

700-2

1. Considered May 17th, 1967
2. Name of Applicant Claude Lamoureux
3. Post Office Address Valentine, Neb.
4. Amount of water claimed 1.17
5. Source of water supply Huteloop Creek
6. Water to be used for Irrigation
- Acres to be irrigated 80
7. Water to diverted and used in Todd County
about 4.5 miles of Mission
8. Proof of Publication Received May 5
Not Received _____
9. Application Approved 1/10/68
Subject to _____
Not Approved _____
Action deferred Investigation

10. Remarks:

statement
Protests

No. 908-2Water Division No. 2
(Blanks to be filled in by the Engineer for the W. R. C.)Keya Paha River
DistrictSTATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

APPLICATION FOR PERMIT

See Water Right
Map No. 457-2

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Claude V. Lamoureux L7 RANCH COMPANY
Box 373 MISSION S.D. 57558
 Postoffice address Valentine County Cherry State Nebraska

I. If a corporation The L7 Ranch Company(a) Name of same The L7 Ranch Company(b) Date and place of incorporation January 26, 1960 South Dakota(c) Amount of capital stock 3000 shares of common stock - par value \$100.00
per share(d) Amount paid in Full amount by exchange of property for stock

(e) Names and addresses of directors Claude V. Lamoureux, Hattie N. Lamoureux,
Valentine, Nebraska; Robert J. Lamoureux, Peoria, Illinois; Gene H.
Lamoureux, Glyn Ellen, Illinois; William E. Dow, Mission, South Dakota

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

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
by direct labor(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Lamoureux #23. Amount of water claimed 1.14 cubic feet per second4. Source of water supply Antelope Creek

5. Location of point of diversion Between a point 2910.0 ft. N. 85° and 06 min. W of NE
and 54 min. E of NW Corner Section 30, and a point 4178.4' S, 22 degrees
both in T38N, R28W, both banks Todd County.

6. Annual period or periods during which water is to be used April to October inclusive

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 80 acres.(b) Legal subdivisions to be irrigated W¹/₂, SW¹/₄, Sec. 29, T38N, R28W

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

(c) Statement as to domestic use (giving location, etc.) Incidental stockwatering

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

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

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

Map 457-2

8. Estimated cost of work:

(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.)
 Will use existing storage and pumps as authorized in Water Permit
 No. 444-2

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at top
feet; thickness at bottomfeet; thickness at top
 feet; slope at front water face; slope at back face
 material used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at high water
 mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10 Time required for completion of work 3 years.
 11. Time required for complete application of water to the proposed beneficial use 2 years.
 12. Choice of newspaper for publication of notice of intention to appropriate
 Todd County Tribune

STATE OF NEBRASKA
 County of Cherry } ss.

Company

I, Claude V. Lamoureux, President of The L. Ranch/....., being first duly sworn
 on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have
 read the above foregoing statement, examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters therein stated and shown are true.

Signed Claude V. Lamoureux

Subscribed and sworn to before me this 29th day of March, 19.67.

Commission expires March 13, 1971

William B. Langley
 Notary Public (XXXXXXXXXXXXXXX)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

UNDER THIS PERMIT (1) DIVERSION OF WATER CAN ONLY BE FROM RESERVOIR #3 AS DESIGNATED ON W/R MAP #457-2, (2) FLOW IS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING & PRIOR WATER RIGHTS ARE TO BE BY-PASSED, AND (3) DIVERSION OF WATER IS TO BE MADE ONLY WHEN RESERVOIRS #1 AND #2, AS DESIGNATED ON W/R MAP #457-2, ARE FULL AND OVERFLOWING.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 22, 1968

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
a.m. upon the 31ST day of MARCH, 1967

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 908-2

Date of first receipt of application MARCH 31, 1967

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right MARCH 31, 1967

Approved JANUARY 10, 1968 Recorded in Book 10 Page 45

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

JULY 10, 1969

2nd. The whole of said work is to be completed on or before JANUARY 10, 1971.

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

JANUARY 10, 1972

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 1.14 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before JANUARY 10, 1972; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 22ND day of JANUARY, 1968

State Water Resources Commission

By:

Robert L. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

On or before April 20, 1967
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., April 3, 1967

Notice is hereby given that Claude V. Lamoureux whose post-office address is Valentine, Nebraska ~~has~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.14 cubic feet of water per second of time from ~~the~~ Antelope Creek through the Lamoureux 02 ~~are~~ the point of diversion of which ~~is~~ to be located on the ~~both~~ between a point in the SE 1/4 SW 1/4, Section 19 and a point 32, all in banks of said stream/in the NE 1/4 of the SE 1/4 of Section portions of Twp. 38N Range 28W Said water to be used for the purpose of providing irrigation on the following described land:

W 1/2 SW 1/4, Section 29, T38N, R28W.

~~and/or~~ purpose.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~
RICHARD D. SCHROYER
Water Right Specialist

CC: Mr. Ervin D. Figert, Publisher
Todd County Tribune
Mission, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Todd

13.

Margaret Sigert being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

Todd Co. Tribune 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 Mission County of Todd and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Thursday, April 6, 1967

Thursday, April 13, 1967

Thursday, April 20, 1967

Thursday, April 27, 1967

in each and every issue of the full number thereof, the first publication being made on the 6 day of April

1967 and the last publication on the 27 day of

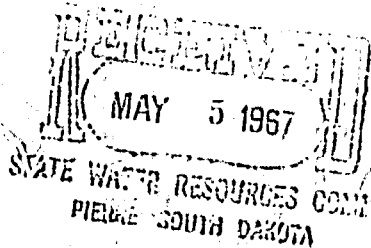
April 1967, upon which day, or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Printer the printer and publisher of the said newspaper.

Margaret Sigert

Subscribed and sworn to before me this 1 day of May A. D. 1967



Notary Public Todd County, S. D.

APPROPRIATION OF WATER

Office of State Water
Resources Commission,
Pierre, S. Dak.,
April 3, 1967.

Notice is hereby given that Claude V. Lamoureux, whose postoffice address is Valentine, Nebraska, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.11 cubic feet of water per second of time from Antelope Creek through the Lamoureux No. 2, the points of diversion of which are to be located on both banks of said stream between a point in the SE 1/4 SW 1/4, Section 16, and a point in the NE 1/4 of the SW 1/4 of Section 22, all in Twp. 38N, Range 28W, Sals. Water, 10, b3 used for the purpose of providing irrigation on portions of the following described land: SW 1/4 SW 1/4, Section 20, T38N, R28W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 P.M. All interested persons may appear and be heard.

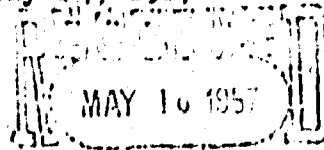
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: Richard D. Schroyer
Water Rights Specialist

Pub.: Apr. 6, 13, 20 & 27, 1967.

May 14, 1967



State Water Resources Commission
Pierre, South Dakota

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Gentlemen:

In regard to Claude V. Lamoureux request for additional water to be taken from Antelope Creek.

I feel that Mr. Lamoureux is entitled to take water from Antelope. But is now taking in excess of what the creek flows. I had an irrigation system and had to sell it as there wasn't enough water to even irrigate a small 1/4 acre of sweet corn.

It was understood that Mr. Lamoureux was to store water in dams for irrigation use. But with drop inlet over flows the creek stops soon after he starts irrigating during the summer. I would like to have the Commission request Mr. Lamoureux to correct this so as not to stop the flow of the creek and I could have my granted to use for irrigation, and not to stop the flow of the creek for others down stream who depend on it.

Sincerely,

Archie H. Tate

P. S. I would like very much to have this request kept confidential within the Commission as Mr. Lamoureux is my neighbor, joining me and would like to continue good relations.

May 12, 1967

Office of State Water Resources Commission,
Pierre, S. Dak.,

We, the undersigned request that the State Water Resources Commission to refuse any additional water permit to be granted to Claude V. Lamoureux for irrigation. The water rights given to Mr. Lamoureux in the past have been in excess of what Antelope Creek flows and has caused the flow of water to stop causing death loss to fish and shortage of livestock water.

5-13-67 Archie H. Sate
5-13-67 John L. Lamm
5-15-67 L. E. Jones
5-15-67 Neil Carlson
5-15-67 Richard J. Tate
5-15-67 Edm Van Epps
5-16-67 Ferd W. Bingham
5-15-67 Verl A. Holmes
5-16-67 Clarence Sell Jr
5-16-67 Joe Adman

Mission, S.D.
Mission S.D.
Mission S.D.
Mission S.D.
Valentine, S.D.
Valentine, S.D.
Valentine, S.D.
Mission S.D.
Mission, S.D.
Mission, S.D.
Mission, S.D.

RECEIVED
MAY 16 1967

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

WATER RIGHT APPLICATION 908-2 - CLAUDE V. LAMOUREAUX

At their May, 1967 meeting, the Commission considered water right application 908-2 of Claude V. Lamoureux to divert 1.14 cubic feet per second of water from Antelope Creek to irrigate 80 acres of land. Protests were received stating that past irrigation by Mr. Lamoureux had resulted in a fish kill, in a shortage of livestock water and a shortage of water needed for a prior water right. The Commission deferred action pending investigation by the Commission staff.

In 1957 water right application 444-2 of Claude V. Lamoureux was approved by the Commission. The water right specified a diversion rate of 2.9 c.f.s. of water to irrigate 391 acres of land. This water right also specified that 51.8 acre feet of water may be stored in five reservoirs and that water may be pumped from each reservoir. Attached to this report is a sketch map of the Lamoureux irrigation system.

As shown on the sketch map, two forks of Antelope Creek meet above the most downstream reservoir, No. 1. Both of these forks normally have flows of water. I have the impression that normally both forks have considerably more flow in the spring and that while the east fork has the larger flow, it also has the more fluctuating flow.

The reservoirs are all constructed with the vertical culvert type of spillway. The top of the culvert normally determines approximately the water level of the reservoir. None of the reservoirs contain a drawdown type of construction for by-passing flows of the Creek if the water level is lower than the top of the culvert.

Looking at the sketch map, it can be seen that if the pumping rate exceeds the total flow, that pumping from reservoir No. 1, or from reservoirs Nos. 2 and 3 will result in a complete stoppage of the flow at the reservoir spillways and that this flow will not resume until the reservoirs are filled.

During June and July of 1967 the Lamoureux irrigation system was checked three times and on none of these occasions was water being diverted for irrigation. Mr. Lamoureux agreed to notify us when he was irrigating. He called and specified a week in early September. The system was checked the next day after a local cloudburst and there was no irrigation and the reservoirs were overflowing. The system was inspected later in September and water was being pumped from reservoirs Nos. 1 and 3. The water level in both reservoirs was within one foot of the top of the vertical culvert spillways, and there was no flow from either reservoir. At this time it was observed that a flow estimated at 10 gallons per minute existed several hundred feet downstream from reservoir No. 1, and the flow was over 100 gallons per minute two miles downstream.

Section 61.0113 of South Dakota water law, specify that the Commission is to approve a water right application if it is determined that unappropriated water is available for the benefit

of the applicant. Observation by the Commission staff over the past years indicates that at times there is unappropriated water available for water right application 908-2.

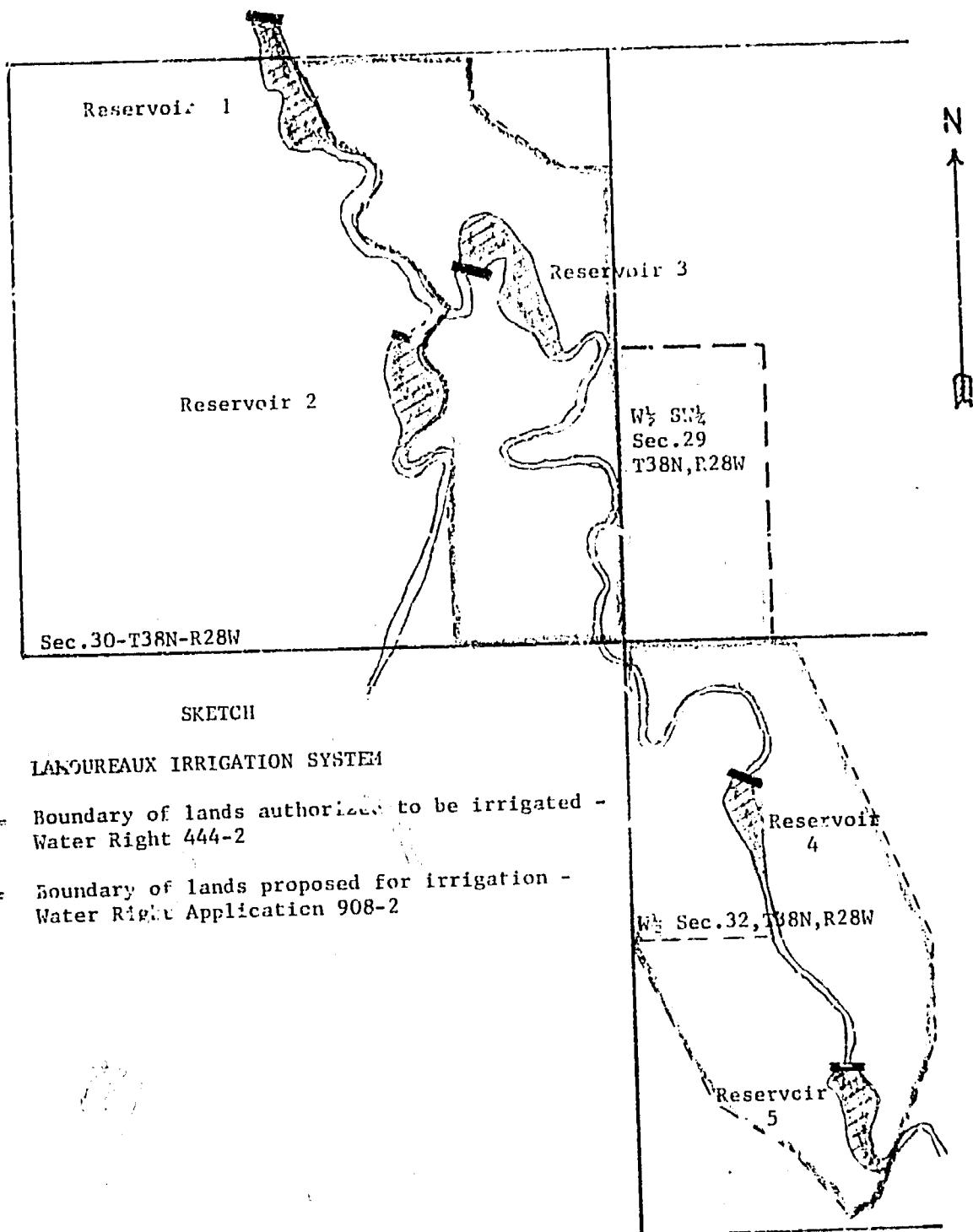
The Commission also has an obligation to see that flows as needed are by-passed for downstream domestic use, including livestock watering, and prior water right use.

While water right application 908-2 applies for diversion anyplace between reservoir No. 1 and reservoir No. 5, Mr. Lamoureaux states that he intends to divert only from reservoir No. 3. In such case, in looking at the sketch map, it can be seen that if diversion of water is made only when reservoirs 1 and 2 are full and overflowing, that some flows will be by-passed downstream.

The recommendation of the Commission staff is that water right application No. 908-2 be approved with the following qualifications:

1. That diversion of water can only be from reservoir No. 3 as designated by water right map No. 457-2.
2. That flows as needed for downstream domestic use, including livestock watering, and prior water right use are to be by-passed.
3. That diversion of water is to be made only when reservoirs 1 and 2 as designated on water right map No. 457-2, are full and overflowing.

Mr. Lamoureaux in his irrigation under water right 444-2 also has an obligation to by-pass flows as for downstream domestic use, including livestock watering, and prior water right use.



NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~State Office Building No. 2
Pierre, South Dakota 57501

Date _____

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

Between SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19 and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T38N, R28Wformerly owned by Claude V. Lamoureux, Valentine, Nebr.has been transferred to L7 Ranch Company, %Robert J. Lamoureux Pres.,
Peoria, Ill.together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
903-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of ~~Water Resources Commission~~ as evidence of the change of ownership.**WATER RIGHTS COMMISSION**A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.STATE OF ~~SOUTH DAKOTA~~)
County of Peoria) ss.I, Robert J. Lamoureux being first duly sworn on my oath depose and
say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing
statement, and I know of my own personal knowledge that the information herein stated is true.Robert J. Lamoureux
(Signed)Subscribed and sworn to before me this 25 day of February, 1975Elizabeth C. Kessler
(Notary Public)

MY COMMISSION EXPIRES APRIL 2, 1978

908-2

**SOUTH DAKOTA Department of
Water & Natural Resources**

Iron Fore Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

March 23, 1981

L7 Ranch Co
Box 373
Mission, SD 57555

Dear Sirs:

As per our telephone conversation, I am sending a sketch map showing lands to be irrigated on surface water Permit Nos. 444-2 and 908-2.

Permit No. 444-2 is licensed for 391 acres with a diversion rate of 2.9 (1301.5 gallons per minute), lands to be irrigated in NE $\frac{1}{4}$ Section 30 - 121 acres, SE $\frac{1}{4}$ Section 30 - 119 acres, NW $\frac{1}{4}$ Section 32 - 69 acres, SW $\frac{1}{4}$ Section 32 - 82 acres, all in T38N, R28W. Diversions are to be between a point N 85° 06' W, 2910 feet from the NE corner and a point S 22° 54' west of the SE corner Section 30, T38N R28W.

Permit No. 908-2 authorizes irrigation of 80 acres in the W $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 29, T38N, R28W with the following restrictions:

Under this Permit (1) Diversions of water can only be from reservoir #3. (2) Flows as needed for downstream domestic use including livestock watering and prior water rights are to be bypassed, and (3) Diversion of water is to be made only when reservoirs #1 & #2 are full and overflowing.

If you desire additional information, feel free to contact this office.

Respectfully,

MARVIN T KNECHT
Well Specialist

MTK/gy

Equal Opportunity Employer

NR-101-9/79



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1258-2

908-2

APR 25 1985

L 7 Ranch
c/o Robert Lamoureux
Box 297
Mission, South Dakota 57555

Dear Sir:

Enclosed herewith is, Water License No. 1258-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 908-2 have been incorporated into this Water License No. 1258-2.

WNR-817 3/83

Transmittal of Water License