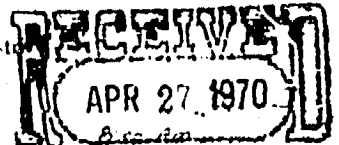


Water Right Number 899-1

1. Considered July 22, 19
2. Name of Applicant Davis Ranches, Inc.
3. Post Office Address Belle Fourche, South Dakota
4. Amount of water claimed 7.20
5. Source of water supply South Indian and South Soft Water Creeks
6. Water to be used for irrigation
Acres to be irrigated 504
7. Water to be diverted and used in Butte County
about 18 Miles NORTH of BELLE FOURCHE
8. Proof of Publication
Received X July 6, 1970
Not received
9. Application
Approved
Subject to
Not approved
Action deferred

10. Remarks:

No. 899-1Map No. 74B-1 Water Division No. 1 BELLE FOURCHE RIVER District 1
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
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 Davis Ranches Inc.
 Postoffice address Belle Fourche State South Dakota
 If a corporation show date and place of incorporation 19 Feb., 1960 Belle Fourche, S. Dak.
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract and direct labor
3. Name of diversion work Davis Ranches Inc. Irrigation Project
4. Amount of water claimed (cubic feet per second) 7.20
5. Source of water supply South Indian Creek and Soft Water Creek
6. Location of point of diversion 960' N 22°45' E of S 1/4 Cor. Sec. 10, T11N, R2E; 560' N 27°00' E of S 1/4 Cor. Sec. 10, T11N, R2E; 1450' N 7°00' W of S 1/4 Cor. Sec. 11, T11N, R2E.
 County Butte
7. Annual period or periods during which water is to be used April 1st to November 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation & stock water
9. For irrigation use, Total number of acres to be irrigated 504

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Sec. 10, T 11 N, R 2 E

NE 1/4	28
SE 1/4	34
	<u>62</u>

Sec. 11, T 11 N, R 2 E

SW 1/4 NW 1/4	7
NW 1/4 SW 1/4	24
NE 1/4 SW 1/4	10
SW 1/4 SW 1/4	38
SE 1/4 SW 1/4	37
SW 1/4 SE 1/4	9
SE 1/4 SE 1/4	3
	<u>128</u>

Sec. 14, T 11 N, R 2 E

NW 1/4 NW 1/4	19
NE 1/4 NW 1/4	40
SW 1/4 NW 1/4	3
SE 1/4 NW 1/4	7
NW 1/4 NE 1/4	40
NE 1/4 NE 1/4	39
SW 1/4 NE 1/4	24
SE 1/4 NE 1/4	35
NE 1/4 SE 1/4	6
	<u>213</u>

Sec. 13, T 11 N, R2E

NW 1/4 NW 1/4	22
SW 1/4 NW 1/4	37
NW 1/4 SW 1/4	30
NE 1/4 SW 1/4	12
	<u>101</u>

TOTAL 504

B. Works proposed to transport water to place of use. \$25,000.

C. Works proposed to apply water to beneficial use. -----

Estimated Total Cost \$ 25,000.Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HardingI, Davis Ranches Inc. by Clarence E. Davis do hereby certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Clarence E. DavisSubscribed and sworn to before me this 7th day of April 19 70

FLORENCE BRENGLE

NOTARY PUBLIC HARDING CO., S. DAK.

My Commission Expires Aug. 1, 1978

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 899-1DAVIS RANCHES, INC.
(Applicant)BELLE FOURCHE
(Post Office Address)SOUTH DAKOTA
(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.
APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 500 ACRE FEET OF WATER.

Date of first receipt of application APRIL 27 19 70Date of return to applicant for correction, amendments or charges required — 19 —Date of receipt of corrected application — 19 —Approved JULY 22 19 70 Recorded in Book 11 Page 151WATER RIGHT PERMIT NO. 899-1The Water Resources Commission hereby grants and issues this Water Right Permit No. 899-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

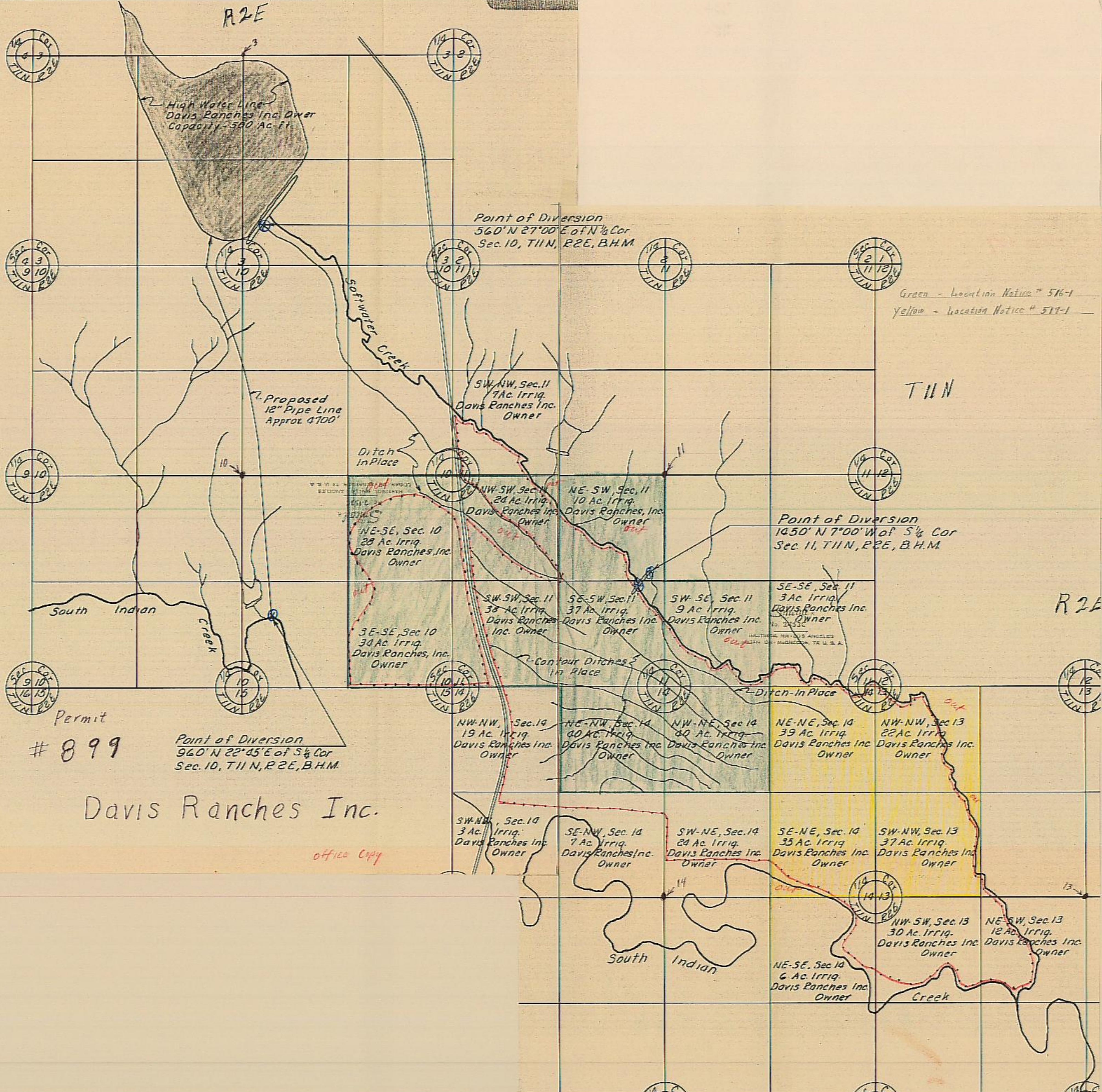
1. The date from which applicant may claim right is APRIL 27 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22 19 73
3. The whole of said work is to be completed on or before JULY 22 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 75
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 7.20 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-hundredth (1/100) 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 JULY 22 19 75 said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

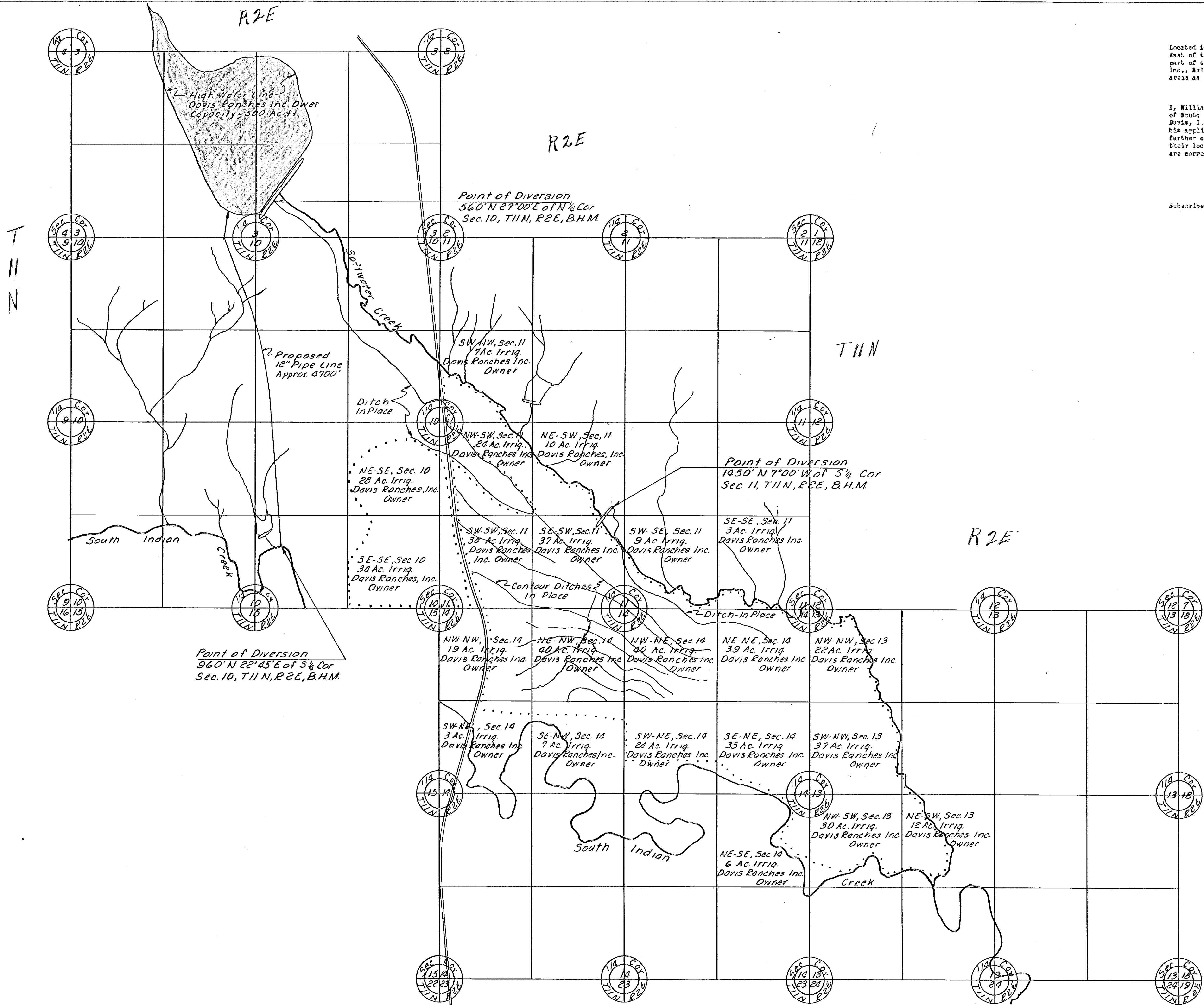
Witness my hand this 23RD day of JULY 19 70

WATER RESOURCES COMMISSION

By:

Spencer
Chief Engineer, Executive OfficerCertificate of Construction Issued OCTOBER 4 19 71Water License Issued OCTOBER 4 19 71





PLAT OF THE DAVIS RANCHES INC. IRRIGATION PROJECT

Located in Sections 3, 10, 11, 13, and 14, Township 11 North, Range 2 East of the B.H.M., Butte County, South Dakota, drawn and prepared as a part of the application for Permit to appropriate water of Davis Ranches Inc., Belle Fourche, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

I, William C. Brangle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Clarence E. Davis, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brangle (SEAL)
William C. Brangle
Registered Land Surveyor No. 1517

Subscribed and sworn to before me this 16th day of April, 1970.

Clarence E. Davis (SEAL)
Clarence E. Davis
Notary Public

WILLIAM C. BRANGLE
REGISTERED LAND SURVEYOR NO. 1517
My Commission Expires Aug. 1, 1974

LAND TO BE IRRIGATED

ALL IN T11N, R3E

		<u>Acres</u>
Section 10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	28
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34
Section 11	NW $\frac{1}{4}$ SW $\frac{1}{4}$	24
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	20
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	38
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	7
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	9
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	3
Section 13	NE $\frac{1}{4}$ NW $\frac{1}{4}$	22
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	37
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	30
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	12
Section 14	NW $\frac{1}{4}$ NW $\frac{1}{4}$	19
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	3
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	7
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	39
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	24
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	35
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	6
TOTAL		504 Acres

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____.

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill-out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

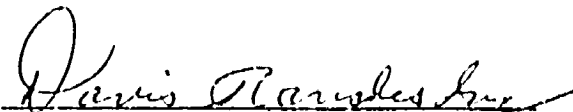
Height - 30'

Maximum water depth - 25'

Surface Area - 79 Acres

Storage Capacity - 500 ac-ft.

The reservoir and ditches were build in about 1920 and were supplied by water from the Soft Water Creek watershed. Since then numerous dams have been built above and this water shed does not supply enough water.


Signature of Applicant
- Elanora E Davis

WATER LICENSE NO. . . 899-1

(1) WHEREAS, On the 27th day of April A. D. 19 70
Dal Davis Ranches, Inc.

made Water Right Application No. 899-1 for a permit to use 7.20 cubic feet per second of the waters
of South Indian and Softwater Creeks
County of Butte State of South Dakota for irrigation

purpose and

(2) WHEREAS, On the 23rd day of July A. D. 19 70
Permit No. 899-1 with a date of priority of April 27, 1970

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 22nd day of July A. D. 19 75 and for the
application to beneficial use of said water on or before the 22nd day of July A. D. 19 75

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 7.20 cubic feet
per second of water for beneficial use and

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

for irrigating portions of Sections 10, 11, 13 and 14, T11N, R3E as shown on
attachment.

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to **Davis Ranches, Inc.**

_____ of **Belle Fourche, S.D.**

the holder _____ and owner _____ of said permit No. **899-1** a water right, dating from **April 27, 1970**

_____ to use of **7.20** cubic feet per second of the waters

of **South Indian Creek and Softwater Creek**

in the County of **Butte** and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at **from S. Indian Creek, 960' N., 22° 45' E. of the S $\frac{1}{4}$ Corner, Sec. 10, T11N, R2E; from Softwater Creek, 560' N. 27° E., of the W $\frac{1}{4}$ Corner, Sec. 10 and a point 1450' N. 7° W., of the S $\frac{1}{4}$ Corner, Sec. 11, T11N, R2E**

and conduct to and upon **portions of Sections 10, 11, 13 and 14, T11N, R3E as shown on**

attachment to this license

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **899-1** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this **4th** day of **October** A. D.

Nineteen Hundred and **Seventy-one**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer **J.W. GRIMEN**

Form 15.

Permit No. 899-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Davis Ranches, Inc.

_____ the holder _____ of
Permit No. 899-1, issued upon Application No. 899-1, bearing date of priority of April 27, 1970
_____ authorizing the diversion of 7.20 cu. ft. per second of the waters of _____
South Indian & Softwater Creeks, County of Butte, State of South Dakota at _____
From S. Indian Creek, 960' N. 22° 45' E. of the S½ Corner, Sec. 10, T11N, R2E; from
Softwater Creek-560' N. 27° E. of the N½ Corner, Sec. 10 and a point 1450' N. 7° W.
of the S½ Corner, Sec. 11, T11N, R2E, _____ irrigation
for _____

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use up to 20 cu. ft. per second of water.

Date October 4, 1971

WATER RESOURCES COMMISSION

By _____

J.W. GRINES, Executive Officer

DC - 10-11-71
DC - 10-11-71
CD - 10-11-71

No. 899-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Lawrence Weyer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Butte Troubadour

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
four dates:

June 12

June 19

June 26

July 3

Lawrence Weyer
(Signature)

Subscriber
(Title)

July 3 1970
(Date Signed)



No. 899-1

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
June 10, 1970

Notice is hereby given that
Davis Ranches, Inc. whose post
office address is Belle Fourche,
South Dakota, has made an ap-
plication in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
7.20 cubic feet of water per
second of time from South In-
dian and Softwater Creeks
through the Davis Ranches, Inc.
Irrigation Project, the point of
diversion of which is to be
located in the SW 1/4 SE 1/4,
Section 3, and SW 1/4 SE 1/4 of
Section 10, Twp. 11N, Range 2E.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: E 1/2 SE 1/4,
Section 10, SW 1/4 NW 1/4,
SW 1/4, S 1/2 SE 1/4, Section
11, NW 1/4 NW 1/4, SW 1/4,
Section 13, NW 1/4, NE 1/4
and NE 1/4 SE 1/4, Section
14, T11N, R2E

This application No. 899-1
will be considered by the Water
Resources Commission at their
office at Pierre upon the 22nd
day of July, 1970, at 2:00 P.M.
All interested persons may ap-
pear and be heard.

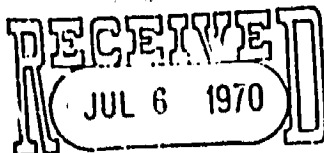
WATER RESOURCES
COMMISSION

By:

Burton F. Jones

Water Rights Specialist

B4(6)15-19-26-(73)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

899-1

Publish first publication, on or before June 25, 1970NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 10, 1970**Davis Ranches, Inc.**

Notice is hereby given that _____
 whose post office address is Belle Fourche, South Dakota, has made an application in accordance
 with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
South Indian and Spiritwater Creeks
7.20 cubic feet of water per second of time from SW 1/4 through the
Davis Ranches, Inc. Irrigation Project, the point of diversion of which is to be located in the _____

SW 1/4 SE 1/4, Section 3, and SW 1/4 SE 1/4

of Section 10, Twp. 11N, Range 2E. Said water to be used for the purpose
 of providing irrigation on the following described land:

E 1/2 SE 1/4, Section 10, SW 1/4 NW 1/4, SW 1/4, S 1/2 SE 1/4, Section 11, NW 1/4 NW 1/4, SW 1/4, Section 13,
NW 1/4, NE 1/4 and NE 1/4 SE 1/4, Section 14, T11N, R2E

This application No. 899-1 will be considered by the Water Resources Commission at their office at
 Pierre upon the 22nd day of July, 1970, at 2:00 P. M. All interested
 persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Clarence Davis
 Davis Ranches, Inc.
 Belle Fourche, S.D.

By:

DURTON F. JONES
 Water Rights Specialist

Permit No.

899-1

Water Division

1 BELLE FOURCHE RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by DAVISRANCHES, INC. of BELLE FOURCHE holderof Permit No. 899-1, bearing date of priority of APRIL 27, 1971authorizing the diversion of 7.20 cu. ft. per second of the waters of SOUTH INDIAN & SOUTHWATER CREEKS,for IRRIGATION purposes, in BUTTE County.

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

The Water Use System consists of, 500 ACRE FEET STORAGE RESERVOIR
(2600 G.P.M.)

A. Works used to divert the water:

JOHNSTON 12" VERTICAL PUMP ON S. INDIAN CREEK POWERED BY 100 H.P., U.S. ELECTRIC MOTOR PUMPS WATER THRU 4700' OF 12" BURIED PLASTIC LINE TO 6' DIAM CONCRETE BOX, THENCE THRU 1600' OF OPEN DITCH TO RESERVOIR ON SOUTHWATER CREEK.

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

12" CMP HEADGATE THRU DAM TO DITCHES MAIN DITCH APPROXIMATELY 3 1/2 MILES TO CONTOUR DIKED FIELDS

C. Works used to apply water to beneficial use.

SPREADER DIKES CONSTRUCTED ON CONTOUR SPREADER DIKE ON LOWER FIELDS DIVERTS WATER INTO DITCH TO WATER LOWER FIELDS ALONG SOUTHWATER CR.

The system is in the following condition:

GOODThe point of diversion is located FROM S. INDIAN CREEK - 960' N 22° 45' E OF THE 3/4 CORNER, SECTION 10, T11N, R2E; FROM SOUTHWATER CREEK - 560' N 27° 32' E OF THE N 1/4 CORNER, SECTION 10 AND A POINT 1450' N 7° N OF THE 3/4 CORNER, SECTION 11, T11N, R2EThe works are capable of diverting and conveying to the place of use UP TO 20cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

TO IRRIGATE LANDS SHOWN ON THE ATTACHED LISTcomprising a total of 504 acres of land.WITH 24" GATED
OPENINGDay SEPTEMBER 23, 1971

Dustin J. Jones
(Signature)
WATER RIGHT SPECIALIST

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

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

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

January 29, 1988

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

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

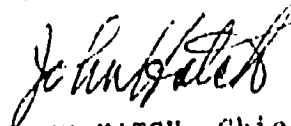
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 899-1, 435-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be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

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

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

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

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


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

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



Department of Water & Natural Resources

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

February 12, 1988

435-1
899-1

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

Dear Mr. Davis:

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

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

Very truly yours,

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

899-1



Department of Water & Natural Resources

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

May 26, 1988

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

Dear Mr. Davis:

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

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

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

Very truly yours,

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



Water Rights Division - DWNR

Location Notice

File No.

NAME OF PERSON OR FILE: Tom Davis, Davis Ranches, Inc.

ADDRESS: Camp Creek, St. R. Box 1, Belle Fourche, ⁵⁷¹¹⁷ COUNTY Ba. He

DATE: April 4, 1986 TELEPHONE: 892-2217

RE: Incorp. LN # 516-1 & 519-1 into Permit # 899-1

COMMENTS:

I talked to Tom Davis regarding Permit # 899-1. The system is still in operation. I discussed the Cancellation of Location Notices # 516-1 and 519-1 as they were in the same areas as Permit # 899-1. and pre dated Permit 899-1. ~~He agreed~~. He agreed that they probably should be cancelled.

Feb 27, 1986. I discussed the situation in the office after I checked into the Location Notices and the application for Permit # 899-1 and we determined that it would be proper to incorporate these location notices into the water permit. The application indicated that two of the diversions ^{on the Location Notice} coincided with the diversion points. The maps also indicated existing ditches. Therefore it was decided to re-license #899-1 to incorporate the location notices and give ~~the~~ earlier priority dates to two diversion points as shown on the Location Notices.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: LeRoy J Mcnaugh

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

THAT *Jennie E. Davis* where post office is
Belle Fourche, South Dakota, a citizen of the United States, above the age of
 21 years, being in possession of the following described land, to-wit: *N 2, NW 1/4 Sec 13, 2 E 1/2 NE 1/4* section
14 township *11 N* range *2 E* B. H. M
 in *Butte* County, South Dakota. Said lands comprising Desert Entry No. *01016*.
Belle Fourche Land District, availing herself of the right granted her under the provisions
 of Section 31 of Chapter 160 of the Session Laws of South Dakota of 1907, has located and claims the right to
 construct a certain dam across a dry draw situated in the *SE 1-4* of the *NW 1-4* section *11*
 township *11 N* range *2 E* B. H. M. and has located and claims the right to construct
 ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above
 described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose *15* cubic feet of water per second during the follow
 ing described annual periods *April 1st to Nov 1st* inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the *1/4 Sec. Cor. between Sections 11 & 12 N 19° 45' W*
1500 ~~feet~~ *1500 Ft.*

The ditch will run in a *South east* direction to and on said
 land for a distance of *3000* feet.

Said location was made on the *10* day of *September* 1908.

Witness my hand and seal this *15* day of *November* 1913

Jennie E. Davis
 Locator.

State of South Dakota, } ss
 County of *Butte*

On the *15* day of *November* 1913, before me *SWP Sellers*
Clerk of Courts, a notary public in and for the County and State aforesaid, personally
 appeared *Jennie E. Davis* to me personally known to be the person who executed
 the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, this day and date above written.

SWP Sellers
 Notary Public,
 Clerk of Courts

Pierre, South Dakota, *November 29* 1913

This is to certify that the foregoing location notice was received at this office at *9* o'clock *A* M.,
 upon the *18* day of *November* 1913, and after examination it was *filed for*
record

Howard M. Dorn
 Clerk of Courts

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 899-1

(1) Davis Ranches, Inc. of Star Route, Box 1, Belle Fourche SD 57717 was issued Water License No. 899-1, October 4, 1971 for a right to appropriate 7.20 cubic feet of water per second from South Indian Creek and Softwater Creek, Butte County, South Dakota for irrigation purposes. Water License No. 899-1, with a priority date of April 27, 1970 was issued to applicant for diversion of said water and provided for the completion of the water supply system therein described and the application to beneficial use of said water.

A review of the water right files and a subsequent field inspection of Location Notice Nos. 516-1 and 519-1 found the diversion points and lands irrigated, specified in the location notices, are also covered under Water Right No. 899-1.

Water License No. 899-1 is being reissued to include the applicable portions of Location Notice Nos. 516-1 and 519-1. Priority dates as they pertain to the lands irrigated and the diversion points are specified in number (2) and number (3) of this license.

(2) The applicant is entitled to divert 7.20 cubic feet of water per second for beneficial use. The location of the diversion points are as follows:

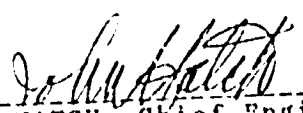
- 1) 960'N 22° 45'E of the S 1/4 corner of Section 10, T11N, R2E (SW 1/4 SE 1/4 Section 10). Pumping from Indian Creek has a priority date of April 20, 1970 (Water right No. 899-1);
- 2) 560'N 27°E of the N 1/4 corner of Section 10, T11N, R2E (SW 1/4 SE 1/4 Section 3, T11N, R2E). Pumping from this dam has a priority date of June 2, 1911 (Location Notice No. 516-1). The dam has a maximum storage capacity of 489 acre feet and is listed in the SD Inventory of Dams as ID #678;
- 3) 1450'N 7°W of the S 1/4 corner of Section 11, T11N, R2E (NE 1/4 SW 1/4 Section 11). Pumping from this dam has a priority date of September 10, 1908 (Location Notice No. 519-1).

(3) The location of the irrigated acreage is:

	Priority 4-20-1970	LN 516-1 Priority 6-2-1911	LN 519-1 Priority 9-10-1908
All in T11N, R2E		28	
Section 10 NE 1/4 SE 1/4		34	
SE 1/4 SE 1/4		24	
Section 11 NW 1/4 SW 1/4		10	
NE 1/4 SW 1/4		38	
SW 1/4 SW 1/4		37	
SE 1/4 SW 1/4	7	9	
SW 1/4 NW 1/4			
SW 1/4 SE 1/4	3		
SE 1/4 SE 1/4			27
Section 13 NW 1/4 NW 1/4			37
SW 1/4 NW 1/4			
NW 1/4 SW 1/4	36		
NE 1/4 SW 1/4	12		
Section 14 NW 1/4 NW 1/4	19		
NE 1/4 NW 1/4		40	
SW 1/4 NW 1/4	3		
SE 1/4 NW 1/4	7		
NW 1/4 NE 1/4		40	39
NE 1/4 NE 1/4			
SW 1/4 NE 1/4	24		35
SE 1/4 NE 1/4			
NE 1/4 SE 1/4	6		
SUBTOTAL:	111	260	133
TOTAL ACRES IRRIGATED:	504		

(4) Pursuant to Section 46-5-30.1 Davis Ranches, Inc. of Star Route, Box 1, Belle Fourche SD 57717 the holder and owner of Water Right No. 899-1 is issued a license to appropriate water, the right to use 7.20 cubic feet of water per second from South Indian Creek and Softwater Creek with priority dates of April 10, 1970, June 2, 1911 and September 10, 1908 from the location specified in (2) of this license. The water is to be conducted to and upon lands in (3) of this license for the purpose of irrigation.

This license is subject to any limitations or qualifications listed in Water Permit No. 899-1 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Division
 Department of Water and Natural
 Resources
 JUN 29 1990

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

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

JUN 29 1990

899-1

Davis Ranches, Inc.
Star Route, Box 1
Belle Fourche SD 57717

Dear Sir

Enclosed is your Water License No. 899-1. The water license has been reissued to the extent of what is actually being used. The relicense is based on a April 4, 1986 inspection of your water use system.

If you have any questions concerning the enclosed water license, please contact us.

Very truly yours,



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

enclosure

KNOW ALL MEN BY THESE PRESENTS:

516-1

THAT Emmanuel A. Bellier whose post office is Belle Fourche, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: NW 1/4 Sec 10, 3 1/2 E, 24 N, 11 W Section 10 Township 24 N Range 2 E B. H. M. in Battle County, South Dakota. Said lands comprising Desert Entry No. 02290 Belle Fourche Land District, availing himself of the right granted here under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1/4 of the SE 1/4 section 3 township 11 N range 2 E B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 1500 cubic feet of water per second during the following described annual periods April 1st to Nov 1st inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the SE 1/4 Sec 3 and 10, N 24 1/2 S, E 2 1/2 W

The ditch will run in a southwest direction to and on said land for a distance of 700 feet.

Said location was made on the 25th day of Oct 1913.

Witness my hand and seal this 25th day of Oct 1913

Emmanuel A. Bellier
Locator.

State of South Dakota,

County of Battle

On the 25th day of Oct 1913, before me A. M. P. Bellier, a notary public in and for the County and State aforesaid, personally appeared Emmanuel A. Bellier to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

A. M. P. Bellier
Notary Public.

Filed South Dakota, Oct 27 1913

This is to certify that the foregoing Location notice was received at this office at 7 o'clock a M., upon the 27th day of Oct 1913, after examination it was found

George M. Davis
State Engineer.



899-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

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

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 435-1 & 899-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 435-1 & 899-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2001

435-1
899-1

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

Dear Mr. Davis:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

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

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

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

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1842-1 & 1899-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 435-1 & 899-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: CUEDDS**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2023

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

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

Dear Mr. Davis:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 435-1, 899-1, 1842-1 & 1899-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



899-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2022

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

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

Dear Mr. Davis:

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosures