

Considered: _____

Vested Right
WATER PERMIT NO. 1386-1

MAP No. same

Name of Applicant Walton - Schuler Ditch c/a Gary Adam

Post Office Address Pearson Drive, Spearfish SD 57783

Amount of Water Claimed 8.5 cfs Total Acres 340

Source of Water Supply Spearfish Creek

Water to be used for irrigation County Lawrence

About 1 miles N of Spearfish.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received March 17, 1987 Fee \$15.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Spearfish Creek: NE $\frac{1}{4}$ NW $\frac{1}{4}$
section 15-T6N-R2E

Land to be Irrigated SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 9; all in T6N-R2E

Well Log: Driller NA Licensed YES _____ NO _____

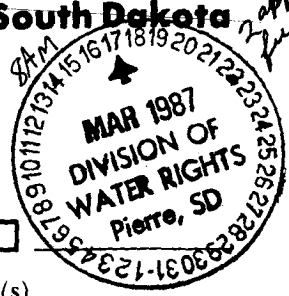
Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Rassool Ahadi Reviewed and the Number
assigned on June 5, 1987 By Ken Duvall

No. 1386-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Queen City Mail, Box 7, Spearfish (Wed)
Belle Fourche Daily Post 1004 5th

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Walton-Schuler Ditch/ Gary Adam Phone No. 642-2338Post Office Address Pearson Drive Spearfish, South Dakota State 57783
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 8.5 Total acres irrigated 3403. Source of Water supply Spearfish Creek4. Location of point of diversion Approximately 1670 feet E, 930 feet S from NW Corner of
Section 15-T6N-R2ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used April 1 through October 31

7. 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.
SEE ATTACHED SHEET	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to file a vested right claim pursuant to SDCL 46-5-49

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

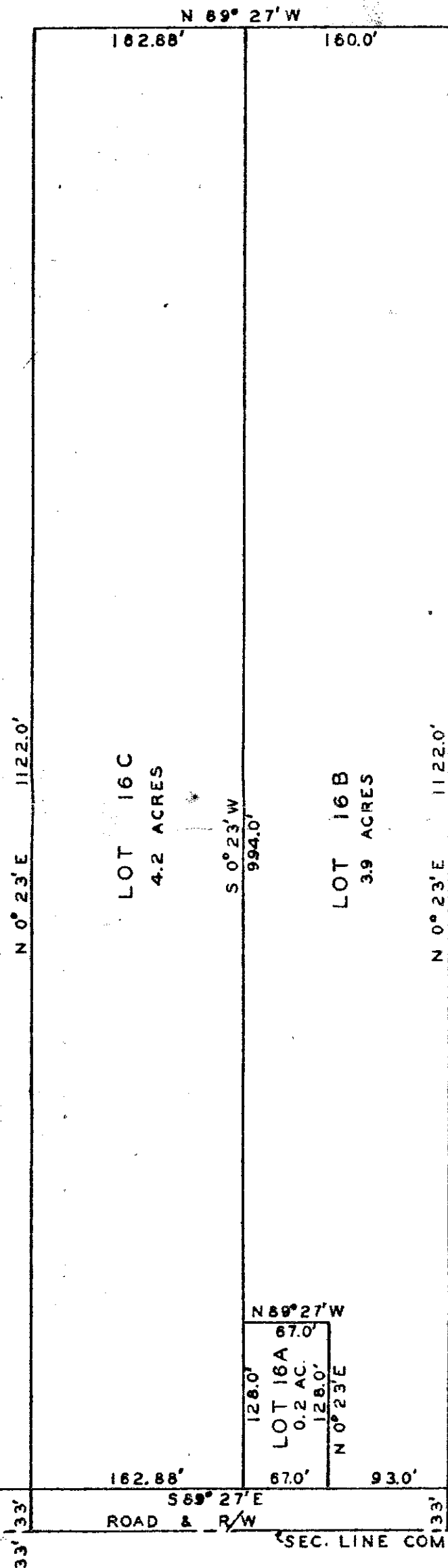
STATE OF SOUTH DAKOTA
County of Lawrence Co. ssI, Walton-Schuler Ditch / Garry Adam the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters herein stated are true and that I intend, and am able to complete the necessary construction.Signed Garry N Adam
16th day of March 19 87
Mary Ellen Osborn
Notary Public (or other qualified officer)

Subscribed and sworn to before me this

Book 3 Page 46

3 PAGE 46

BOOK



CERTIFICATE

I, C. A. POLLEY, REGISTERED SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF OWNER, R. M. BURNHAM HAS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION, LOT 16 OF THE SUBDIVISION OF THE W $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 4, T6N, R2E, B.H.M., FOR THE PURPOSE OF TRANSFER. FOR THE PURPOSE OF DESCRIBING EACH LOT, I DO HEREBY DESIGNATE THEM AS LOTS 16A, 16B AND 16C SUBDIVISION OF LOT 16 W $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 4, T6N, R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 1st DAY OF Oct, 1953.

C. A. Polley
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)ss.

ON THIS 1st DAY OF Oct IN THE YEAR 1953, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED C. A. POLLEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING CERTIFICATE, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

W. B. Basse
NOTARY PUBLIC

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)ss.

I, MILTON A. WILLIAMS, COUNTY TREASURER IN AND FOR LAWRENCE COUNTY, SOUTH DAKOTA HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE TRACT DESCRIBED BY THE ACCOMPANYING PLAT HAVE BEEN FULLY PAID.
DATED Oct. 1 1953

Milton A. Williams
COUNTY TREASURER

209692-A
REGISTER OF DEEDS OFFICE)
LAWRENCE COUNTY, S. DAK.)ss.

FILED FOR RECORD THIS 1 DAY OF Oct, 1953 AT 4:06 O'CLOCK P.M.
AND RECORDED IN PLAT BOOK NO. 3 PAGE 46.

Miller A. Parker
REGISTER OF DEEDS

PLAT
OF
SUBDIVISION OF LOT 16 OF THE
W $\frac{1}{2}$ SE $\frac{1}{4}$ SECTION 4, T6N, R2E,
LAWRENCE COUNTY, SOUTH DAKOTA
SCALE: 1"=100' DATE: SEPT. 30, 1953

32 33
5 4

32 33
5 4

5 4
8 9

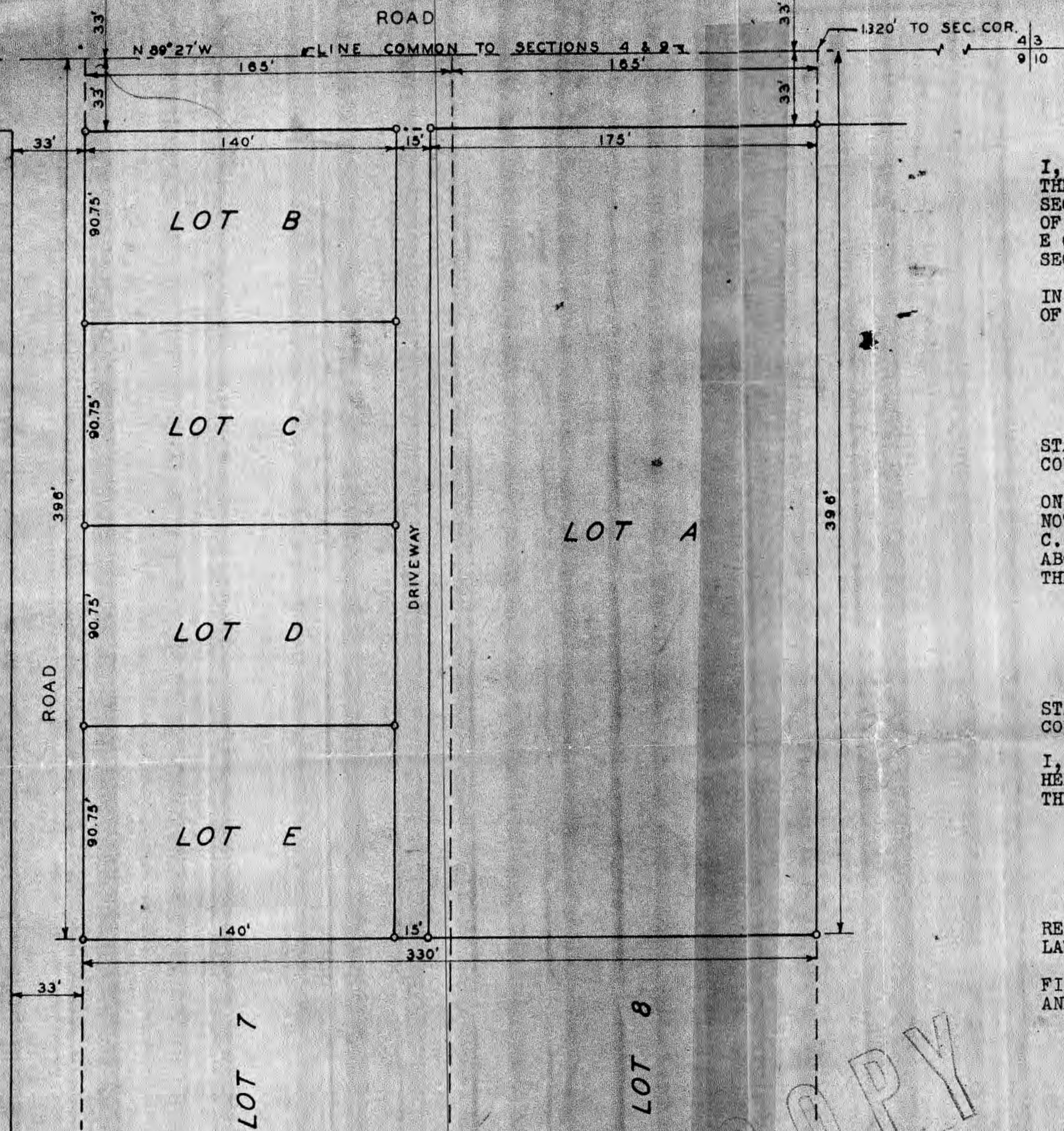
Walton-Schuler
Ditch

Boundary of land
served by WSD

Diversion Point

MAH
NRE 6/15/87
1386-1

32 33
5 4



PLAT
OF
SUBDIVISION OF NORTH 396'
OF LOTS 7 & 8 OF NW $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 9, T6N R2E
SCALE: 1"=50' DATE: MAY 1, 1950

CERTIFICATE

I, C. A. POLLEY, A DULY REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT AT THE REQUEST OF THE OWNER I HAVE SUBDIVIDED LOTS 7 AND 8 OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N R2E, B.H.M., FOR THE PURPOSE OF TRANSFER. FOR THE PURPOSE OF DESCRIBING EACH LOT I DO HEREBY DESIGNATE THEM AS LOTS A, B, C, D, AND E OF THE SUBDIVISION OF THE NORTH 396 FEET OF LOTS 7 AND 8 OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 9, T6N R2E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL THIS 10th DAY OF MAY, 1950.

C. A. Polley
REG. ENGR. & LAND SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) ss.

ON THIS 10th DAY OF MAY IN THE YEAR 1950, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED C. A. POLLEY, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING CERTIFICATE, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

H. R. Edwards
NOTARY PUBLIC

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE) ss.

I, MARGARET MOYE, COUNTY TREASURER IN AND FOR LAWRENCE COUNTY, SOUTH DAKOTA HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON THE TRACT DESCRIBED BY THE ACCOMPANYING PLAT HAVE BEEN FULLY PAID.
DATED MAY 31st, 1950.

Margaret Moye
COUNTY TREASURER

#204612
REGISTER OF DEEDS OFFICE)
LAWRENCE COUNTY, S. DAK.) ss.

FILED FOR RECORD THIS 31st DAY OF MAY, 1950 at 4:11 O'CLOCK P M
AND RECORDED IN PLAT BOOK NO. 1 PAGE 275.

Milton A. Williams
REGISTER OF DEEDS
By Wanda Jean Cummings
Deputy

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. For irrigation purposes said appropriation must be limited to not more than 2 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1386-1

Walton-Schuler Ditch Pearson Drive, Spearfish
(applicant) (post office address)

SD 57783
(state) (zip code)

Date of receipt of Application March 17, 1987.

Validated December 2, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is March 20, 1877.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of domestic and irrigation uses.
4. The prior rights 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 unlawfully impaired by this appropriation.

5. The amount of the appropriation hereby validated shall not exceed _____
8.5 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. For irrigation purposes said appropriation must be limited to not more than 2 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Apr 1 - Oct 31.

Vested Water Right No. 1386-1 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatch
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

APR 29 1988

_____, 19____.

ATTACHMENT A
VESTED WATER RIGHT NO. 1386-1

1. That Vested Water Right No. 1386-1 is subject to domestic use rights. Diversion of water under Water Right No. 1386-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Walton-Schuler Ditch within one year of validation of Vested Water Right No. 1386-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1386-1 FOR IRRIGATION

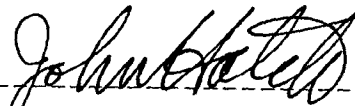
(1) Walton-Schuler Ditch % Gary Adam of Pearson Drive, Spearfish, SD 57783 made Application No. 1386-1, March 17, 1987, for validation of a vested right claim to appropriate 8.5 cubic feet of water per second from Spearfish Creek, Lawrence County, South Dakota for irrigation and domestic purposes. Vested Water Right No. 1386-1 was validated December 2, 1987, with a priority date of March 20, 1877. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 8.5 cubic feet of water per second for beneficial use. The location of the diversion point is approximately 1670 feet east and 930 feet south of the NW corner of Section 15, T6N, R2E.

The location of the irrigated acreage is:

T6N, R2E Section 4	SW 1/4 NE 1/4	40	acres
	NE 1/4 NW 1/4	10	"
	SE 1/4 NW 1/4	40	"
	NE 1/4 SW 1/4	40	"
	NW 1/4 SW 1/4	38	"
	SE 1/4 SW 1/4	40	"
	NW 1/4 SE 1/4	40	"
	SW 1/4 SE 1/4	40	"
Section 9	NW 1/4 NE 1/4	40	"
	SW 1/4 NE 1/4	2	"
	SE 1/4 NE 1/4	10	"
	TOTAL	340	acres

(3) Pursuant to Section 46-5-30.1 Walton-Schuler Ditch % Gary Adam of Pearson Drive, Spearfish, SD 57783 the holder(s) and/or owner(s) of Vested Water Right No. 1386-1 is issued a license to appropriate 8.5 cubic feet of water per second from Spearfish Creek with a priority date of March 20, 1877 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation and domestic use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1386-1 and subject to South Dakota State Law.



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

APR 29 1988

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Walton-Schuler Ditch/Gary Adam

Post Office Address Pearson Drive Spearfish, South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation N/A Date of Posting N/A

Date of recording N/A Recording date Court Case Cook vs Evans
Where Book Page

B. Date of start of construction of water supply system N/AC. Date that water was first applied to beneficial use March 20, 1877D. Name of owner of original water supply system N/AE. Amount of water originally applied to beneficial use 340 Miners InchesF. Present Use of Water - Amount of water now being used irrigation-domestic 340 miners inchesDate that this water was first used March 20, 1877

G. Chronological History of Water Use

To the best of my knowledge the ditch has always been in use since it was constructed.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Lawrence Co)^{ss}

I, Walton-Schuler Ditch/Garry Adam the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Garry H AdamSubscribed and sworn to before me Mary Ellen Osmond, 19 87_____
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_____
(Print name) 19

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 17, 1987

RECEIVED OF Walton-Schuler Ditch/Gary Adam, Pearson Drive, Spearfish, SD 57763

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

Fee for Application for Permit No. <u>1386-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	VR
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 _____			
Fee for Filing Extension Request _____			
Fee for Certified Copy of _____			
Fee for Print Copy of Map _____			
Fee for Certifying _____			
Fee for _____			
(Any Other Work Provided by Law)	Total	15	00

By

John Hatch

Chief Engineer

JOHN HATCH

ms

Gate Dim. 2

3' x 2.5'

$$Q = C_d (b - 2.5H) \sqrt{H} \frac{3}{4}$$

where $H_1 = 2.5 \text{ ft}$
 $b = 3 \text{ ft}$

$$n = 0.1$$

$$S = 32.2 \text{ ft/s}^2$$

$$C_d = 0.587$$

$$\Rightarrow Q = 32.9 \text{ CFS}$$

Gate Capacity

$$A = 5.543 \text{ ft}^2$$

$$W_p = 8.3574 \text{ ft}$$

$$R = \frac{A}{W_p} = \frac{5.543 \text{ ft}^2}{8.3574 \text{ ft}} = 0.6632 \text{ ft}$$

$$V = \frac{1.49}{n} R^{2/3} S^{1/2} \text{ where}$$

$$S = 0.004$$

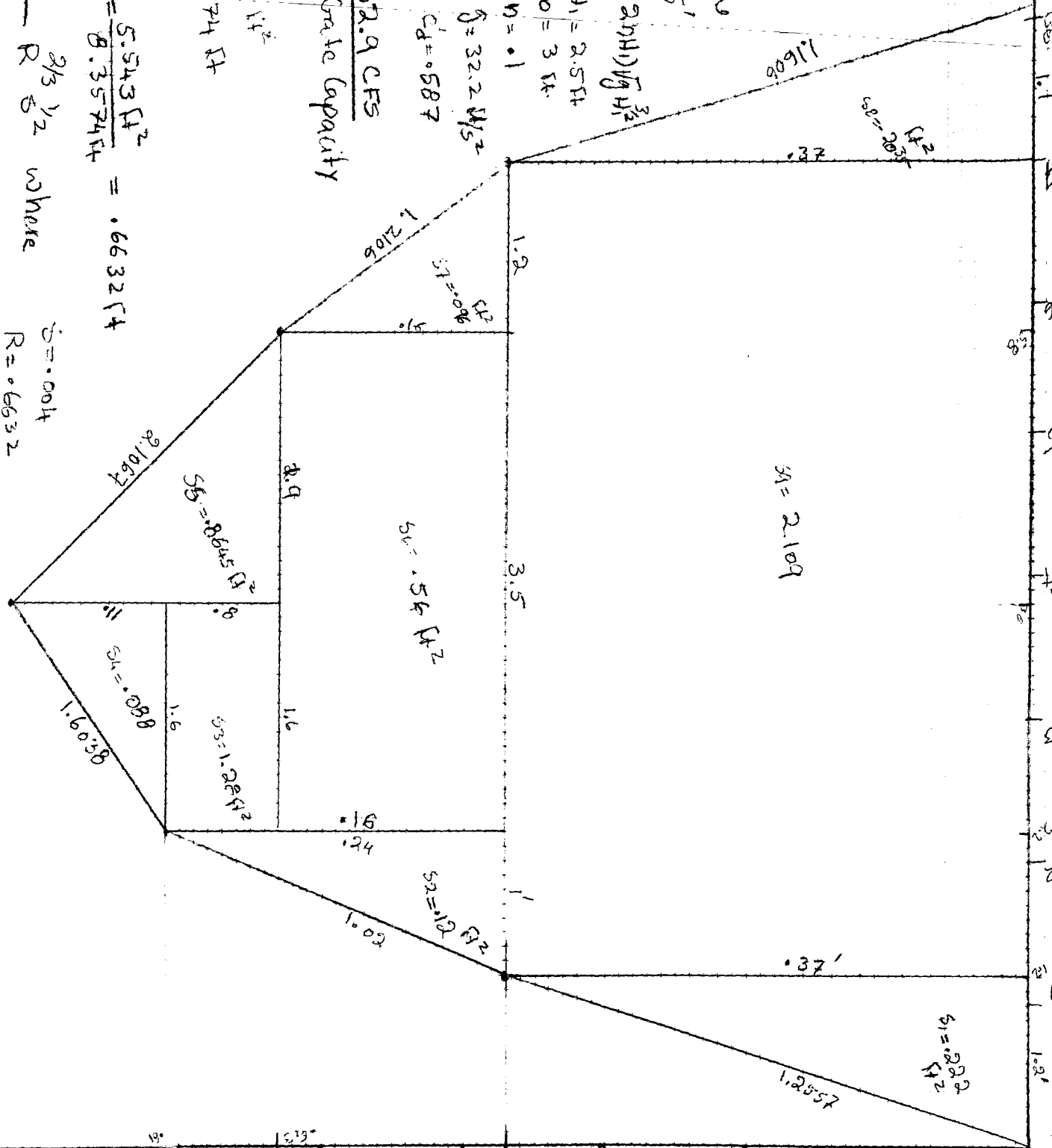
$$R = 0.6632$$

$$n = 0.035$$

$$V = 2.0477 \text{ ft/s}$$

$$Q = V \cdot A = 2.0477 \times 5.543 = 11.35 \text{ CFS}$$

Ditch Capacity



DIVERSION DITCH SERVICE

NAME OF THE DITCH: Walton-Schuler Ditch Company

ADDRESS: Gary Adam, C Pearson Drive, Spearfish, SD 57783

DIVERSION POINT: NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 15 T 6 N-R 2 E; SOURCE: Spearfish Creek

MAXIMUM DIVERSION RATE: 8.50 C.F.S.

ACREAGE SERVED: 340 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
See Attached Map and Data Sheet			

6-4-83

WALTON-SCHULER DITCH COMPANY

WALTON DITCH FROM SPEARFISH CREEK:

Fifth in priority of those water rights adjudicated in the Cook vs. Evans Court case.

Authorized diversion rate = 340 miner's inches.

The Court specified 40 miner's inches equals one cubic foot per second.

$$340/40 = 8.5 \text{ cfs}$$

Priority date - March 20, 1877

40 Miner's Inches = 1 cubic foot per second

1 cubic foot = 7.48 gallons

1 cubic foot per second = 450 gallons per minute

= 646,360 gallons per day

= 1.983 acre-feet per 24 hours

1 Miner's Inch = $\frac{1}{40}$ cubic foot per second

..

$\frac{1}{40}$ cubic foot = 0.187 gallons

$\frac{1}{40}$ cubic foot per second = 11.25 gallons per minute

= 16,159 gallons per day ($\frac{1}{2}$ " per day)

= 0.0496 acre-feet per 24 hours

= 1.5 acre-feet per 30 days

December 1986

Land Irrigated by Walton-Schuler Ditch Company

SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	10 Acres
SE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	38 Acres
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 4, T. 6 N., R. 2 E.	-	40 Acres
NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 9, T. 6 N., R. 2 E.	-	40 Acres
SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 9, T. 6 N., R. 2 E.	-	2 Acres
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 9, T. 6 N., R. 2 E.	-	10 Acres

340 Acres

PROPOSED BY-LAWS FOR THE "WALTON-SCHULER IRRIGATION DITCH ASSOCIATION".

ARTICLE I.
NAME AND PURPOSE

The name of this organization shall be "WALTON-SCHULER IRRIGATION DITCH ASSOCIATION". HEREINAFTER REFERRED TO AS THE "ORGANIZATION".

The purpose of the Organization is to promote the better operation of the Walton-Schuler Irrigation Ditch for the benefit of all of the owners thereof.

ARTICLE II.
MEMBERSHIP

The members of this organization shall be those individuals owning land, which ownership entitles them to the use of water from the Walton-Schuler Irrigation ditch for irrigation purposes.

ARTICLE III.
MEETINGS OF MEMBERS

1. The annual meeting of the members shall be held on the first Monday of April in each year.

2. At least seven days prior to the annual meeting or of a special meeting of the members, the clerk shall cause written notice thereof to be given to each member by mailing notice to each member at his last known address.

3. Special meetings may be called by the chairman of the Board of Directors; and shall be called by the Chairman on the written request of not less than $\frac{1}{3}$ members of the organization.

4. At special meetings ^{51%} of the members shall constitute a quorum.

5. Each member shall be entitled to one vote.

15%
ARTICLE IV
BOARD OF DIRECTORS

1. The board of directors shall consist of 12 members of the association. Said directors shall be elected as soon after the approval of these by-laws as is convenient, not to exceed 15 days after the approval and acceptance of these by-laws by 75% of those entitled to membership in this organization. The Board of Directors thus elected shall serve as such until the first annual meeting of the organization at which time a new Board of Directors shall be elected by ditch owners.

2. Any vacancies on the Board of Directors shall be filled by vote of the members of the organization at a special election called for that purpose.

3. Meetings of the Board of Directors shall be held on the first Monday in April and at such times as three members of the Board of Directors may in writing request that the Chairman of the Board call a special meeting. Notices of all special meetings shall be given by mailing written notice thereof at least seven days prior to the date of the meeting, to each director. Notice of meeting may be waived at meeting held at any time, if all directors waive such notice in writing.

ARTICLE V POWER AND DUTIES OF DIRECTORS

1. It shall be the duty of the Board of Directors to take charge of the management and operation of the Walton-Schuler Irrigation Ditch.

(a) They shall be responsible for maintenance, repair and general operation of the above described irrigation ditch.

(b) They may hire a ditch caretaker who shall be responsible to them for maintaining, operation and repairing said ditch.

(c) The Board of Directors may hire one of the members of the board as caretaker if they so desire, and the member hired shall be entitled to pay at the rate of not to exceed \$_____ per hour for services rendered in taking care of said ditch.

(d) The Board of Directors shall not receive any pay for their services as members of the Board of Directors.

(e) The Directors shall keep and shall require the caretaker to keep a detailed account of hours of labor spent and costs of maintaining said ditch. ~~They shall keep and shall require the caretaker to keep a detailed account of hours of labor spent and costs of maintaining said ditch.~~ They shall also keep an account of the nature of the work done and where said work was done.

(f) The caretaker shall not have authority to shut off water from the land of any user without the authority of the majority of the Board of Directors. The Board of Directors shall not have authority to shut off the water so that needed repairs can be made.

(g) The Board of Directors shall prepare a suggested budget of the estimated costs of operating the ditch for each year. Said budget shall be presented to the members of the organization at the annual meeting on the _____ DAY OF _____ of each year. The members shall then determine what the budget for the coming year shall be. ~~It shall then determine what the budget for the coming year shall be.~~ It shall take the majority vote of the members present to adopt a budget.

ARTICLE VI ASSESSMENTS

(1) Each member of the organization shall be assessed his proportionate share of the approved budget, the amount each member pays will be determined by the number of acres of land which he owns and irrigates from the Walton-Schuler Ditch.

(2) Assessment shall be due and payable on or before the first day of March of each year.

(3) If a member should fail to pay his assessment he shall not be deprived of water but said assessment shall constitute a valid lien upon his property which is irrigated from the Walton-Schuler Ditch.

(4) An assessment, over and above the assessment for costs of current operations, shall be levied each year in the amount of \$_____ PER ACRE. SAID FUNDS FROM this special assessment to be set aside and kept for the purpose of paying for emergency repairs caused by floods or other unexpected damages to the ditch which are over and above the normal wear and tear and costs of maintenance.

ARTICLE VII ELECTIONS

1. Elections shall be held _____ times as specified before in the by-laws or when called by demand of _____ members of organization or by the

Board of Directors

(2) Each member of the organization shall be entitled to one vote on each issue to be voted upon.

ARTICLE VIII
BY-LAWS-REPEALED OR AMENDED

These by-laws may be repealed or amended, ^{or} new by-laws may be adopted, at the annual meeting or at any other meeting of the members called for that purpose by the directors, by a majority of the votes cast upon such proposition or propositions respectively at such election. Such by-law or amendment shall not be submitted until it shall have first received the approval of 2/3 of the board of directors, at a regular meeting or duly called session thereof.

ARTICLE IX

ACCOUNTING

(1) The secretary-treasurer shall make a complete and detailed report to the members of the organization as to all assessments made, assessments unpaid, moneys spent and funds on hand.

(2) The board of directors shall not spend for maintenance or operation of the ditch any sum greater than on hand or assessed.

If emergency funds are needed, a special meeting shall be called and the members of the organization shall, by majority vote, determine the amount of the special assessment to be made.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25 ROLL NO 1 DATE MICROFILMED 5-4-82 Mary J. Schenk
OVERSEER

IRRIGATION WATER DIVERSIONS FROM THE REDWATER RIVER DRAINAGE AREA, INCLUDING SPEARFISH CREEK DRAINAGE AREA

DIVERSIONS FROM THE MAIN STEM OF REDWATER RIVER

Name of Diversion	Reported Acreage Irrigated	Address of Person to Contact
Wm. Helmer Irrigation	180	William Helmer, Belle Fourche, S.D.
Max Schuft Irrigation	202	Contact Max Schuft to learn name of new owner
Thompson Ditch	726	W. W. Thompson, Spearfish, S.D.
Redwater Irrigating Association	5091	Gus Hill, Belle Fourche, S.D.
McClure Ditch	125	Keith Powell, Belle Fourche, S.D.
Concordia Ditch	627	John Helmer, Belle Fourche, S.D.
Broadhurst Irrigation	27	T. J. Broadhurst, Belle Fourche, S.D.
Murray Ditch	619	Glenn Broadhurst, RFD 1 Spearfish, S.D.
West Side Ditch	458	John Dacar, Belle Fourche, S.D.
E. G. Moore Filing	186	Harry Stephens, Atty., 507 1/2 State, Belle Fourche, S.D.

IRRIGATION DIVERSIONS FROM TRIBUTARIES OF REDWATER RIVER

Creek	Ditch	Acreage	Person to Contact
Crow Creek	Miller-Mulholland Ditch	119	Mrs. J. K. Schenk, Spearfish, S.D.
"	Rehbe Ditch	37	Mrs. Leone F. Rehbe, Spearfish, S.D.
"	Stotts Ditch	100	Mrs. J. K. Schenk, Spearfish, S.D.
Lake Creek	A. Ware Irrigation	54	Rodney Ware, RFD 1, Spearfish, S.D.
"	R. Bahn Irrigation	57	Ralph Bahn, RFD 1, Spearfish, S.D.
Chickasaw Creek	R. Bryan Irrigation	122	Roland Bryan, RFD 1, Spearfish, S.D.
"	E. A. Sleep Irrigation	24	Eugene A. Sleep, Spearfish, S.D.
False Bottom Creek	T. J. Broadhurst Irrig.	99	R. J. Broadhurst, Belle Fourche, S.D.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

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REPRODUCTION 25

ROLL NO 1

5-14-82

DATE MICROFILMED

Mrs. J. H. Hildebrand

OWNER'S SIGNATURE

IRRIGATION WATER DIVERSIONS FROM THE SPEARFISH CREEK DRAINAGE AREA

DIVERSIONS FROM THE MAIN STEM OF SPEARFISH CREEK

<u>Name of Diversion</u>	<u>Reported Acres Irrigated</u>	<u>Address, or person to contact</u>
Iron & Evans Ditch	544	Raymond Manning, Lower Valley Rd., Spearfish
Ramsdell Water Right	217	Ramsdell Irrigating Assoc., Spearfish, S.D.
Omaha-Gay Ditch	92	Homestake Mining Co., Lead, S.D.
Walton Ditch	301	Walton Ditch Co., Spearfish, S.D.
Stable Irrigation	88	Local inquiry necessary in lower Spearfish Valley
Homestake Little Spearfish		Homestake Mining Co., Lead, S.D.
Cook Ditch	792	J. Eddy, Cook Ditch Co., Spearfish, S.D.
Achles Ditch	207	H. Carlson, Achles Ditch Co., Spearfish, S.D.
Bowman Ditch	216	Kiscock Bros., Bowman Ditch, RFD 2, Spearfish
Hann Ditch	58	Raymond Manning, Lower Valley Rd., Spearfish
Cook & Burns Ditch	621	Inquire at Black Hills Nat'l. Bank, Spearfish
Kemper Ditch	542	

IRRIGATION DIVERSIONS FROM TRIBUTARIES OF SPEARFISH CREEK

Higgins Gulch	West Ditch	198	W. E. Dickey, Spearfish, S.D.
"	East Ditch	69	"
"	Pascoe Ditch	82	Clarence Pascoe, Spearfish, S.D.
"	Wells Ditch	88	Mark Boice, Spearfish, S.D.
Big Spring	Big Spring Ditch	147	Brady Engineering, Spearfish
Rayburne	A small spring	94	

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILLED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTION.

REDUCTION 25 ROLL NO. 1 DATE MICROFILMED 5-4-82 Mary J. Saldaña
OPERATOR

IRRIGATION WATER DIVERSIONS FROM THE REDWATER RIVER DRAINAGE AREA, INCLUDING SPEARFISH CREEK DRAINAGE AREA

DIVERSIONS FROM THE MAIN STEM OF REDWATER RIVER

Name of Diversion	Reported Acreage Irrigated	Address of Person to Contact
W. Helmer Irrigation	180	William Helmer, Belle Fourche, S.D.
Max Schuft Irrigation	202	Contact Max Schuft to learn name of new owner
Thompson Ditch	726	W. W. Thompson, Spearfish, S.D.
Redwater Irrigating Association	5091	Gen Hill, Belle Fourche, S.D.
McClure Ditch	125	Keith Powell, Belle Fourche, S.D.
Concordia Ditch	627	John Helmer, Belle Fourche, S.D.
Broadhurst Irrigation	27	T. J. Broadhurst, Belle Fourche, S.D.
Murray Ditch	619	Glenn Broadhurst, RFD 1 Spearfish, S.D.
West Side Ditch	458	John Dacar, Belle Fourche, S.D.
E. G. Menze Filing	186	Harry Stephens, Atty., 507 1/2 State, Belle Fourche, S.D.

IRRIGATION DIVERSIONS FROM TRIBUTARIES OF REDWATER RIVER

Creek	Ditch	Acreage	Person to Contact
Crow Creek	Miller-Mulholland Ditch	119	Mrs. J. K. Schenk, Spearfish, S.D.
"	Rohbe Ditch	37	Mrs. Leone F. Rohbe, Spearfish, S.D.
"	Stotts Ditch	100	Mrs. J. K. Schenk, Spearfish, S.D.
Lake Creek	A. Ware Irrigation	54	Rodney Ware, RFD 1, Spearfish, S.D.
"	R. Bahn Irrigation	57	Ralph Bahn, RFD 1, Spearfish, S.D.
Chickasaw Creek	R. Bryan Irrigation	122	Roland Bryan, RFD 1, Spearfish, S.D.
"	E. A. Sleep Irrigation	24	Eugene A. Sleep, Spearfish, S.D.
Fales Bottom Creek	T. J. Broadhurst Irrig.	99	R. J. Broadhurst, Belle Fourche, S.D.

Apr 11 7, 1981

Mr. Lloyd N. Trueman
507 Upper Valley Road
Spearfish, South Dakota 57783

Dear Mr. Trueman:

The Walton Ditch from Spearfish Creek has a priority date of March 20, 1877. The authorized diversion rate is 340 miners inches. The Court specified 40 miners inches equals one cubic foot per second which makes the 340 miners inches equal to 8.5 cubic feet per second. This water right is fifth in priority of those water rights adjudicated in the Cook vs. Evans Court Case.

I am enclosing a map showing the ditch and the lands irrigated by the ditch. I do not know how much of this land is still being irrigated by the Walton Ditch, this map is from a survey conducted in the 1960's. Lands which have not been irrigated for a period of three continuous years when water is available have lost their water rights through nonuse through forfeiture and/or abandonment pursuant to SDCL 46-5-36 and 46-5-37.

Please advise this office if you have any further questions.

Very truly yours,

James Hinton
Water Resources Engineer
Division of Water Rights
Phone: (605) 773-3352

B42203JH

RECEIVED - DIVISION OF WATER RIGHTS
APR 11 1981
S-4-83
DATE RECD LWD
JAMES HINTON

SALTON DITCH

<u>Name</u>	<u>Field</u>	<u>Acres</u>	<u>Total</u>
Homestead	A	63.0	63.0
Truck Farms and Residential Areas	B	34.0	
	C	38.0	
	D	43.0	
	E	40.0	
	F	34.0	
	G	35.0	
	H	12.0	236.0
		Ditch Total	299.0

THIS IS TO CERTIFY THAT THE ABOVE CITIZENSHIP EVENT APPEARING ON THIS STATE OF RECORD IS AN ACTUAL CITIZENSHIP EVENT AND WAS PERFORMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF NORTH CAROLINA LAWS. IT IS FURTHER CERTIFIED THAT THE CITIZENSHIP PROCESS WAS FOR FURNISHING OF THE ABOVE RECORDS AND TO FURNISH SUCH WITH THE NECESSARY REQUIREMENTS OF THE NATIONAL BUREAU OF STATISTICS FOR RECORDS MANAGEMENT.

25 MAY 1964

5-4-83

Approved

SALTON DITCH

<u>Name</u>	<u>Field</u>	<u>Acres</u>	<u>Total</u>
Homestead	A	63.0	63.0
Truck Farms and Residential Areas	B	36.0	
	C	38.0	
	D	63.0	
	E	40.0	
	F	34.0	
	G	35.0	
	H	12.0	236.0
	Ditch Total		299.0

WALTON DITCH

Acres as Reported.

<u>Owner -- Irrigator</u>	<u>Acres of Field</u>	<u>Total Acres per Owner</u>
Hammaker Hals P. Christensen	42.1	42.8
B.H.T.C.	5.0	5.0
Trunk Farms	42.1 4000 31.6 28.2 5.3	
	TOTAL	<u>147.2</u> 195.0

Orig. B. Omland
as. Hammaker (2)
H. Christensen
B.H.T.C.

400 Hills View Drive
Spearfish, South Dakota
January 28, 1961

South Dakota State
Water Resources Commission
Pierre, South Dakota

Dear Sirs:

I received your letter of January 16 in regard to the
Walton Ditch. Your figures show there is one hundred ninety
five acres under the Walton Ditch.

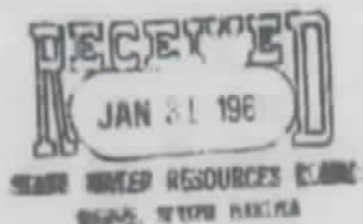
Mr. Charles Sisk is Secretary and Treasurer of the Walton
Ditch and has the acreage and the owner's names. According to
his books there are three hundred thirty three (333) acres
under the Walton Ditch.

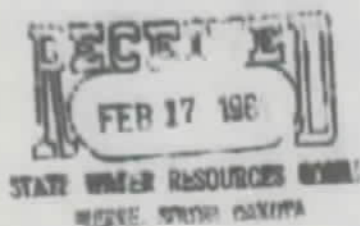
The map you sent is not complete. There are several places
or ponds that your map does not show.

Hoping to hear from you soon I remain,

Sincerely yours,

William Osmond
William Osmond
Spearfish, South Dakota





Spearfish S. D.
Feb 15 - 1961

Dear Sirs:

In regards to the letter concerning acres under irrigation, our place has always had 90 acres under the ditch compared to the 42.8 acres you have us down for -

Sincerely Yours

Mrs. Nels Christensen

Spearfish
So Dak

(Walton Ditch)

RECEIVED IN THE OFFICE OF THE ATTORNEY GENERAL
IT IS HEREBY CERTIFIED THAT THE SIGNATURE OF THE PERSON
WHO HAS SIGNED THIS DOCUMENT IS THE SIGNATURE OF THE PERSON
WHO HAS SIGNED THIS DOCUMENT
S-4-82
DATE RECEIVED
MAY 1961

JAN 23 1961

STATE WATER RESOURCES BOARD
NORTH DAKOTA

Dear Mr. Gribben:

If you have an extra copy of this map will you please forward one to me!

Very sincerely yours,
 F. M. E. Jones

HEJ:ml
en:1.1

12-1. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR PHOTOGRAPHS OF THE ABOVE PERSONS WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PHOTOGRAPHIC PROCESSES WHICH MEET THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS. SECTION 35 ROLL NO. 1 DATE PHOTOGRAPHED 5-4-83 Opportunities

December 14, 1961

Mr. William Osloond, President
Walton Ditch
Upper Valley Road
Spearfish, S. Dak.

Re: Walton Ditch

Dear Mr. Osloond:

The State Water Resources Commission has been making a study of water use pertaining to the surface flows of Redwater River and its tributaries in South Dakota.

When water rights are involved in Court action, as was the Walton Ditch water right, the final ruling of the Court interprets, determines and establishes your water right to the extent specified by the Court.

In the Cook v. Evans Court case, the Walton water right and a number of other water rights along Spearfish Creek, were adjudicated. In this action the Court specified the priority date of each water right involved and also specified the rate of diversion of water that each water right was entitled to use.

The Court specified that the Walton water right was fifth in priority of these water rights adjudicated, with a priority date of March 20, 1877 and was entitled to use not exceeding 340 miner's inches of water.

A letter dated January 16, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. With your help these fields and acreages have been revised. Enclosed, for your information, is a copy of the revised map and the revised list of owners and acreages.

This letter is sent to you to keep you informed of the work of the Water Resources Commission as it might pertain to your water right. If you have additional information or corrections, we would appreciate being so informed.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Encl: Map and List

Mr. William Osloond, President
Walton Ditch

December 14, 1961

CC: Letter, Map and List:

Homestake Mining Company
Engineering Department
Lead, S. Dak.

CC: Mr. Nels P. Christensen
Upper Valley Road
Spearfish, S. Dak.

Dr. B. E. Jonas, President
Black Hills Teachers College
Spearfish, S. Dak.

Homestake Mining Company
Legal Department
Lead, S. Dak.



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

Water Rights Division
605 773-3352

November 21, 1985

Lloyd Trucano
357 Upper Valley Road
Spearfish SD 57783

Dear Mr. Trucano:

I am writing in response to your letter of November 4, 1985 to Del Brosz requesting a change in acreage for the Walton-Schuler ditch.

At the present time our records for the Walton-Schuler ditch are incomplete. We will need to obtain additional information before your request can be processed. A determination will need to be made whether the Walton-Schuler Water Right of 340 miners inches applies to specific lands or if the water can be used on lands that are selected by the ditch company. In order to make this determination, we need to review court records, ditch company bylaws and past history of water use, if available.

The following information will be needed:

1. A copy of the original Walton water right filing.
2. A copy of the original ditch company bylaws, if they exist.
3. A map of the original lands served by the ditch. The Cook v. Evans court case did list owners of land served by the Walton water right. It did not describe the land itself. A copy of the pages listing the landowners is enclosed for your information.

If you have any of the above information, it would be helpful if you could provide us with copies.

I am returning your check at this time. We will be in a better position to advise you as to the procedures in completing your request when we have obtained the needed information and answers to questions for the Walton-Schuler water right.

Any assistance that the ditch company can provide in obtaining the proper water right records will be appreciated. If I can answer any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:DB:ks

Equal Opportunity Employer

November 4, 1985

Delvin D. Brosz, P.E.
Dept. of Water & Natural Resources
Joe Foss Bldg.
523 East Capitol Ave.
Pierre, SD 57501

RE: Walton-Schuler Ditch Company

Dear Mr. Brosz:

The following two places have not used their irrigation rights for a number of years:

Hillsvieview Trailer Court (Frank Matson, owner) Lots A,B,C,D, & E of the subdivision of the north 396 feet of Lots 7&8 of the NW1/4 Sec. 9 T6N R2E, Lawrence County, 3.00 acres.

Gillette Dairy Lots 16A, 16B & 16C subdivision of Lot 16 NW1/4 Sec. 4, T6N, R2E Lawrence County 3.3 acres.

We request the transfer of their irrigation rights to our property which is listed below:

Sub 4-6-2 NW1/4 Lot2 T6N, R2E. Lawrence County 5.00 acres.

Enclosed is a \$50 application fee and plat maps of the Hillsvieview Trailer Court and the Gillette Dairy property. If you need more information please let us know.

Also wanted to let you know we've had difficulty in locating a plat of the remaining area south of Hillsvieview road, but we are still working on it.

Lloyd and Bart Trucano
357 Upper Valley Road
Spearfish, SD 57783

Lloyd B. Trucano



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

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

January 28, 1987

NOTICE

TO: Gary Adam, Pearson Drive, Spearfish SD 57783

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

SUBJECT: Notice of Requirement to File Vested Right Claim

This notice is in regard to the Walton-Schuler Ditch located in Lawrence County, South Dakota. Rassool Ahadi, Natural Resources Engineer with the Division of Water Rights is investigating water rights for irrigation ditches on Spearfish Creek and the Redwater River. On December 19, 1986 the corrected application forms for filing a vested right claim were delivered to your house. To date, we have not received the forms from you.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the chief engineer is aware of a water use system for which the owner claims vested right status, the owner is required to file a vested right claim within 90 days. Any claim filed after 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee is \$15.00.

If your system does not qualify for a vested right status, the filing fee for your application will be based upon the acreage irrigated. We estimate this fee would be about \$325.00 if a new permit could be approved. We will be glad to answer any questions you may have.

cc: Raymond Osloond, 411 Hillsvie Rd., Spearfish SD 57783

CERTIFICATION

I hereby certify that on January 28, 1987 I have personally deposited with the U.S. Mail a postage prepaid envelope containing Notice of Requirement to File a Vested Right Claim to Gary Adam and Raymond Osloond addressed as stated on the notice.

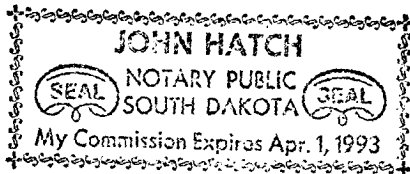
Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of January, 1987.

John Hatch
Notary Public



WALTON - SCHULER

Irrigation Ditch Meeting, Monday, March 16, 1987, 7:00 p.m., Rod & Gun Snappers Club

Special guests from the South Dakota Department of Water & Natural Resources, Water Rights Division will be:

John Hatch - Chief Engineer
Dan Doyle - Attorney
Jim Winteron - Supervisor Engineer
Rassoll Ahadi - Natural Resources Engineer

There will be a question and answer period from 8:00 p.m. until 9:00 p.m. and before our guests leave we will vote on the Vested Rights Claim issue.

Agenda:

Reading of minutes.

Old Business.

New Business:

1. Clean ditch.
2. 5 members from East $\frac{1}{2}$ to West $\frac{1}{2}$.
3. Lantern Estates + Clark pipe.
4. Flooding only vs sprinkling only.
5. Budget - back dues, collection, charges, LIENS, new dues, Water District formed - taxing county collected.
6. How land is to be assessed.
7. Tile for the ditch.
8. Full-time person for the ditch.

Adjourn.

I encourage all of you to attend this very important meeting. We are at a point where some far-reaching decisions must be made about issues that are critical to the extent that the future of the ditch may be at stake.

GARRY ADAM
President



WATER RIGHTS DIVISION
(605) 773-3352

March 26, 1987

Lloyd P. Trucano
357 Upper Valley Road
Spearfish, South Dakota 57783

RE: Change of the location of the diversion point.

Dear Mr. Trucano:

I apologize for the delay in sending you the forms you requested. Enclosed you will find two copies of form 2 and the instruction sheet, a copy of soil/water compatibility permit application form and its instruction sheet.

Since I did not have any information in regard to your irrigation project, I left the forms blank.

Please contact me if you have any questions.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

April 24, 1986

Albert Ripley
102 Mortenson Lane
Spearfish, South Dakota 57783

Dear Mr. Ripley:

Enclosed you will find the required application forms to apply for a water permit for your water well.

As you know Water License #879-1 for Mr. George Mortenson has been cancelled and there is no way that we could reinstate the permit and keep the same priority date of 1950.

Please read the instructions carefully and fill in the blanks. I tried to fill in the application as much as I could. Please examine the information and make any changes necessary. The applications should then be signed in the presence of a notary public.

Please contact this office if you have any questions.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

WALTON-SCHULER DITCH

In the Cook vs Evans court case dated, Jan. 30, 1918, the Walton water right was determined by the court to be 5th in priority, with a priority date of March 20, 1877 and was entitled to use not exceeding 340 miner's inches.

The 1960's survey mapped 299 acres, but later correspondance with the irrigators on the ditch shows that more acreage was involved than mapped.

1986 survey revealed the following results:

Ditch Capacity = 11.3 cfs

Max. Gate Capacity = 33 cfs

Vested Right = 8.5 cfs

Acreages served including domestic(lawn watering) = 340 acres.

The application was delivered to Gary Adam (the Ditch President) on Dec. 19, 1986.

Notice was sent out on Jan. 28, 1987.



HOMESTAKE MINING COMPANY
P. O. BOX 875
LEAD, SOUTH DAKOTA 57754



April 24, 1987

Gary Adam
Pearson Drive
Spearfish, SD 57783

Dear Gary,

I would like to invite you to a meeting of the Spearfish irrigation ditch officers and directors.

The purpose of the meeting will be to discuss water rights on Spearfish Creek and to explain our proposed water sale agreement with the city of Spearfish. I believe there are some misunderstandings and would like to clarify them for all ditch members and answer questions you may have concerning Homestake's water rights.

Would you please notify your officers, directors and any other interested ditch members about the meeting? I believe the new law (House Bill No. 1053) is very critical to all our water rights and should be understood by all.

When: 7:00 P.M., Wednesday, May 20, 1987
Where: Spearfish City Hall

Sincerely,

Richard W. Harr
Corporate Property Manager

RWH/kle
XC:Files

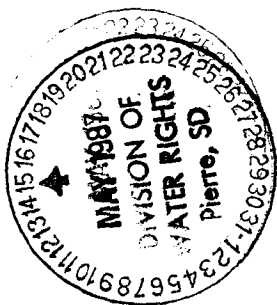


Richard W. Harr
CORPORATE PROPERTY MANAGER
HOMESTAKE MINE

P.O. BOX 875
LEAD, SOUTH DAKOTA 57754

BUS. 605/584-1020 EXT. 239

Dear Rassool,



Please find enclosed a copy of the letter from Rich Harr with a meeting date of May 20, 1987 at 7:00 P.M. in the Spearfish City Hall on Main St.

At the last Walton-Schuler Ditch meeting this letter was read, and the next motion was to have someone from your Water Rights Division attend that meeting. It was voted on and passed.

Could we please have someone from from the Water Rights Division attend this meeting on behalf of all of the ditches on Spearfish creek?

Sincerely,
Gary Adam
President
Walton-Schuler Ditch Co.

SOUTH Dakota Department of
Water & Natural Resources

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

June 9, 1987

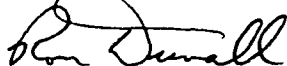
Walton-Schuler Ditch
c/o Gary Adam
Pearson Drive
Spearfish SD 57783

Dear Mr. Adam:

This letter is to inform you that the vested right claim for Walton-Schuler Ditch has been reviewed. We are preparing a report of our investigation. When the report is completed your application will be complete pursuant to SDCL 46-2A-2. A recommendation will be prepared and notice of hearing will be given stating the time and place the Water Management Board will consider the vested right claim. Tentatively, the hearing is to be scheduled for December 2 & 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,



RON DUVALL
Natural Resources Engineer

RD:ks

Report on the Walton-Schuler Ditch (Spearfish Creek)
Vested Water Right Application No. 1386-1
September 15, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Walton-Schuler Ditch has filed an application to validate a vested right claim. The application claims 8.5 cfs of Spearfish Creek water for domestic use and irrigation of 340 acres of land located in Sections 4 and 9, T6N-R2E in Lawrence County. The headgate is located in the NE1/4 NW1/4 Section 15, T6N-R2E.

Document Search

In the Cook vs Evans Court Case, dated January 30, 1918, the Walton Water Right and a number of other water rights along Spearfish Creek were adjudicated. In this action, the court specified that the Walton Water Right was fifth in priority of those water rights adjudicated, with a priority date of March 20, 1877, and was entitled to use not more than 340 miner's inches of water. The court also specified 40 miner's inches equal one cubic foot per second (cfs).

Discussion

The Water Resources Commission investigated the irrigation from the Walton-Schuler Ditch in the early 1960's. At that time, 299 acres were mapped as being irrigated from the ditch. This acreage was changed to 340 acres after receiving comments and legal descriptions for land from ditch company members (letters in the file) concerning areas which should have been included on the map.

Recent investigations by Water Rights Division Engineers found that 340 acres of land are still being served by the ditch. The acreage covered by this vested right claim includes houses, buildings, streets, and driveways. As lots were developed in the area, the ditch continued to be used for the irrigation of truck gardens, orchards, and crops. In addition, water which was formerly used for other irrigation is now used for lawn and garden watering at the developed lots. The Division of Water Rights did not attempt to separate the houses, buildings, streets, and driveways out of the acreage served because of the impracticality of determining the amount of water actually being used for the lawn and garden watering within the developed areas.

The headgate is capable of diverting in excess of the quantity of water claimed on the application. The ditch capacity is approximately 11.0 cfs.

To determine the amount of water needed to irrigate 340 acres, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs of water is needed to irrigate 70 acres, 4.86 cfs of water will be used to irrigate 340 acres. Considering the efficiency of flood irrigation in the area, which according to SCS is 50% for this area, the total required diversion rate will be 9.7 cfs.
- 2) Using the SCS, S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3 feet of water every irrigation season, a total of 1020 acre-feet of water is needed for the season, from which 293.7 acre-feet or 4.78 cfs will be used in the Month of July. Considering a 50% loss due to the system, the total diversion rate required will be 9.5 cfs.

Conclusions and Recommendations

- 1) The headgate and the ditch are capable of diverting and carrying more water than the amount claimed.
- 2) Based upon the 1.0 cfs per 70 acres criteria plus a 50% loss calculation, the peak quantity of water necessary to irrigate the land served by the Walton-Schuler Ditch would be 9.7 cfs. Comparing this to the SCS, South Dakota Irrigation Guide, this quantity of water appears to be reasonable. However, the Cook vs. Evans Court Case limits the entitlement to 8.5 cfs. Therefore, the claim should be validated for 8.5 cfs.
- 3) It is recommended that the Walton-Schuler Vested Water Right Claim be validated for a diversion rate of 8.5 cfs for irrigation of 340 acres as described in Application No. 1386-1 with a priority date of March 20, 1877.

NR Ahadi

Rassool Ahadi
Natural Resources Engineer

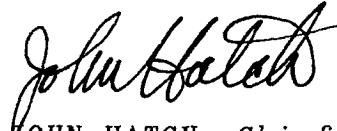
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1386-1, Walton-Schuler Ditch

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1386-1, Walton-Schuler Ditch, c/o Gary Adam, Pearson Drive, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1386-1 for 8.5 cfs because 1) water has been appropriated as described for domestic and irrigation use with a priority date of March 20, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1386-1 is subject to domestic use rights. Diversion of water under Water Right No. 1386-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Walton-Schuler Ditch within one year of validation of Vested Water Right No. 1386-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the chief engineer.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 19, 1987



Department of Water & Natural Resources

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

October 22, 1987

BELLE FOURCHE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1386-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Walton-Schuler Ditch, c/o Gary Adam, Pearson Drive, Spearfish SD 57783.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 22, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1386-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Walton-Schuler Ditch, c/o Gary Adam, Pearson Drive, Spearfish SD 57783.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 22, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPERS RIGHT AWAY.

Walton-Schuler Ditch
c/o Gary Adam
Pearson Drive
Spearfish SD 57783

Dear Mr. Adam:

Your Application No. 1386-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCHDAILY POST printed at Belle Fourche SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the papers can eliminate delays. The publishers has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper -- Publish first publication of the following Notice on or before October 28, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1386-1 to Appropriate Water

Notice is hereby given that Walton-Schuler Ditch, c/o Gary Adam whose mailing address is Pearson Drive, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 8.5 cubic feet of water per second (cfs) from Spearfish Creek for irrigation of 340 acres via the Walton-Schuler Ditch with a claimed priority date of March 20, 1877. The Spearfish Creek diversion point for the Walton-Schuler Ditch is located in the NE 1/4 NW 1/4 Section 15, T6N, R2E. The irrigated acreage is located in the SW 1/4 NE 1/4, E 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4, W 1/2 SE 1/4 Section 4; W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 9; all in T6N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1386-1 for 8.5 cfs because 1) water has been appropriated as described for domestic use and irrigation with a priority date of March 20, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-3, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

No. 1386-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Battle) ss.

I, Marion Sueca hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Battle Foreman Daily Post

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 Battle Foreman

County of Battle and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 27, 1987

November 3, 1987

Marion Sueca
(Signature)

Editor

(Title)

November 3, 1987
(Date Signed)

Cost of Printing: \$42.07

125 Lines 2 times

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1386-1

to Appropriate Water

Notice is hereby given that
Walton-Schuler Ditch, c/o
Garry Adam whose mailing
address is Pearson Drive, RR 1,
Spearfish, South Dakota has
filed an application to validate a
vested right claim to appropriate
8.5 cubic feet of water per
second (cfs) from Spearfish
Creek for irrigation of 340 acres
via the Walton-Schuler Ditch
with a claimed priority date of
March 20, 1877. The Spearfish
Creek diversion point for the
Walton-Schuler Ditch is located
in the NE 1/4 NW 1/4 Section 15,
T6N, R2E. The irrigated acre-
age is located in the SW 1/4 NE
1/4, E 1/2 NW 1/4, N 1/2 SW 1/
4, SE 1/4 SW 1/4, W 1/2 SE 1/4
Section 4; W 1/2 NE 1/4, SE 1/4
NE 1/4 Section 9; all in T6N,
R2E.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Division recommends
VALIDATION of Vested Water
Right Application No. 1386-1
for 8.5 cfs because 1) water has
been appropriated as described
for domestic use and irrigation
with a priority date of March 20,
1877, 2) the use has been devel-
oped without unlawful impair-
ment of existing rights, 3) it is a
beneficial use of water and 4) it
is in the public interest.

Validation of this application
will be considered by the Water
Management Board at Howard
Johnson's, Roosevelt and Jeffer-
son Rooms, 2211 LaCrosse,
Rapid City, SD, December 2,
1987 at 1:00 p.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) ap-
prove validation, 2) approve the
validation with qualifications,
3) defer, or 4) deny validation of
the application after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may
be affected by a Board decision
and who intends to participate
in the hearing before the Board
and present evidence or cross-



examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel. The legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3, 1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

2610/27-11/3

No. 1386-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Queen City Mail

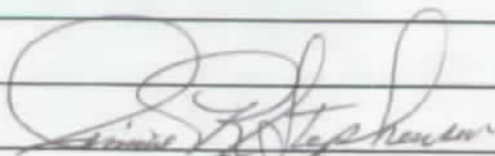
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of Spearfish

County of Lawrence and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 28th

November 4th


(Signature)

Publisher
(Title)

11-4-87
(Date Signed)

Cost of Printing: _____

107 x .2564 = 27.43

107 x .2051 = 21.94

Total = 49.37



NOTICE OF HEARING
TO VALIDATE VESTED
RIGHT APPLICATION
NO. 1386-1 TO
APPROPRIATE WATER

Notice is hereby given that Walton-Schuler Ditch, c/o Gary Adam whose mailing address is Pearson Drive, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 8.5 cubic feet of water per second (cfs) from Spearfish Creek for irrigation of 340 acres via the Walton-Schuler Ditch with a claimed priority date of March 20, 1877. The Spearfish Creek diversion point for the Walton-Schuler Ditch is located in the NE 1/4 NW 1/4 Section 15, T6N, R2E. The irrigated acreage is located in the SW 1/4 NE 1/4, E 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4, W 1/2 SE 1/4 Section 4; W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 9; all in T6N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1386-1 for 8.5 cfs because 1) water has been appropriated as described for domestic use and irrigation with a priority date of March 20, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the appli-

cation, and the signature and mailing

address of the petitioner or his legal

counsel if legal counsel is obtained.

The applicant need not file a petition.

This application is made pursuant

to the provisions of SDCL 46-1-1 thru

46-1-9, 46-1-12 thru 46-1-15; 46-2-

3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-

17; 46-2A-1 thru 46-2A-10, 46-2A-

12, 46-2A-14, 46-2A-15, 46-2A-18;

46-5-1 thru 46-5-11, 46-5-13 thru 46-

5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-

5-30.4, 46-5-31, 46-5-49; and Board

Rules ARSD 74:02:01:01 thru

74:02:01:15 and 74:02:01:19 thru

74:02:01:22.

This hearing is an adversary pro-

ceeding. The applicant or any person,

after filing a petition, 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

State Supreme Court as provided by

law.

Any Person wishing a copy of the

Chief Engineer's recommendation, the

further information on this applica-

tion or to come on to the hearing

by the Board, should contact the

Board of Engineers, Joe Ross, Esq.,

Room 502 (ext 773-3352) for assis-

tance prior to the hearing date. The

time of the hearing will be automati-

cally extended for at least twenty days

upon written request of the applicant

or person who has filed a petition to

oppose or support the application.

The request for extension must be

filed with the Chief Engineer by

November 20, 1987.

Oct 28 Nov 4

WATER RIGHTS DIVISION
(605) 773-3352

October 30, 1987

Richard W. Harr/Homestake Mining Company
P.O. Box 875
Lead, South Dakota 57754

Dear Mr. Harr:

Enclosed you will find copies of applications to validate vested rights as you requested.

Please feel free to contact me if you have any questions.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1386-1, Walton-Schuler Ditch

For:

Gary Adam
Walton-Schuler Ditch
Pearson Drive
Spearfish SD 57783

Interested:

Richard Beringsen, Secretary
SD Dept. of Game, Fish & Parks
Andersen Bldg., 445 E Capital
Pierre SD 57501

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

November 16, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1386-1 on Spearfish Creek, Lawrence County.

GF&P is an interested and potentially affected party by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water right claim could affect the quantity of water available for natural resource management.

Thank you for the opportunity to comment on this pending water right application.

Sincerely,

A handwritten signature in cursive script that reads "Richard J. Beringson".

Richard J. Beringson
Secretary

RJB/ld

cc: Walton-Schuler Ditch % Gary Adam

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

November 20, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the filings made by the S.D. Department of Game, Fish and Parks to the attached list of applicants, some confusion exists regarding the intent of the filings. For your information when dealing with inquiries to the nature of the GF&P interest in the upcoming hearings the following information should be useful.

GF&P intends to participate in the upcoming water right validations by supporting the water rights staff recommendations that will bring each water right into legal compliance with existing laws, e.g. appropriate quantities of water for the land base, appropriately sized and gauged headgates for the right in question, abandonment of unused quantities of water, etc. GF&P filed with your office and each applicant so that we would officially be parties to the hearing process and be able to carry out the mandated duties of the Department under SDCL Chapter 41. We also are of the opinion that the Department would have been negligent in not participating in proceedings that relate to water resource allocation directly affecting waters that support fish and wildlife values.

I hope this information will aid you in describing the nature of the interest the Department of Game, Fish and Parks has in the upcoming proceedings. If you have any questions you can contact me at 773-5511.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Koth', written over a horizontal line.

Ron Koth
Water Permits Coordinator

RK/ld



Department of Water & Natural Resources

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

APR 29 1988

Walton-Schuler Ditch
c/o Gary Adam
Pearson Drive
Spearfish, SD 57783

Dear Mr. Adam:

Enclosed are your Validated Vested Water Right and Water License No. 1386-1.
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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

JH: ms

enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

November 2, 1990

TO: Leo Cassidy, Walton-Schuler Ditch
443 Hillsvie Dr, Spearfish, SD 57783

Gary Hunt, Tonn-Evans Ditch
Liberty Lane Box 6, Spearfish, SD 57783

Mike McGuigan, Cook Ditch
RR 1, Spearfish, SD 57783

Donald Howe, Mann Ditch
239 Evans Lane, Spearfish, SD 57783

Robert Haag, Ramsdell Ditch
1421 5th Street, Spearfish, SD 57783

Josef Meier, Owens-Gay Ditch
412 Meier St, Spearfish SD 57783

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

SUBJECT: Diversions from Spearfish Creek

During the summer of 1990, water diversions from Spearfish Creek by irrigation ditches caused no flow conditions in a section of the Creek. The no flow conditions occurred just below the Cook ditch diversion structure over a three week period. This section of the Creek adjoins a pasture and is used as a source of water for livestock.

South Dakota Codified Laws define use of water for livestock as a domestic use. Domestic use of water takes precedence over appropriative rights. Although, there are a number of reasons that explain the no flow conditions in Spearfish Creek, we would like to assure that flows are available in the creek for future livestock watering.

Spearfish Creek flows were low during 1990, due mainly to below normal precipitation and runoff. To avert a repeat of the 1990 situation, I am requesting that you let us know when you plan water diversions one week before the diversion is to be made. This will give us time to review the situation before diversions occur.

page 2

October 31, 1990

Diversion from Spearfish Creek

If the flow in Spearfish Creek, during 1991, is such that all needs cannot be met, priority dates will need to be enforced unless priority users agree to lower diversion rates. We would be willing to meet with anyone before next spring to discuss this.

If you have any questions, please contact myself or Del Brosz, Division of Water Rights, 523 E Capitol, Pierre, SD 57501.
Phone: (605) 773-3352.

cc: Gene Johnson
Representative Harvey Krautschun



DEPARTMENT OF WATER & NATURAL RESOURCES

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

1346-1

May 6, 1991

TO: Spearfish Creek Water Right Owners
(See Attached List With Priority Dates)

FROM: John Hatch, Chief Engineer
Division of Water Rights
(605) 773-3352

SUBJECT: Diversions from Spearfish Creek

If drought conditions continue in the Black Hills area during 1991, we expect another irrigation season with very low flows in Spearfish Creek. As I understand it, during the 1990 irrigation season, there were short periods of time when there were no flows in Spearfish Creek at different locations.

I believe that a short reach of the creek channel below Cook Ditch's diversion received the most attention from the news media. Although state law does not require instream flows for fish and wildlife and aesthetic purposes, state law does give preference to water for domestic use which includes livestock watering.

We would like to work with you to maintain minimum flows in the creek for domestic use during 1991. Maintenance of minimum flows should reduce news media attention to Spearfish Creek.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol, Pierre, SD 57501. Phone: (605) 773-3352

cc: Representative Harvey Krautschun

SPEARFISH CREEK WATER RIGHTS

PERMIT NO.	NAME	PRIORITY DATE	RATE (CFS)
*43-1	Homestake Mining Co	01/04/1909	100.00
138-1	City of Spearfish	11/12/1917	0.50
141-1	City of Spearfish	03/01/1919	1.10
148-1	City of Spearfish	01/27/1930	1.50
150-1	City of Spearfish	01/27/1930	1.00
+1041-1	US Bur Sport & Fish	02/19/1937	6.66
X1385-1	Homestake Mining Co	10/01/1876	1.67
1386-1	Walton-Schuler Ditch	03/20/1887	8.50
1387-1	Tonn-Evans Ditch	05/01/1876	14.40
1388-1	Bowman Ditch	06/11/1877	8.0
1389-1	Cook Ditch	06/10/1877	21.60
1392-1	Mann Ditch	03/21/1878	1.45
1394-1	Kemper Ditch	07/31/1881	33.00
1399-1	Cook-Burns Ditch	06/15/1881	33.0
1400-1	Owens-Gay Ditch	03/01/1877	1.74
1403-1	Ramsdell Ditch	10/01/1876	2.00
1416-1	Richard Cundy	04/01/1920	0.20

* - Power Generation, non-consumptive

+ - Fish Hatcher in City of Spearfish

X - For municipal use, City of Spearfish

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 EAST CAPITOL
Pierre, South Dakota 57501-5070
Phone (605) 773-3215



MARK W. BARNETT
ATTORNEY GENERAL

LAWRENCE E. LONG
CHIEF DEPUTY ATTORNEY GENERAL

June 11, 1991

Philip G. Cundy
R.R. 3, 221 Upper Valley Road
Spearfish, South Dakota 57783

Re: Walton-Schuler Ditch Company

Dear Mr. Cundy:

I recently received a telephone call from Ms. Louise Johnson concerning the practices of the Walton-Schuler Ditch Company. She asked me to correspond with you regarding the legal requirements for this company's financial reports.

Based on my conversation with Ms. Johnson, as well as a subsequent telephone call with the South Dakota Secretary of State, it is my understanding that the Walton-Schuler Ditch Company currently operates as a cooperative but that it has not been incorporated pursuant to South Dakota law. Based on SDCL ch. 47-15 entities which hold themselves out as cooperatives must register with the South Dakota Secretary of State. Cooperatives are also required to file annual reports with the Secretary of State pursuant to SDCL 47-20-5. Additionally, SDCL ch. 47-20 includes other record keeping requirements, including SDCL 47-20 which provides that a member or stockholder of a cooperative may, under reasonable conditions, inspect the books or records of the cooperative. During my conversation with Ms. Johnson, she indicated that such statutes may be useful to you.

As I discussed with Ms. Johnson, the Office of Attorney General's authority to become involved in legal actions among officers, members and managers of cooperatives is extremely limited. In other words, while I am more than happy to provide you with copies of state statutes, I cannot give you or Ms. Johnson legal assistance in any action by members to enforce their rights pursuant to the statutes. To the extent that you or other cooperative members need legal assistance in enforcing your rights to inspect the books or records of the cooperative and ensure that the financial transactions of the cooperative are prudent, you will need

Philip G. Cundy

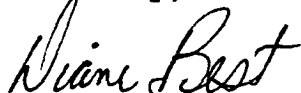
June 11, 1991

Page 2

to seek the advice of private counsel. In the event that you do so, please feel free to share this correspondence with that individual.

During our conversation, Ms. Johnson also expressed concerns regarding the quantity of water being provided by the Walton-Schuler Ditch Company. In addition to myself, she brought this issue to the attention of Rashool Ahadi of the Division of Water Rights in the South Dakota Department of Environment and Natural Resources. As you undoubtedly already know, the Water Rights Division does have authority to become involved in this issue to the extent that quality or quantity of water is of concern. I am confident that Mr. Ahadi will address this matter appropriately. To the extent that the Division of Water Rights needs legal advice in this matter, I will be assisting Mr. Ahadi.

Sincerely,



Diane Best

Assistant Attorney General

DB:mas

cc: Wade Hubbard,
Counsel for South Dakota Secretary of State
Rashool Ahadi, Division of Water Rights

File No. 1386-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Walton-Schuler Ditch

ADDRESS: COUNTY: Lawrence

DATE: 8/4/92 TELEPHONE: 642-7462

RE: A Complaint

COMMENTS: On July 31, 1992, Mr. Jack Bartlett contacted the Division to complaint about flooding of his property by Walton-Schuler Ditch. On August 3, 1992, approximately 2:0 PM MDT, I tried to contact Mr. Bartlett but nobody answered the phone. At about 3 PM, MDT, Mr. Bartlett contacted me regarding the complaint. He stated that his yard gets flooded by the water from the ditch. He said that the president of the ditch company, Leo Cassidy, had told him that the ditch company diverts more water this year than they are entitled to divert and the State did not know it!

On August 4, 1992, I contacted Mr. Leo Cassidy. He did not deny flooding of Mr. Bartlett's property, but he said that the reason for that is Mr. Bartlett's sewer line that passes inside and to the top of the pipe that transports the ditch water through a 24 inch culvert on Mr. Bartlett's property. He said that the sewer line catches trash and plugs up the pipe and backs up water and flows onto Mr. Bartlett's property. He said that the ditch company installed screen at the culvert entrance but Mr. Bartlett did not like it. Mr. Cassidy stated that the ditch company will install pipes, at this location, to transport water in the pipe instead of open ditch.

Same day, I contacted Mr. Bartlett. He said he did not like to see the ditch water being put into pipes. He also said that the ditch company does that to make him mad. I told Mr. Bartlett that if his property got flooded again and if he would let me know, I will come over to investigate the problem.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1996

Roger Tellinghuisen
FULLER, TELLINGHUSEN, GORDON & FULLER, P.C.
P.O. Box 1087
Spearfish, SD 57783

Dear Mr. Tellinghuisen:

I am responding to your January 31, 1996 letter requesting information about the Walton-Schuler and the Tonn-Evans water rights. The water rights have been issued in the names of the respective ditch companies. Neither water right specifically lists Homestake Mining Company as a water rights holder.

Rassool Ahadi has changed jobs within the Department. He now works for the Waste Management Program. I have assumed many of his former duties and will be the contact person for surface water rights in the northern Black Hills.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer III
Water Rights Program

Fuller, Tellinghuisen, Gordon & Eckrich, P.C.

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Jerome A. Eckrich

LEAD OFFICE
203 W. MAIN
LEAD, SOUTH DAKOTA 57754

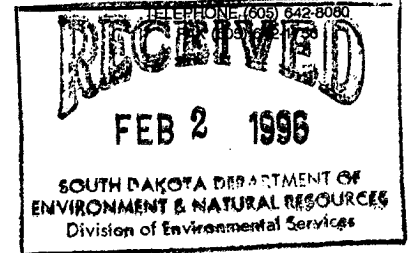
MAILING ADDRESS:
P.O. BOX 898
LEAD, SD 57754
TELEPHONE (605) 584-2440
FAX (605) 584-1979

PLEASE REPLY TO THE SPEARFISH OFFICE

January 31, 1996

SPEARFISH OFFICE
132 E. ILLINOIS
SPEARFISH, SOUTH DAKOTA 57783

MAILING ADDRESS:
P.O. BOX 1087
SPEARFISH, SD 57783
TELEPHONE (605) 642-8080



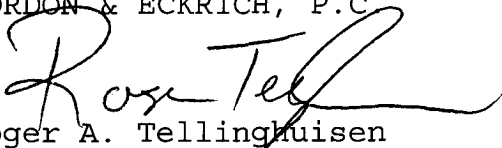
Rassool Ahadi
Department of Environment & Natural Resources
Joe Foss Building
523 E. Capital Ave.
Pierre, SD 57501-3182

Dear Rassool:

Can you tell me under whose name the Walton-Schuler and the Evans-Tonn water rights are listed? Specifically, I need to know whether or not these water rights have been issued in the names of the individual ditch companies. Also, I need to know whether any portion of those water rights is held by or in the name of Homestake Mining Company. Thank you.

Sincerely,

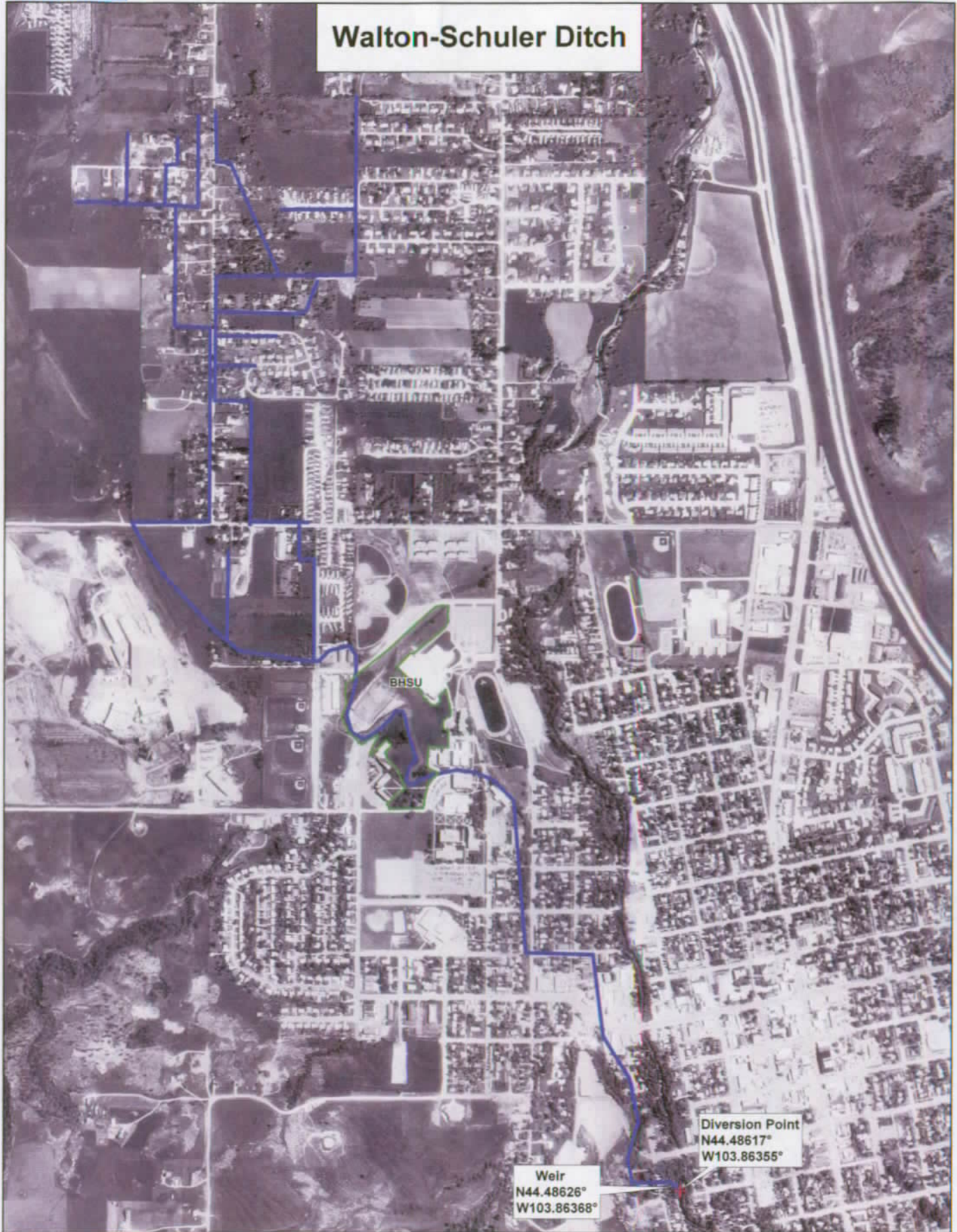
FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.


Roger A. Tellinghuisen

RAT/kkr
c: Jim Wainright



Walton-Schuler Ditch

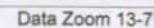


BHSU

Weir
N44.48626°
W103.86368°

Diversion Point
N44.48617°
W103.86355°

Don Stroup
SD DENR WR
Ranald E. Stroup
3/24/05



1386-1

RECEIVED

JUN - 4 2012

WATER RIGHTS
PROGRAM

LAW OFFICES OF
BENNETT, MAIN & GUBBRUD
A PROFESSIONAL CORPORATION
618 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1489
TEL (605) 892-2011
FAX (605) 892-4084
EMAIL: bellelaw@bellelaw.com

MAX MAIN*
DWIGHT A. GUBBRUD*
*LICENSED IN SOUTH DAKOTA AND WYOMING

EST. 1908

RETIRED
DONN BENNETT

June 1, 2012

PMB 2020
DENR - Water Rights Program
523 E. Capitol Ave.
Pierre, SD 57501-3181

**RE: Walton-Schuler Ditch Company;
Our File No. 5146.001012.**

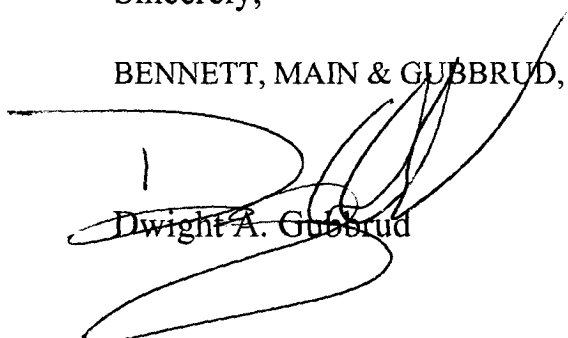
Dear Water Rights Program:

Enclosed for filing is a NOTICE OF TRANSFER OF OWNERSHIP for Water Right Permit No. 1386-1 to Walton-Schuler Ditch Company. Also enclosed is our firm's check in the amount of \$50 to pay the filing fee as required by SDCL 46-2-13.

Thank you for your assistance.

Sincerely,

BENNETT, MAIN & GUBBRUD, P.C.


Dwight A. Gubbrud

DAG/njo
Encs.
cc: Client (w/ encs.)

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1386-1Date: May 23, 2012

I/We request that Water Right/Permit No. 1386-1 formerly owned by:
WALTON -SCHULER DITCH be transferred to:

New Owner Name: WALTON-SCHULER DITCH COMPANY
Address: 282 UPPER VALLEY ROAD
City, State, Zip SPEARFISH SD 57783 Telephone No. 605-644-0756

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

NOT APPLICABLE. THIS WATER RIGHT IS NOT APPURTENANT TO ANY LAND. NO LAND HAS BEEN TRANSFERRED.

☒ I understand that the validity of Water Right/Permit No. 1386-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, President of the Walton-Schuler Ditch Company, the new owner, certify that the above information is true and correct.


(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 6/4, 20 12

RECEIVED OF Bennett Main & Gubbrud PC 618 State St Belle Fourche SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1386-1</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. _____	50	00
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	50 00

No. 05458

By Laural Erbe
Chief Engineer

1386-1

McMath, Genny

Subject: FW: Walton-Schuler Ditch Company - your file No. 5146.001012

From: Dwight Gubbrud [<mailto:dwight@bellelaw.com>]
Sent: Tuesday, June 05, 2012 9:54 AM
To: McMath, Genny
Subject: FW: Walton-Schuler Ditch Company - your file No. 5146.001012

Genny,

The President of the newly formed Walton-Schuler Ditch Co. is Kelly Barthel.

DWIGHT A. GUBBRUD

Bennett, Main & Gubbrud, P.C.
Attorneys at Law
618 State Street
Belle Fourche, SD 57717
Telephone: 605.892.2011
Fax: 605.892.4084
General Email: bellelaw@bellelaw.com
Direct Email: dwight@bellelaw.com

From: Genny.McMath@state.sd.us [<mailto:Genny.McMath@state.sd.us>]
Sent: Monday, June 04, 2012 12:33 PM
To: bellelaw@bellelaw.com
Subject: Walton-Schuler Ditch Company - your file No. 5146.001012

I have received the transfer form and filing fee for transferring Vested Water Right No. 1386-1. I note that the president of the company appears to be different than we have on file. We have Ken Froehlich listed.

Can you forward me the name of the president so I can add it to the records? I am unable to read his(her) signature and I do not see it printed anywhere on the form.

Thank you in advance for your help.

Genny McMath
Water Rights Program
605.773.5455



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2012

1386-1

Dwight A Gubbrud
Bennett, Main & Gubbrud PC
618 State St
Belle Fourche SD 57717-1489

RE: Walton-Schuler Ditch Company

Dear Mr. Gubbrud:

I am writing to acknowledge receipt of the transfer form and filing fee you sent in to change ownership on Vested Water Right No. 1386-1.

The ownership change has been completed. Vested Water Right No. 1386-1 formerly held by Walton Schuler Ditch is now listed as follows:

Walton-Schuler Ditch Company
282 Upper Valley Rd
Spearfish SD 57783
(President Kelly Barthel)

Enclosed is your Receipt No. 05458 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

c: Kelly Barthel, President, Walton-Schuler Ditch Company

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

1392-1	MANN DITCH Edgar Burr 209 Evans Ln Spearfish, SD 605-642-7963	COOK DITCH Mike McGuigan 2350 Dairy Ln Spearfish, SD 605-641-2052	1389-1
1403-1	RAMSDELL DITCH Mike Kyte 1121 N. Main St. Spearfish, SD 605-642-4932	SPRING BRANCH DITCH Ross Delzer 19481 US Hwy 85 Belle Fourche, SD 605-642-3778	1424-1
1400-1	OWENS-GAY DITCH Tom Callaway City of Spearfish Spearfish, SD 605-642-1333	KEMPER-COOK-BURNS DITCHES Eric Jennings 19488 Creekside Loop Spearfish, SD 605-642-3411	1399-1 1394-1
1386-1	WALTON-SCHULER DITCH David Rossi Home 605-584-4904 Work 307-682-8530 Back up - Woody Hayes 605-645-2007	HIGGENS GULCH DITCH WEST Layton Lensegrav 10902 SD Hwy 34 Belle Fourche, SD 605-641-1124 or 605-723-3095	1412-1
1387-1**	TONN-EVANS DITCH Jared Capp - President 609 Nellie Lane Spearfish, SD 605-639-9041	HIGGENS GULCH DITCH EAST Cundy Trust c/o Jim Jennings-Co Trustee 19483 Old Belle Rd Spearfish, SD 605-642-2146	1413-1
1388-1	BOWMAN DITCH Phil Kissack 19460 Creekside Loop Spearfish, SD 605-642-4914		

**1387-1 is actually listed in the name of Spearfish Tonn-Evans Ditch

Rath, Mark

From: Rath, Mark
Sent: Friday, December 11, 2015 9:04 AM
To: Hanson, Eric
Subject: Walton-Schuler Ditch Co WR No. 1386-1

Eric,

In regards to our telephone conversation concerning the relocating of the Walton-Schuler Ditch Company irrigation ditch waste discharge. After staff review, consultation with our attorney from the Attorney General's Office and also discussions with staff from the DENR Surface Water Quality Program, neither of these DENR programs have any regulatory requirements concerning the relocation of the irrigation ditch waste discharge. This does not preclude your ditch company from the requirement to obtain any needed easements for the discharge pipe or ditch or meeting any other potential legal requirements. If you have any further questions, feel free to give me a call.

Mark Rath
SD DENR - Water Rights Program
605-773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 8, 2017

David Rossi
Walton-Schuler Ditch
1208 Energy St
Gillette, Wyoming 82716

Walton-Schuler Ditch, Vested Water Right No. 1386-1

Dear Mr. Rossi:

The hydroelectric facility that diverts Spearfish Creek flow near Maurice for power generation is undergoing construction activity. Specifically the city will be replacing the existing redwood penstock located above the hydro plant in the area between the forebay pond and the standpipe structure. This will result in a staged bypass into the natural creek channel at the Maurice dam. There will be a short period when all diversion into the hydro plant's tunnel will cease and the creek will flow freely below Maurice resulting in reduced flows in the creek downstream from the hydro generating plant near the city park.

A bypass at the Maurice dam of 20 cubic feet of water per second into the natural creek channel will begin approximately September 14, 2017. Total bypass into the natural creek channel will occur later in the month with a contractor scheduled completion date of October 3, 2017. While this will likely result in a temporary reduced flow, the city's goal is to keep water flowing through Spearfish and downstream areas without interruption.

While the irrigation season is winding down there are likely Spearfish Creek irrigation ditches still operating from the creek. Please notify others on your ditch of the potential temporary reduction of flow in Spearfish Creek through September to early October. We all know Spearfish Creek is a valuable resource to the area for irrigation, domestic use, aesthetics, and the fishery. As this construction project progresses DENR asks that everyone be mindful to maintain minimum flows in Spearfish Creek from Spearfish to the Redwater River to protect the resource.

If you have any questions please contact either Eric Gronlund of my staff at (605) 773-3352 or Cheryl Johnson, Spearfish Public Works Director at (605) 642-1333.

Thank you,

Jeanne Goodman, Chief Engineer
Water Rights Program

1392-1, 1403-1, 1386-1, 1388-1,
1389-1, 1424-1, 1399-1, 1394-1,
1412-1

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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