

No. 90-1

Water Division No. 1 Moreau River District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

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

1. Name of applicant: Chris Thybo and Mrs. P.N. Barsball

Postoffice address: Nisland, County: Butte, State: South Dakota.

I. If a corporation: No.

(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 the work. (Whether by contract, employment of others, or by direct labor) Direct labor.

(b) Cash on hand, \$ (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion works: Thybo Diversion Works

3. Quantity of water claimed: 5 cubic feet per second.

4. Source of water supply: Peggy Creek

5. Location of point of diversion: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 5, Tp. 16 North, Range 11 EastB.H.M. on left bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used: during the growing season.

7. To be used for: Irrigation only.

I. Irrigation or domestic use:

(a) Number of acres to be irrigated: 145 acres. Total amount irrigable at present. Total amount of land - 320 acres.

(b) Legal subdivisions to be irrigated

Barsball 100 acre farm patented -

NE $\frac{1}{4}$	SW $\frac{1}{4}$	of Sec. 5,	Amount irrigable	5 acres
NE $\frac{1}{4}$	SE $\frac{1}{4}$	" "	5	16
NE $\frac{1}{4}$	SW $\frac{1}{4}$	" "	5	20
SE $\frac{1}{4}$	SW $\frac{1}{4}$	" "	5	5

Thybo Dono. Land Entry -

NE $\frac{1}{4}$	SW $\frac{1}{4}$	of Sec. 4,	Amount irrigable	27 acres
SW $\frac{1}{4}$	SW $\frac{1}{4}$	" "	4	38
NE $\frac{1}{4}$	SE $\frac{1}{4}$	" "	4	33
NE $\frac{1}{4}$	SW $\frac{1}{4}$	" "	4	33

11 in Township 16 North, Range 11 East, Black Hills Meridian.

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures..... \$..... Total, \$.....

9. Description of diversion works:

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

One diversion dam, one storage dam, three ditches and five dykes

II. Dimensions of works:

(a) Dam: Height 14.5 feet; length at bottom 190 feet; length at top 230 feet; thickness at bottom 32 feet; thickness at top 10 feet; slope of front (water) face 3 to 1; slope of back face 1 1/2 to 1; material used in construction Earth and rock

(b) Reservoir: Capacity when filled 60 acre feet. Surface area at highwater mark 8.5 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET-ACRES	CAPACITY- ACRE-Feet

(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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work work is all completed.

11. Time required for complete application of water to the proposed beneficial use..... years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

The Thunder Butte Echo - published at Daviston, South Dakota.

STATE OF SOUTH DAKOTA

County of Perkins } ss

I, Alfred S. Tubbs, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of engineer in charge, that I have read the above and foregoing statement, and 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 Alfred S. Tubbs Deputy State Surveyor.

Subscribed and sworn to before me this 14th day of June 1901.

(SEAL)

Peter J. Tacharner Notary Public (or other qualified officer.)

PLAT OF DESERT CLAIM NO. 012302.

$N\frac{1}{2}$ SW $\frac{1}{4}$, $S\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 4, Tp. 18 N., Range 11 East, Black Hills Meridian. - 160 Acres.

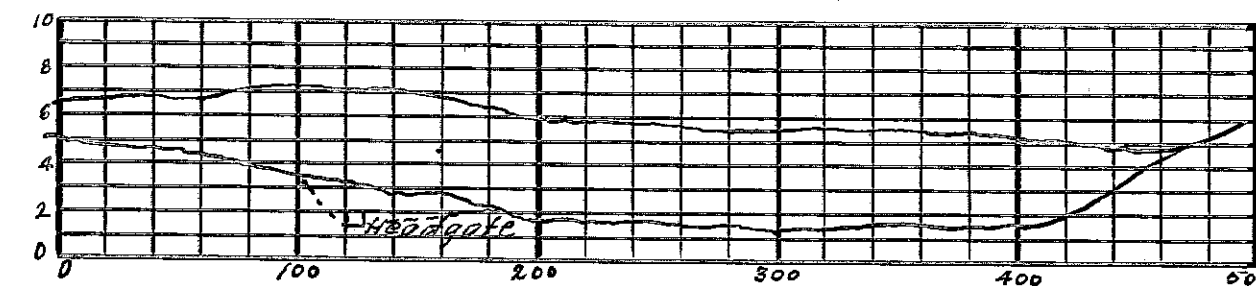
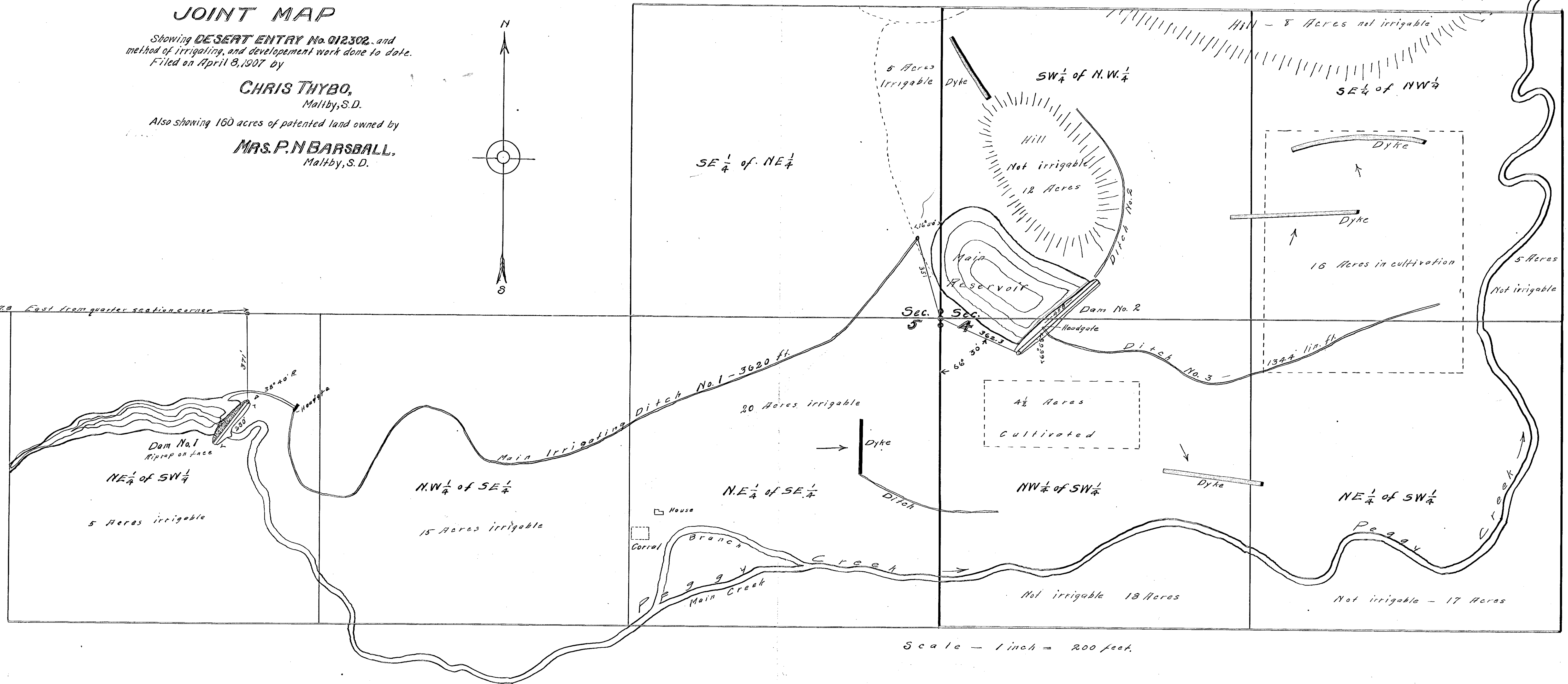
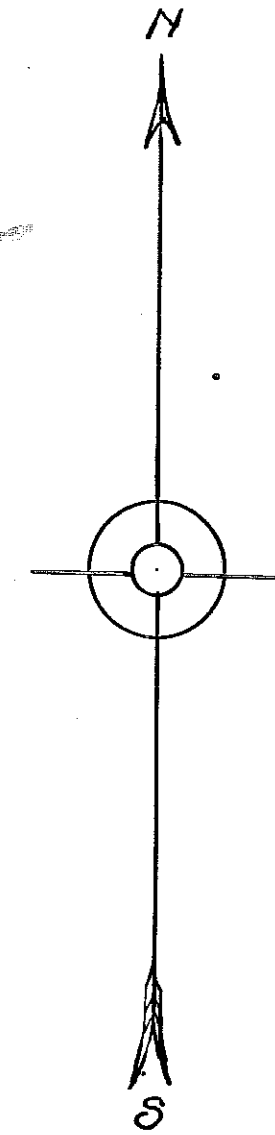
JOINT MAP

Showing **DESERT ENTRY No. 012302**, and method of irrigating, and development work done to date. Filed on April 8, 1907 by

CHRIS THYBO,
Maltby, S.D.

Also showing 160 acres of patented land owned by

MRS. P. N. BARSBALL,
Maltby, S.D.



Profile of Dam No. 2.

Source of water supply - Peggy Creek
 Capacity of Ditches - Ditch No. 1 - length 3620, 4 cu. ft per sec.
 " No. 2 - " 800, 2 " " " "
 " No. 3 - " 1344, 2 " " " "
 Drainage area - 25 Sections

State of South Dakota, } s.s.
 County of Perkins }

I, Alfred S. Tubbs, being sworn upon my oath, say that I am the engineer who was employed by Chris Thybo to survey his **DESERT CLAIM** as shown on this plat, that the survey and map thereof were made by me and under my direction, that I know of my own knowledge that the plats and statements herein made are true

Subscribed and sworn to before me
 this 12th day of June 1911.

Peter J. Eschamer
 Notary Public.

Alfred S. Tubbs
 Deputy State Surveyor.

Handwritten notes and signatures at the bottom right.

Remarks by State Engineer:

This application is for the right to appropriate for irrigation purposes five second foot of the waters of Peggy Creek, at the point designated herein, in Butte County.

STATE OF SOUTH DAKOTA
County of Butte

Pierre, South Dakota, September 20, 1901

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the 17th day of June 1901 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on September 5, 1901.

Samuel H. Lee
State Engineer.

Number of permit 90-1

By B. B. Lee Deputy.

Date of first receipt of application June 17, 1901

Date of return to applicant for correction - - - - - 1901

Date of receipt of corrected application - - - - - 1901

Date from which applicant may claim right June 17, 1901

Approved September 7, 1901, Recorded in Book -2- Pages 14 and 15.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 10 Work is completed.

2d. The whole of said work is to be completed on or before 10

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is 100

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 five cubic feet of water per second of time; 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 10; said water to be used during the following described annual periods.

During the growing season.

Witness my hand this 20th day of September 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

COPY

No. 90-1

Division No. 1

Moreau River Water District

PERMIT

to appropriate water from

Poggy Creek

Butte County, South Dakota

Name of applicant Chris Thybo
and Mrs. P. N. Baraball

Name of diversion works
Thybo Diversion Works

Date of first receipt at office of State
Engineer June 17, 1901

Returned to applicant for Correction
100

Corrected application received
100

Date of water right
June 17, 1901

Recorded in Book - 2 - Pages 14 & 15.
One-fifth of work to be completed

Work is completed. 10

Whole work to be completed
10

Final proof of use of water
10

Approved September 11, 1901.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy

COUNTY OF HUGO

I hereby certify that the within and
forgoing instrument is a true, correct and
complete transcript of an instrument which
it purports to be, as the same is
recorded in the office of the State Engineer.

Witness my hand and official seal at
my office in Pierre, South Dakota, at
this 26th day of September, 1901.

Samuel H. Lea
State Engineer.

By B. B. Lea
Deputy.

copy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 90-1

WHEREAS, On the...seventeenth...day of...June...A. D. 1911...
...Ohr...Thybo and Mrs. P. H. Baraball...
...of...Nioland...County of...Butte...and State of
...South Dakota...duly made application (No. 90-1...) to me for a permit to use...-5-
...cubic feet per second of the waters of...Peggy Creek...
...County of...Butte...State of South Dakota, for...Irrigation...
...purposes; and

WHEREAS, On the...twenty-sixth...day of...September...A. D. 1911...
Permit No. 90-1...was issued to said applicants...for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the...twenty-seventh...day of
...November...A. D. 1911...and for the application to beneficial use of said
water on or before the...twelfth...day of...June...A. D. 1911...
and,

WHEREAS, On the...twelfth...day of...June...A. D. 1911...
the holder...of said permit duly made proof of the completion of adequate works for the diversion of...-5-
...cubic feet per second of said waters, as evidenced by my Certificate No. 90-1...
dated...November 27, 1911...confirming the completion of works of sufficient capacity for
diverting and conveying to the place of...-5-...cubic feet per second of water,
with date of priority of...June 17, 1911...and,

WHEREAS, On the...twenty-ninth...day of...November...A. D. 1911...
proof was duly made of the application to beneficial use of...-5-...cubic feet per second of
said water;

For irrigation upon NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 5;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, of Sec. 4 all in Township
18, North, Range 11 East, B. H. M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Charles Thybo and Mrs. P. N. Baraball of Wisland the holder ^A and owner ^B of said permit No. 90-1 a water right, dating from June 17, 1911 to the use of -5- cubic foot per second of the waters of Paggy Creek 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 NE 1/4 of SW 1/4 of Sec. 5, Tn. 16 North, Range 11 East, R. N. M. and conducted to and upon NE 1/4 SW 1/4, NW 1/4 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 of Section 5; SE 1/4 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4 of Sec. 4; all in Township 16 North, Range 11 East, R. N. M. for the purpose of Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 39th day of November A. D. Nineteen Hundred and Eleven

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 90-1

To Chria Thybo and Mrs. P.
N. Barstall

Source of Supply Peggy Creek

Butte County

Am't -5- Sec. Feet

Point of Diversion NE 1/4 of SW 1/4 of
Sec. 5, T. 16 N., R. 11 E. B. H. 4.

Place of Use NE 1/4 SW 1/4 NW 1/4 SE 1/4 NE 1/4 SE 1/4
SE 1/4 NE 1/4 of Sec. 5; SE 1/4 NW 1/4 SW 1/4 NW 1/4
NE 1/4 SW 1/4 NW 1/4 SW 1/4 of Sec. 4.
In T. 16 N. R. 1 E. B. H. 4.

Purpose Irrigation

Date of Priority June 17, 1911

Recorded September 7, 1911

In Book 2 of Record Pages 14 & 15

Permit No.

Water Division No. 1 Morongo River Water District**Certificate of Application of Water to Beneficial Use.****Deposition of Holder**

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

Ans. Chris Thybo, Miland, S. D., Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans.

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

Ans. Peggy Creek,

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The works consist of one diversion dam in Creek, one dam for storage, three ditches and laterals

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for the purpose of irrigating Desert ClaimNo. 12302, and reclaiming sameN 1 SW 1 amount irrigated = 45 acresS 1 NW 1 = 65 " all in Sec. 4, Tp. 16 NorthRange 11 East of Black Hills Meridian

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

Ans. None other

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

Ans. 2 Cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the original owner of the Desert Claim

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. It has been used during the past two seasons;

(Sign.)

Chris Shupe

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in.....Jennings....., County of.....Parkinson....., State of South Dakota, on this.....12th.....day of.....June.....A. D., 1911

Robert Smalley
Notary Public S. D.

Permit No. 90-1

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water.....5.....second feet

Source.....Peggy Creek.....

County.....Butte.....

Purpose.....Irrigation.....

Place of Use.....N¹/₂ SW¹/₄, S¹/₂ NW¹/₄ of.....

Sec. 4, Tp. 16 N., R. 11 E., B. H. M.

Date of priority, June 17, 1911.

RECEIVED

NOV 29 1911

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

FILED
NOV 29 1911
J. L. LEA, State Engineer

Received and filed Nov. 29, 1911.

Permit No.

Water Division No. Water District

Certificate of Examination of Works**Report of Examining Engineer**

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated May 28, 1900, 19....., I have this day made a thorough examination of the diversion works constructed by..... of.....
 Perkins..... County, South Dakota, holder.. of permit No....., issued upon application No....., bearing date of priority of..... 19....., authorizing the diversion of..... second feet of the waters of..... for..... purposes. I have to report on the condition of the same as follows:

The diversion works comprise:.....
 five acres, 111.11, 111.11, 111.11, 111.11, 111.11

and the system is in the following condition:.....
 The point of diversion is located.....

The point of diversion is located.....

The works are capable of diverting and conveying to the place of use..... second-feet of water, which is to be used for.....

The legal sub-divisions to be irrigated are:

NE 1/4 Sec. 5	Acres	5	Acres	5	Acres
SE 1/4 "	"	5	"	5	"
SW 1/4 "	"	5	"	5	"
NE 1/4 "	"	5	"	5	"
SE 1/4 "	"	5	"	5	"
SW 1/4 "	"	5	"	5	"

All in Town 111.11, Range 11, comprising a total of 145 acres of land.

The domestic use intended comprises.....

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

Witness my hand, this..... day of.....

A. P. 19.....

Alfred S. Teal
 Examining Engineer.

Permit No. 90-1
River
Water Div. No. 1 Moreau Water Dist.

**Certificate of Examination
of Works**

Dated November 27, 1911

Stream Peggy Creek

County Butte

Amount -5- Second Feet

Date of Priority June 17, 1911

Recorded in Book -2- Pages 14 & 15

Filed in the office of the State Engineer this
29th day of November A. D. 1911

Samuel Hobbs
State Engineer.

By *B. B. Lea*
Deputy.

RECEIVED

NOV 29 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

FILED

NOV 29 1911

B. B. LEA, State Engineer.

PROOF OF PUBLICATION

RECEIVED

AUG 28 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.STATE OF SOUTH DAKOTA }
County of DeRidder } ssL. C. Emerson being duly
sworn, deposes and says the annexed printed copy of Notice

Intention to appropriate Water was taken from the

DeRidder 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 DeRidder County of
DeRidder and State of South Dakota,That the said notice was published in said newspaper on the
following dates:July 21st, July 28th, Aug 11th,
Aug 18th, Aug 25th, 1911in each and every issue of the full number thereof, the first
publication being made on the 21 day of July
1911 and the last publication on the 25th day of
Aug 1911, upon which days or times
of publication aforesaid the newspaper was regularly pub-
lished, and that during the whole time of said publication
he was the printer and publisher of
the said newspaper.L. C. EmersonSubscribed and sworn to before me this 25th day of Aug A. D. 1911Harry B. Scott
Notary Public DeRidder County, S. D.

(First Publication July 21, 1911)
APPROPRIATION OF WATER
Office of the State Engineer
Pierre, S. D. July 2, 1911.

Notice is hereby given that Chris Thybo and Mrs. P. N. Barsbail whose postoffice address is Nisland Butte Co. S. D. has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use five cubic feet of water per second of time from Peggy Creek through the Thybo Diversion works, the point of diversion of which is to be located upon the left bank of said stream in the ne 1/4 of the sw 1/4 of section 5 township 10 N range 11 E B H M said water to be used for the purpose of irrigation upon the ne 1/4 of sw 1/4 of sec 4, ne 1/4 of sec 4, sec 4 of ne 1/4, section 5; sec 4 of ne 1/4, sw 1/4 of ne 1/4, ne 1/4 of sw 1/4, ne 1/4 of sw 1/4, section 4; township 10 N range 11 E B H M.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the fifth day of September 1911, at nine a. m. at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by personal attendance or in person for the purpose of presenting any relative testimony.

Samuel H. Lea State Engineer
A. S. Tobbs, Engineer

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dave Baker – 605.255.5507

DATE: 11/06/2025

COMMENTS:

Dave Baker is working with a company attempting to appraise a property in Perkins County, which is authorized for irrigation from Peggy Creek, by Water Right No. 90-1. Dave indicated that the property had changed hands over half a dozen times and records were never filed with the Water Rights Program. He also said that all the owners had maintained the property as “prairie/grasslands” and no irrigation equipment or practices exist.

Before proceeding with cancellation of Water Right No. 90-1 we will need to determine:

- Who the new owners of the property are
- Has the property been enrolled in CRP



Amanda Dewell
Water Rights Program