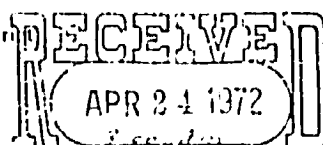


Water Right Number 960-1

1. Considered JULY 12, 19 72
2. Name of Applicant R. THORNTON & GWENIVERE VALLERY
3. Post Office Address NISLAND, S.D.
4. Amount of water claimed .50
5. Source of water supply BELLE FOURCHE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 35.00
7. Water to be diverted and used in BUTTE County
about 2 W Miles of NISLAND
8. Proof of Publication Received 7-10-72
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 960-1Map No. 791-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriately Water within the State of South Dakota

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

1. Name of Applicant R. THORNTON VALLERY or GWENIVERE L. VALLERY
 Post office address WELAND State SOUTH DAKOTA
~~If corporation, show date and place of incorporation~~
2. Method of accomplishing work (contract, employment of others, or by direct labor) DIRECT LABOR
3. Name of diversion work VALLERY RIVER TANCH #1
4. Amount of water claimed (cubic feet per second) .5 cubic foot per second
5. Source of water supply BELLE FOURCHE RIVER
6. Location of point of diversion NE 1/4 Sec. 11 Twp 8 R. 4 On the southerly bank
of the Belle Fourche River
 County BUTTE
7. Annual period or periods during which water is to be used APRIL FIRST TO FREEZE UP
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, Total number of acres to be irrigated 25 1/4 35

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 11-8-4	10		
SE 1/4 11-8-4	25		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication BELLE FOURCHE BEE
12. Principal Features of the Proposed Water Supply System. Flood irrigation on about 15 acres
Big Gun sprinkler System on the rest
 A. Works proposed to divert water from its natural source. Cornell eight inch pump and pipe with 25 hp electric motor for flood system.
This will be at the same site as water right 289-1 all equipment has been in use
for several years. A Berkly pump and Big Gun sprinkler with capacity of 550 to
600 gallons per minute are for the rest.
 B. Works proposed to transport water to place of use.
open ditch and six inch band and latch pipe
 C. Works proposed to apply water to beneficial use.
Leveling of fifteen acres, irrigated pasture on the rest

Estimated Total Cost \$ 2,500.00Attachments: 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 ButteI, R. Thornton Vallery the applicant, 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.Subscribed and sworn to before me this 21st day of April 1972Notary Public (or other qualified officer)
Donald R. Kiel
Butte, Butte County, S. DAK.

My Commission Expires MAR. 20, 1980

NOT TO SCALE

T8N R4E

589°31'E 2745'

NE 1/4 SW 1/4
39 ac

SE 1/4 SW 1/4
23 ac

SW 1/4 SE 1/4
13 ac
264-1

NW 1/4 NE 1/4
30 ac

SE 1/4 NE 1/4
32 ac

NW 1/4 SE 1/4
37 ac

NW 1/4 NE 1/4
29 ac

NE 1/4 NE 1/4
21 ac

SW 1/4 NE 1/4
39 ac

SE 1/4 NE 1/4
39 ac

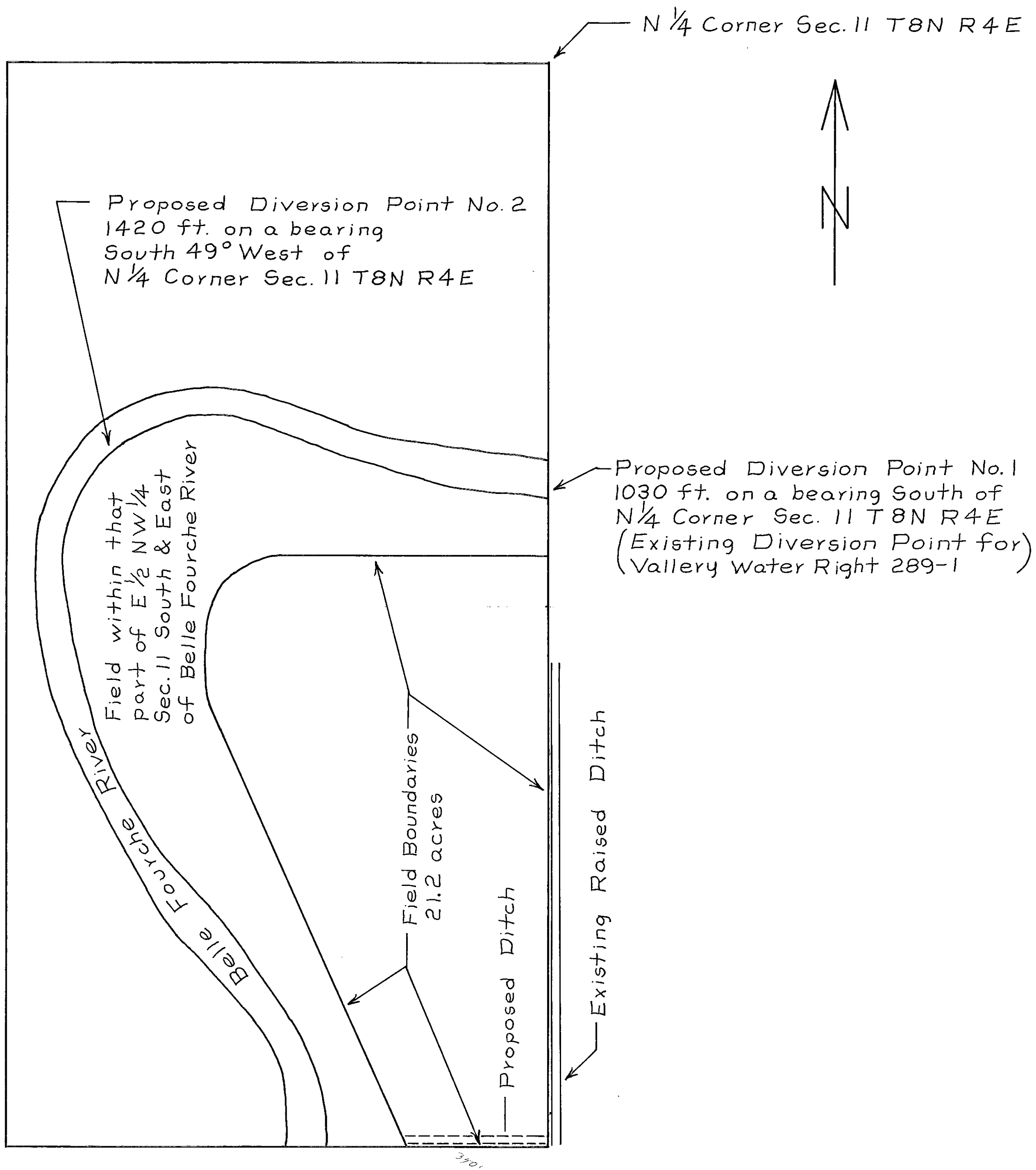
NE 1/4 SW 1/4
17 ac

NW 1/4 SE 1/4
18 ac

NE 1/4 SE 1/4
21 ac

R. Thornton Vallery

POND AREA



Plan for Irrigation
Land belonging to R. Thornton
Vallery, Nisland, South Dakota
by Larry E. Afdahl, P.E. & L.S.
April 1, 1972

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 960-1

R. THORNTON OR GWENIVERE VALLERY
(Applicant)

NISLAND
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

Diversion of water under this permit is contingent upon water supplies being first available to the prior water rights on the Belle Fourche River. Flow records show that there are occasional years when the flows of the Belle Fourche River in this area are definitely and recognizably lower than usual during the months of July, August and September. Diversions of water are not to be made under this permit, during such low flow periods.

Date of first receipt of application APRIL 24 19 72
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application — 19 —
Approved JULY 12 19 72 Recorded in Book 12 Page 119

WATER RIGHT PERMIT NO. 960-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 960-1 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 24 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 12 19 73
3. The whole of said work is to be completed on or before JULY 12 19 73
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 12 19 77
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 .50 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-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 JULY 12 19 77; said water to be used during the following described annual period APRIL 1 TO FREEZE-UP

Witness my hand this 13TH day of JULY 19 72

WATER RESOURCES COMMISSION

By

Robert L. ...
Chief Engineer/Executive Officer

Certificate of Construction Issued January 22 19 72

Water License Issued January 22 19 72

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 960-1

(1) WHEREAS, On the 24th day of April A. D. 19 72

R. Thornton or Gwenivere L. Vallery

made Water Right Application No. 960-1 for a permit to use .50 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 12th day of July A. D. 19 72

Permit No. 960-1, with a date of priority of April 24, 1972

was issued to said applicant s for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 12th day of July A. D. 19 73 and for the application to beneficial use of said water on or before the 12th day of July A. D. 19 77

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 .71 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 land, to-wit:

for irrigating the following land all in Section 11, T-8N, R-4E,

NE1/4---3 acres

SE1/4---19 acres

TOTAL---22 acres

(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 R. Thornton or Gwenivere Vallery

_____ of Nisland, South Dakota

the holder _____ and owner _____ of said permit No. 960-1 a water right, dating from April 24, 1972

_____ to use of .31 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 hereinbelow mentioned, to be diverted at a point 1030 feet South of the NE Corner of Section 11,

T-8N, R-4E

and conducted to and upon portions of Section 11, T-8N, R-4E more fully described
on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 960-1 and subject to the laws of the State of South Dakota.

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

this 12nd day of January A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 960-1

Water Diversion No. 1 Belle Fourche River Water District
10120202

CERTIFICATE OF CONSTRUCTION

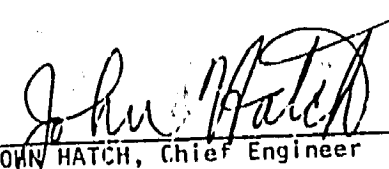
This is to Certify, That R. Thornton or Gwenivere L. Vallery

_____ the holder s of
Permit No. 960-1, issued upon Application No. 960-1, bearing date of priority of _____
April 24, 1972 authorizing the diversion of .50 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
a point 1030 feet South-of the NE Corner of Section 11, T-8N, R-4E

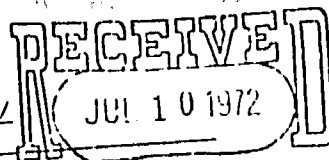
_____ for Irrigation

_____ purposes, have _____ 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 2.67 cu. ft. per second of water.

Date January 22, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

No. 960



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bute) ss.

I, Lawrence W. Wylton hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Bute Journal

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 Fredericktown
County of Bute and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

June 2, 1972
June 9, 1972
June 16, 1972
June 23, 1972

Lawrence Wylton
(Signature)

(Title)

(Date Signed)



No. 960-1
NOTICE
INTENT TO APPROPRIATE
WATER
Pierre, South Dakota 57501
May 22, 1972

Notice is hereby given that
R. Thornton or Guenivere Val-
lery whose post office address
is Nisland, South Dakota has
made an application in accor-
dance with the provisions of
the water laws of South Dakota
for a permit to appropriate
for beneficial use .5 cubic feet
of water per second of time
from the Belle Fourche River
through the Vallery River Ranch
#1, the point of diversion of
which is to be located in the
NW 1/4 NE 1/4 of Section 11,
Twp. 8N, Range 4E. Said water
to be used for the purpose of
providing irrigation on a portion
of the following described land:
E 1/2 NW 1/4, Section 11, T8N,
R4E.

This application No. 960-1
will be considered by the Water
Resources Commission at their
office at Pierre upon the 12th
day of July, 1972, at 2:00 P.M.
All interested persons may ap-
pear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones,
Water Rights Specialist

B416/2-9-16-23

960-1

Publish first publication, on or before June 15, 19 72

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 22, 19 72

Notice is hereby given that R. Thornton or Guenivere Vallery
whose post office address is Nisland, 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
.5 cubic feet of water per second of time from the Belle Fourche River through the
Vallery River Ranch #1, the point of diversion of which is to be located in the _____

NW 1/4 NE 1/4

of Section 11, Twp. 2N, Range 4E. Said water to be used for the purpose
of providing irrigation on a portion of the following described land:

E 1/2 NW 1/4, Section 11, T2N, R4E

This application No. 960-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of July, 19 72, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights
Specialist

cc: R. Thornton Vallery, Nisland, S.D. 57762

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8648

PIERRE, January 12, 1982, 1982

RECEIVED OF Vallery River Ranch, Inc., R. Thornton Vallery, SR, Box 188, Nisland, SD 57762
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 filling)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No. 960-1	50	00
Fee for issuing Location Certificate-Dry Draw, No. 960-1		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Halpern*
Chief Engineer, Executive Officer

Permit No. 960-1Water 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 / T-055 BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water system constructed by R. Thornton Vallery or Gwenivere A. Vallery of Nisland, S. Dak holder of Permit No. 960-1, bearing date of priority of April 24, 1972, authorizing the diversion of .5 cu. ft. per second of the waters of Belle Fourche River for Irrigation purposes, in Bute 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:

Toshiba. 40 HP Elec. Model 80404VGF1A3,
Pump - Berkeley Model B8 GRBM CW. Ser # 7650635
Pumps 1200 gpm. Pump used also for Permit # 288-1

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

2000 ft 10" Aluminum Alloys

C. Works used to apply water to beneficial use.

3/4 Mile of 8" dia. Galv Pipe for Furrow and Flood
Irrigation

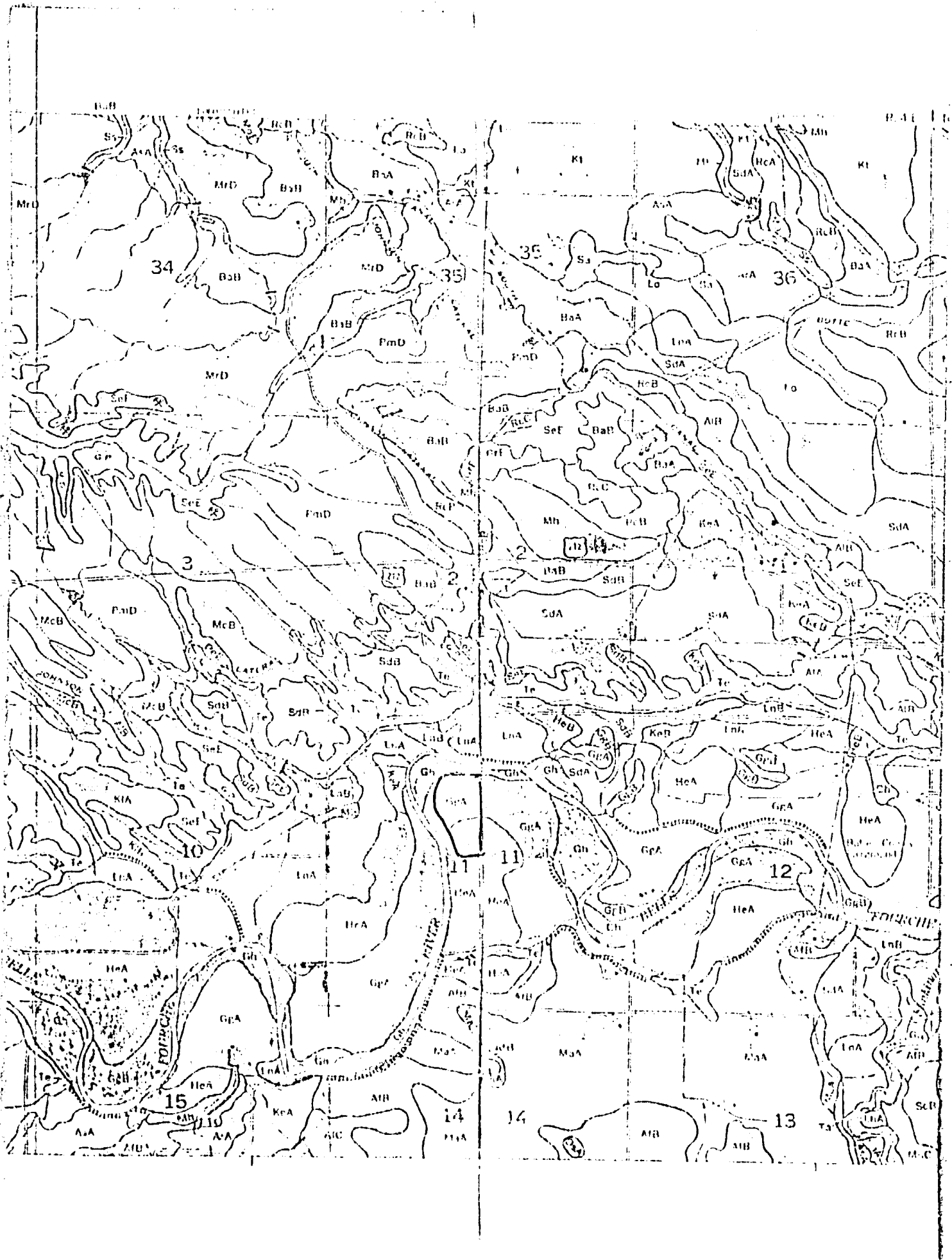
The system is in the following condition. GoodThe point of diversion is located 1030 ft S of the NW 1/4 Corner of Section 11, T8N R4EThe works are capable of diverting and conveying to the place of use 2.67cu. ft. per second of water which is to be used for Irrigation

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

All in Section 11 - T8N R4E. NE 1/4 NW 1/4 - 3 Ac.
SE 1/4 NW 1/4 - 17

comprising a total of 22 acres of land.

Date August 11, 1981
Le Roy J. McManis
 (Signature)



SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

Thornton Vallery,
Hilsland,
South Dakota 57762

Mr. Vallery:

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>
228-1	.72 cfs	54.17	\$23.75
290-1	5.50 cfs	336.00	\$16.50
264-1	.22 cfs	15.30	14.00
250-1	.50 cfs	35.00	18.75
289-1	1.02 cfs	75.00	33.75
		TOTAL	\$251.75

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

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	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
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	79.00	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	85.08
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	4.88	324.14	135.75	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	McNenny 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		
92b-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 Odekovan	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	6.97	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	---
285-1	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	63.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8316

PIERRE, June 23, 19 91

RECEIVED OF R.Thorton Vallery, Wisland, SD 57762

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 filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 960-1	18	75
(any other work as provided by law)		
TOTAL	18	75

WATER RIGHTS COMMISSION

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

**SOUTH DAKOTA Department of
Water & Natural Resources**
Joe Foss Building
Pierre, South Dakota 57501
(605) 773-3352
Water Rights Division

November 13, 1981

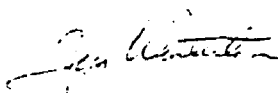
To Water Use Control Area Permit Owners:

Enclosed is a copy of the Financial Report for the Belle Fourche River Water Use Control Area. Based on this closing financial statement, amounts were prorated out and refunds are being sent from the money that was not used by the water master. Persons between the Belle Fourche Diversion Dam and Owl Creek will receive no refunds due to the water master's services being required only in this area.

The refund checks are being mailed under separate cover thru our Finance Office.

If you have any questions feel free to contact our office.

Sincerely,



JAMES E. WINTERTON
Water Resources Engineer

JW/bt
Enc.

Equal Opportunity Employer

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

State of South Dakota

REISSUANCE OF Water License No. 960-1

(1) R. Thornton and Gwenivere Vallery
of HCR, Box 188, Hisland, South Dakota were issued Water License No. 960-1
~~made Application No.~~ January 22, 1982 right
0.31 cubic feet per second of water from the Belle Fourche River
Butte County, South Dakota for irrigation purposes
Water License 960-1, with a priority date of April 24, 1972
was approved ~~and~~ issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~ completed.

Water License No. 960-1, dated January 22, 1982 authorizes diversion of 0.31 cfs from the Belle Fourche River to irrigate 22 acres. Water License No. 289-1 dated July 5, 1956, authorizes diversion of 1.02 cfs from the Belle Fourche River to irrigate 72.5 acres.

Based upon a September 24, 1985 inspection of the water use system used to irrigate lands under Water License Nos. 289-1 and 960-1, the licenses are being reissued to reflect what is actually being irrigated.

The applicable portions of Water License No. 289-1 are being incorporated into reissued Water License No. 960-1.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.25 cubic feet per second of water for beneficial use. The location of the diversion point(s) ~~is~~ are #1 - 2140 ft E of the NW₄ Corner of Section 11; #2 - 1200 ft N of the SE Corner of Section 11, T8N, R4E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T8N, 94E

Section 11	NE $\frac{1}{4}$ NW $\frac{1}{4}$	3 Acres	(BA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	19 Acres	(BD)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	2 Acres	(Ab)
	S $\frac{1}{2}$ NE $\frac{1}{4}$	37 Acres	(AC)
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27 Acres	(DD)
TOTAL 88 ACRES			

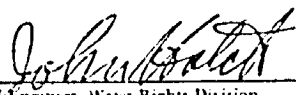
Lands in E $\frac{1}{2}$, NW $\frac{1}{4}$ carry an April 24, 1972 priority date (established under No. 960-1)
the remaining lands carry a January 17, 1957 priority date (established under No. 289-1)

(4) Pursuant to §46-5-30.1 R. Thornton and Gwenivere Vallery

of HCR, Box 188, Nisland, South Dakota

the holder(s) and/or owner(s) of Water Right Permit No. 960-1 is issued a license to appropriate water, the right to use 1.25 cubic feet per second of water from the Belle Fourche River with a priority date of 0.94 cfs from January 17, 1957 and 0.31 cfs from April 24, 1972 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Right Permit No. 960-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
NOV 26 1986

JOHN HATCH

Belle Fourche River Water District 10120202

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by R. Thornton Vallery ^{+ Gainmore}

HRC No 195
RR, Nisland, South Dakota 57762 holder of

Permit No. 960-1, bearing the priority of April 24 1972 ^{# 289-1 January 17, 1957 for 1.02 cfs.} authorizing

the diversion of 1.33 cu. ft. per second of the waters of Belle Fourche River

for Irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Motor = Toshiba -40 H.P. Elec. Model 50404VGF1A3
Pump = Berkeley Model B3 GRBM - CIV Ser. # 7680638
Pumps 1200 gpm

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

2000 ft 10" Aluminum Mains

C. Works used to apply water to beneficial use:

3/4 Mile of 8" dia Gated pipe for furrows and flood irrigation.

The system is in the following condition Good

The point of diversion is located Pl #1 = 2140 ft E of 1/4 Cor of Sec 11, T2N = 1200' N
of SE Cor. Sec 11, T8N R4E

The works are capable of diverting and conveying to the place of use 2.67
cu. 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: All in Sec 11, T8N R4E

NE 1/4 NW 1/4 = 3 Ac SE 1/4 SE 1/4 = 27 Ac.

SE 1/4 NW 1/4 = 19 Ac

NW 1/4 NE 1/4 = 2 Ac

S 1/4 NE 1/4 = 37 Ac

comprising a total of 88 acres of land and the license should be issued for 1.25 cfs

Applicable permit qualifications have been complied with X Yes No ^{B.M.}

Exceptions to compliance are: Date Sept 24, 1955

Priority date: 0.94 cfs from 1/17/57

" " 0.31 cfs " 4/24/72

DeRoy & McLaughlin



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

NOV 26 1986

R. Thornton & Gwenivere Vallery
HCR, Box 198
Nisland, South Dakota 57762

Dear Mr. & Mrs. Vallery:

Enclosed is your Water Right License No. 960-1. The water license has been reissued to the extent of what is actually being used. The relicense is based on a September 24, 1985 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

JH: MS

enclosure

960-1

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

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

November 17, 1989

Thornton Vallery
HCR 76 Box 188
Nisland, SD 57762

Dear Mr. Vallery:

Enclosed are your 1989 irrigation questionnaires for Water Right Nos. 960-1, 1203-1 and 1423-1. The following information needs to be supplied on the forms in order for them to be complete:

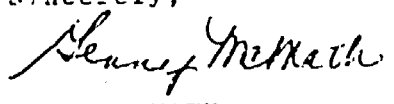
- No. 960-1: 1) Number of days pumped
 2) Average hours per day
- No. 1203-1: 1) Clarify the number of days pumped in each month
 2) Average hours per day
 3) Average pump rate
- No. 1423-1: 1) The whole form needs completion

The form you submitted for Water Right No. 962-1 was completed satisfactorily.

Water Management Board Rules require the annual irrigation questionnaires to be completed and returned to this office. Please complete the forms and return them before DECEMBER 15, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



960-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

December 20, 1994

R Thornton Vallery
HCR 76 Box 188
Nisland, SD 57762

Dear Mr Vallery:

Thank you for the prompt return of your 1994 irrigation questionnaires. Enclosed are copies of Vested Water Right Nos. 228-1, 264-1 & 1423-1 and Water Right Nos. 289-1, 290-1, 960-1 & 1203-1.

I will attempt to give you a summary of your existing water rights and vested water rights which will hopefully answer your questions.

Water Right No. 960-1 authorizes irrigation of 88 acres in portions of Section 11, T8N, R4E The applicable portions of Water Right No. 289-1 were incorporated into Water License No. 960-1. Priority dates of April 24, 1972 and January 17, 1957 were retained (see enclosed water license).

Water Right No. 1203-1 authorizes irrigation of 349 acres in portions of Sections 14 and 15, T8N, R4E The applicable portions of Water Right No. 290-1 were incorporated into Water License No. 1203-1. A priority date of January 17, 1957 was retained for irrigation of the land with direct diversion from the Belle Fourche River. A priority date of September 8, 1980 was retained for water pumped into the storage dam. (see enclosed water license)

Vested Water Right No. 1423-1 authorizes irrigation of 63 acres in portions of Section 10 and 15, T8N, R4E The applicable portions of Vested Water Right Nos. 228-1 and 264-1 were incorporated into Vested Water Right No. 1423-1. Priority dates of February 2, 1900, May 26, 1951 and July 1, 1952 were retained (see enclosed water license).

All of the acreage you irrigate should be covered under Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1. Under South Dakota Water Law 46-2A-14, any application or permit to appropriate water shall refer to one water use system. Water Management Board Rule 74.02:01:16.01 states that when inspecting systems that are covered by more than one permit or right, the applicable portions of all permits or rights and priority dates may be incorporated into one water license under the number of the latest permit issue.

page 2

December 20, 1994

R Thornton Vallery

Once water permits are licensed, the irrigation questionnaires are made to correspond with that particular license. This is why you no longer receive irrigation questionnaires for Water Right and Vested Right Nos. 228-1, 264-1, 289-1 and 290-1. I would like to stress to you that just because we no longer mail questionnaires for those water right numbers, does not mean that you have lost those water rights/vested rights. You are still reporting for each of the systems.

The numbering system we have for water permits is a method for tracking water permits, rights or vested rights and has no bearing on the priority dates associated with your water use systems. Your water use systems have been in place and utilized since the early 1900's. Whether we number them 1, 2 or 900 does not change when you started irrigating or the number of systems you have in place.

I hope I have addressed your concerns Mr. Vallery. If you have any further questions, please contact me and I will be try to answer them for you.

Sincerely,



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

enclosures



960-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 27, 2004

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

Thank you for sending in the 2004 irrigation questionnaires for Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights in the event you need them. 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



960-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 2005

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing in regard to the ownership changes for Water Right Nos. 960-1 & 1203-1 and Vested Water Right No. 1423-1, currently listed in Thornton Vallery's name. In December, 2004 "Notice of Transfer of Ownership" forms were sent to you to transfer the rights from Thornton's name to your names. To date, we have not received them back from you.

In the event you need additional forms, enclosed are partially completed "Notice of Transfer of Ownership" forms for filing an ownership change with each water right. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). 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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
JUN 22 2005
WATER RIGHTS
PROGRAM

No. 960-1

Date: _____

I/We request that Water Right No. 960-1

formerly owned by: R Thornton and Gwenivere Vallery

be transferred to: (name & address) Randy and Rhonda Vallery, 12287 Vallery Rd,
Nisland, SD 57762

Telephone No. 605 257-2365

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

88 acres – E ½ NW ¼, W ½ NE ¼, SE ¼ SE ¼ Section 11, T8N, R4E

I/We understand that the validity of Water Right No. 960-1 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 Two Dollars and Fifty Cents (\$2.50) 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 Randy Vallery
Rhonda Vallery, the new owner, certify that the above information is true and correct.

Randy Vallery Rhonda Vallery
(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 June 22, 20 05

RECEIVED OF Rhonda Vallery, 12287 Vallery Rd., Nisland SD 57762

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	2 50	
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>960-1</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001001

By

Darlene E. Elbe
Chief Engineer gme



960-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 2005

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of the ownership changes you submitted for Water Right Nos. 960-1, 1203-1 and Vested Water Right No. 1423-1. The transfers have been completed. The water rights and vested water right formerly listed in the name of R Thornton Vallery are now listed in your names.

Enclosed are your Receipt No. 001891, 001892 and 001893 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



960-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 960-1 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) 1203-1 & 1423-1 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 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 **February 24, 2006**, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3957

Your item was delivered at 2:00 pm on January 25, 2006 in NISLAND, SD 57762. The item was signed for by R VALLERY.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 3957

RANDY & RHONDA VALLERY
12287 VALLERY RD
NISLAND SD 57762

is mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

FOR OFFICIAL USE ONLY

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 3800, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2006

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1.

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

One thing I would like to point out is that we use the information irrigators supply each year to determine how much water is being used from a particular source. The data supplied should be as close as possible to what was actually diverted. If you are applying as much water as you reported, you are exceeding your water rights.

If you have any questions, please contact me.

Sincerely,

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



960-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 960-1 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) 1203-1 & 1423-1 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 11, 2008** 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) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 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 questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.



960-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2008

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1.

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

NOTICE OF CONDITIONAL ASSIGNMENT OF OWNERSHIP

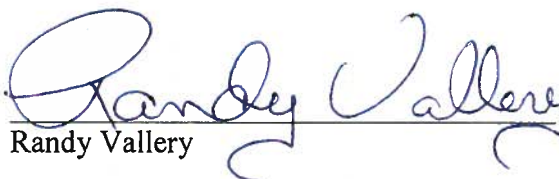
To: Chief Engineer
Water Rights Division
Department of Environment & Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

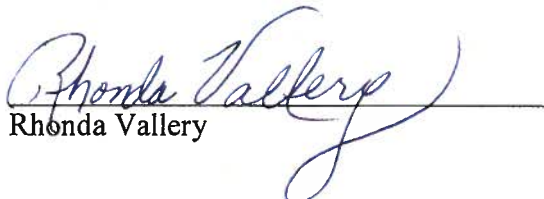
Date: September 25, 2013

Please take notice that Randy Vallery and Rhonda Vallery, husband and wife, have granted to AXA Equitable Life Insurance Company, c/o AXA Equitable Agrifinance, LLC, 4333 Edgewood Road NE, Cedar Rapids, IA 52499-5223 (the "Lender") a security interest in certain easements, water rights, water permits, and water licenses, evidencing water rights appurtenant to certain real property more fully described in Exhibit "A" attached to this Notice and incorporated herein by this reference, including without limitation the following water permits and licenses:

Water Permit Nos. 1423-1, 1203-1 and 960-1

You are requested to file this Notice of Conditional Assignment in the appropriate file at the Division of Water Rights as evidence of the security interest granted to the Lender in all such water permits and water rights.


Randy Vallery


Rhonda Vallery

STATE OF SOUTH DAKOTA)

7. SS.

I, Trishan L. Martinez notary public in and for said county and state, do hereby certify that on this 24 day of September, 2013, personally appeared before me the within named Randy Vallery, to me known to be the individual described in and who executed and whose name is subscribed to the within and foregoing instrument, and duly acknowledged to me that he signed and executed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

(SEAL)

EAL)



Notary Public

My commission expires: June 12, 2017



STATE OF SOUTH DAKOTA)

211) SS.

I, Trician L. Martina notary public in and for said county and state, do hereby certify that on this 24 day of September, 2013, personally appeared before me the within named Rhonda Vallery, to me known to be the individual described in and who executed and whose name is subscribed to the within and foregoing instrument, and duly acknowledged to me that she signed and executed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

(SEAL)

Spring Math

Notary Public

My commission expires: June, 2017



Exhibit "A"

Legal Description

Township 8 North, Range 4 East of the Black Hills Meridian, Butte County, South Dakota:

Section 10: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ lying South of the center line of the Belle Fourche River

Section 11: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying South and West of the Belle Fourche River, except that portion thereof conveyed by deed recorded in Book 25 on Page 203;

That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South and West of the Belle Fourche River, except that portion conveyed by deed recorded in Book 93 on Page 630;

That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the center line of the Belle Fourche River

Section 14: NE $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; SW $\frac{1}{4}$

Section 15: That portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$, lying South and West of the Belle Fourche River; W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$



960-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 960-1 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) 1203-1 & 1423-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 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 6, 2019** 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: <http://denr.sd.gov/iq.aspx>

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.



960-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2019

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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



960-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: RANDY & RHONDA VALLERY, 12287 VALLERY RD, NISLAND, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 960-1 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) 1203-1 & 1423-1 qualification:

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

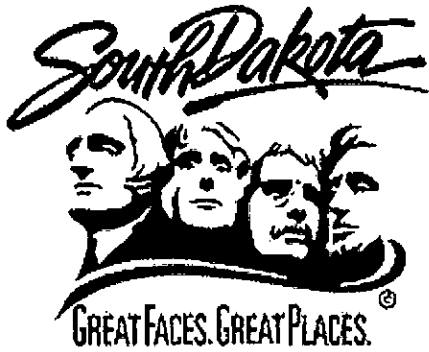
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 1203-1 & 1423-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 960-1 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 **February 26, 2020** 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://denr.sd.gov/ig> using this password: XMCETH**

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.



960-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 30, 2020

960-1
1203-1
1423-1

Randy & Rhonda Vallery
12287 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Vallery:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 960-1, 1203-1 and 1423-1. 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
email: genny.mcmath@state.sd.us

DANR-Water Rights Program

Please Send The 2023 water
rights Questionnaire to :

Brian Mills + Codi Vallery-Mills
18865 Turkey Track Ln.
Nisland, S.D. 57762

Thank you very much.

Randy Vallery

RECEIVED

JAN 09 2023

OFFICE OF
WATER