
Newell, SD 57760

Cody Steinbrecker
PO Box 1030
Sundance, WY 82729

Curt Anderson
US Bureau Of Reclamation
515 9th St Room 101
Rapid City SD 57701



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 18, 2010

789-1
1250-1

Louis W Budmayr
PO Box 187
Belle Fourche SD 57717 0187

Dear Mr. Budmayr:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 919 State Street. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 2010

789-1

Brian Budmayr
1719 7th Ave
Belle Fourche SD 57717

Dear Mr. Budmayr

I am writing in follow-up to the notation of ownership change written on the 2010 irrigation questionnaire for Water Right No. 789-1. I have included a copy of the water right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

NOV 24 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 789-1

Date: _____

I/We request that Water Right No. 789-1

formerly owned by: Louis W Budmayr

be transferred to: (name & address) Brian Budmayr, 1719 7th Ave, Belle Fourche SD 57717

Telephone No. 605 723-1719

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

SW ¼ SW ¼ Section 7 & NW ¼ Section 18, T9N, R1E (South Dakota); N ½ NW ¼ Section 21

T65N, R60W (Wyoming)

I/We understand that the validity of Water Right No. 789-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Brian Budmayr, the new owner, certify that the above information is true and correct.

Brian Budmayr
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/24, 20 10

RECEIVED OF Brian Budmayr 1719 7th Ave Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>789-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04678

By

Michael Elshole

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2010

789-1

Brian Budmayr
1719 7th Ave
Belle Fourche SD 57717

Dear Mr. Budmayr

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 789-1. The transfer has been completed.

The water right formerly held by Louis W Budmayr is now listed in your name. Enclosed for your records is Receipt No. 04678 in the amount of \$50.00

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 6, 2021

NOTICE OF SHUTOFF ORDER

TO: BRIAN BUDMAYR
1719 7TH AVE
BELLE FOURCHE SD 57717

FROM: 
Eric Gronlund, Chief Engineer
SD DANR Water Rights Program

SUBJECT: Belle Fourche River Shutoff Order for Water Rights Upstream of the Belle Fourche Irrigation District Diversion Dam

Shutoff Order for Water Right Nos. 789-1

The continuing drought has dried up the natural flow of water in the Belle Fourche River over the past week. The Belle Fourche Irrigation District has notified the SD DANR-Water Rights Program they are ordering contracted stored water releases to the Belle Fourche River from Keyhole Reservoir in Wyoming. The stored water releases are being purchased through a contract with the US Bureau of Reclamation for use by irrigators on the Belle Fourche Irrigation District. This water is not considered natural flow water so it is not available to other irrigators' to use. In order to protect the Belle Fourche Irrigation District's rights to the purchased water, the department is issuing shutoff orders to water right holders located along the Belle Fourche River reach from the Wyoming state line to the Belle Fourche Irrigation District's diversion dam. This order is effective immediately and diversions of water from the Belle Fourche River will not be allowed for those water rights located in this river reach.

I am asking for your cooperation in complying with this shutoff order. If conditions do not improve, this order will remain in effect until **December 31, 2021**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

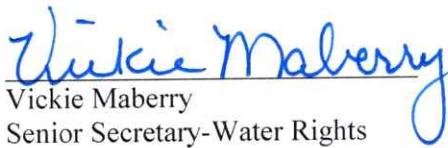
If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 6, 2021, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 6, 2021, regarding Notice of Shutoff Order addressed as stated below:

WR No. 1258-1
FRANK DOBESH
DOBESH RANCHES LLC
18449 DOBESH RANCH RD
BELLE FOURCHE SD 57717

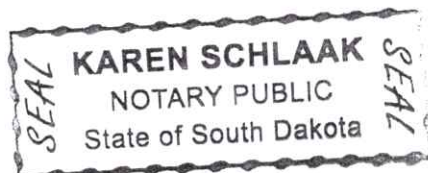
WR No. 789-1
BRIAN BUDMAYR
1719 7TH AVE
BELLE FOURCHE SD 57717


Vickie Maberry
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of July, 2021.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025



789-1

Budmayer Irrigation Equipment to consist of one 4000 gpm low head, 10" centrifugal pump with 50 hp diesel motor. Pipe line to ditch to consist of 300 L.F. 12" aluminum pipe. Pump discharge capacity 400 gpm or 0.9 c.f.s. Pump and piping to be moved between Pump Site #1 and Pump Site #2 as required.



Typical section of ditch for distributing water from 12" pipe from pump sites. Since water flow is governed by pump on pipe size, hydraulic properties of ditch are omitted.

IRRIGABLE LANDS	
SECTION 21 - T.55N - R.60W - WYOMING	
NE 1/4 NW 1/4	8.2 ACRES
NW 1/4 NE 1/4	11.7 ACRES
SECTION 7 - T.9N - R.1E - S. DAK.	
SW 1/4 SW 1/4	15.3 ACRES
SECTION 18 - T.9N - R.1E - S. DAK.	
NW 1/4 NW 1/4	25.4 ACRES
NE 1/4 NW 1/4	31.2 ACRES
SE 1/4 NW 1/4	10.7 ACRES
SW 1/4 NW 1/4	12.9 ACRES
TOTAL	111.4 ACRES

CERTIFICATE OF SURVEYOR

STATE OF WYOMING } 33
COUNTY OF CROOK }

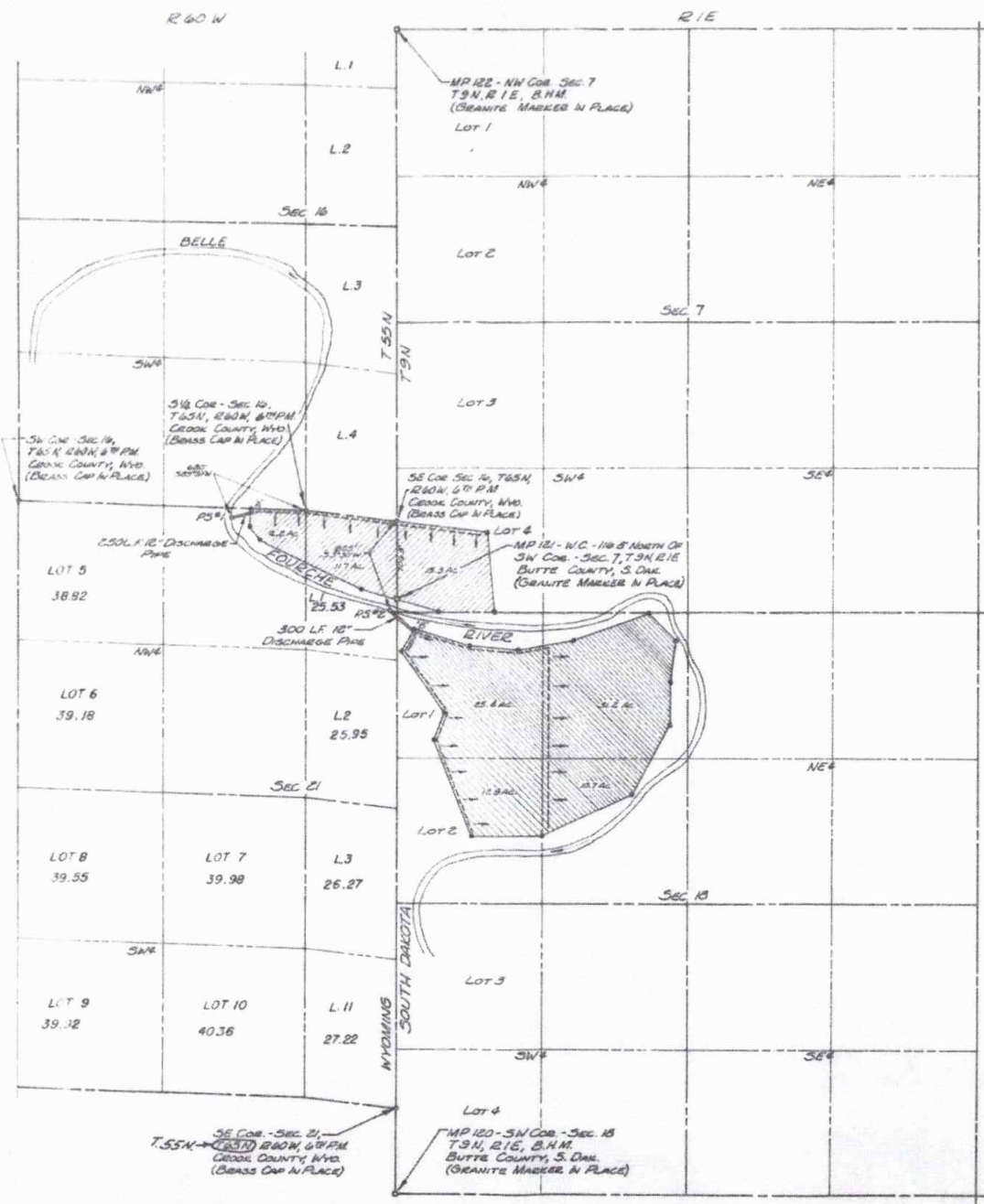
I, Frank R. Brady, Registered Land Surveyor from Spearfish, South Dakota, hereby certify that this map was made from notes taken during actual survey made under my direction on July 1, 1966, by Mr. Roy M. Fraley, for whose work I personally stand responsible, and that it correctly represents the irrigation facilities, the location and area of the lands to be irrigated in each subdivision and the location of streams, as shown hereon.

Frank R. Brady
Registered Land Surveyor
Registration No. 380

MAP TO ACCOMPANY
APPLICATION FOR
BUDMAYER PIPE LINE
APPLICANT
LOUIS BUDMAYER
P.O. ADDRESS - BELLE FOURCHE, S. DAK.
RESIDENCE IN - CROOK COUNTY, WYD.

DATE APR. December 31, 1963
Floyd A. Bishop
FLOYD A. BISHOP, STATE ENGINEER

SCALE: 1" = 400' 22904
194/196 13-6





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MEMO

August 9, 2021

To: Water Right File No. 789-1

From: Mark D Rath, Natural Resources Engineer III

Subject: Water Right No. 789-1 and the ability to utilize Crook County Irrigation District's contract water from Keyhole Reservoir.

The Water Right Program was made aware that the diversion points and irrigated land covered by South Dakota Water Right No. 789-1 are also covered by Wyoming Permit No. 22904.

After discussions with the Chief Engineer and an Assistant Attorney General, we determined that when the Chief Engineer issues a shutoff order to cease use of natural flows from the Belle Fourche River authorized by Water Right No. 789-1, purchased water from Keyhole Reservoir may be used to irrigate the authorized land.

Currently, purchased water is available through the Crook County Irrigation District's contract with the US Bureau of Reclamation. Use of purchased water to irrigate this property is subject any restrictions under Wyoming Permit No. 22904 as specified by the Wyoming State Engineers Office.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 3, 2026

NOTICE OF SHUTOFF ORDER

TO: Brian Budmayer
1719 7th Ave
Belle Fourche SD 57717

FROM: Adam Mathiowetz, Chief Engineer
SD DANR Water Rights Program

SUBJECT: Belle Fourche River Shutoff Order for Water Rights Upstream of the Belle Fourche Irrigation District Diversion Dam

Shutoff Order for Water Right No. 789-1

The continuing drought has reduced the natural flow of water in the Belle Fourche River over the past weeks. The Belle Fourche Irrigation District has notified the SD DANR-Water Rights Program that contract authorized releases have been ordered from water stored in Keyhole Reservoir in Wyoming to the Belle Fourche River. The stored water releases are purchased through a contract with the US Bureau of Reclamation for use by irrigators in the Belle Fourche Irrigation District. This water is not considered natural flow water, so it is not available for other irrigators to use. To protect the Belle Fourche Irrigation District's rights to the purchased water, the Program is issuing shutoff orders to water right holders located along the Belle Fourche River reach from the Wyoming state line to the Belle Fourche Irrigation District's diversion dam. This order is effective immediately and diversions of water from the Belle Fourche River will not be allowed for the junior water rights to the District located in this river reach.

If conditions do not improve, this order will remain in effect until **December 31, 2026**.

As of 2021, the Water Rights Program was made aware that the diversion points and irrigated acres authorized by South Dakota Water Right 789-1 are also covered by Wyoming Permit No. 22904. This shutoff order is to cease use of natural flow from the Belle Fourche River under 789-1, and purchased water from Keyhole Reservoir may still be used to irrigate the authorized land. Use of purchased water to irrigate this property is subject to any restriction under Wyoming Permit No. 22904 as specified by the Wyoming State Engineers Office. The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<https://waterdata.usgs.gov/state/south-dakota/>

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Nakaila Steen at (605) 394-2229, or myself at (605) 773-3352 with the Water Rights Program. Thank you.

cc: Belle Fourche Irrigation District