

Considered: _____

Vested Right
WATER PERMIT NO. 1391-1

MAP No. same

Name of Applicant Westside Ditch c/o Vyril Norman

Post Office Address RR1, Box 21A, Belle Fourche SD 57717

Amount of Water Claimed 10.86 cfs Total Acres 515

Source of Water Supply Redwater River

Water to be used for irrigation County Butte

About 1 miles S of Belle Fourche.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec 22, 1986 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 West Side ditch headgate:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ section 36-T8N-R2E

Land to be Irrigated see application for # of acres

W $\frac{1}{2}$ SW $\frac{1}{4}$ sec 13; SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ sec 14;

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 23; W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ sec 24; N $\frac{1}{2}$ NW $\frac{1}{4}$,

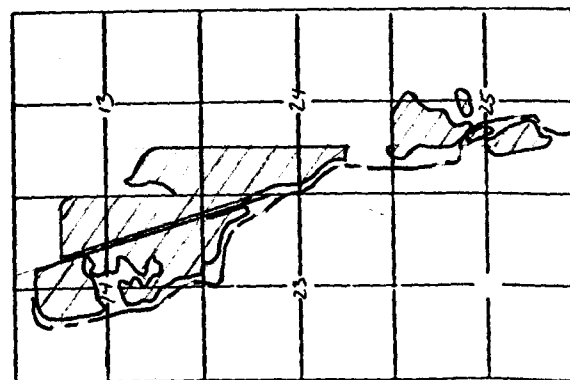
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 25; all in T8N-R2E

Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Rassool Ahadi Reviewed and the Number

assigned on June 15, 1987 By Ron Duvall



No. 1391-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Belle Fourche Daily Post, 1004 5th Ave
Queen City Mail, Box 7, Spearfish (Wed)

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 Westside Ditch/Vyrl Norman Phone No. 892-3235Post Office Address RR 1, Box 21A, Belle Fourche, South Dakota State 57717
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 10.86 Total acres irrigated 543.0 515.03. Source of Water supply Redwater River4. Location of point of diversion Approximately 2000 feet East, 1450 feet South from NW Corner
of Section 36, T8N-R2ECounty Butte5. Counties where water will be used Butte6. 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.

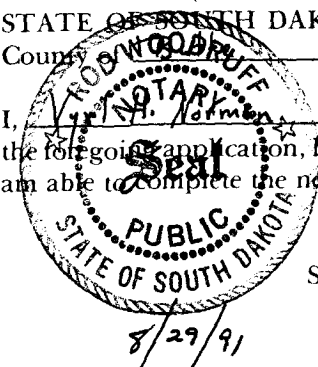
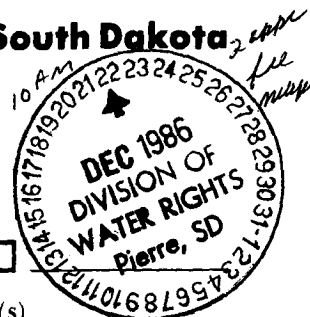
Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SEE ATTACHED SHEET			

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 _____ ssI, Vyrl Norman the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Vyrl H. NormanSubscribed and sworn to before me this 17th day of December 19 82Red Woodruff
Notary Public (or other qualified officer)

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1391-1

Westside Ditch
(applicant)

RR1, Box 21A, Belle Fourche
(post office address)

SD
(state)

57717
(zip code)

Date of receipt of Application December 22, 1986.

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 (84ac) May 28, 1876.
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 irrigation.
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 _____

10.86 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.

The applicable portions of Water Right Filing Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1, and 0209-1 have been incorporated into No. 1391-1 and the abandoned portions of Water Right Filing Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 have been cancelled.

Vested Water Right No. 1391-1 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__.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1391-1 FOR IRRIGATION

(1) Westside Ditch % Vyrl Norman, RR #1 Box 21A, Belle Fourche, SD 57717 made Application No. 1391-1, December 22, 1986 for validation of a vested right claim to appropriate 10.86 cubic feet of water per second from Redwater River, Butte County, South Dakota for irrigation purposes. Vested Water Right No. 1391-1 was validated December 2, 1987 with priority dates of May 28, 1876* and December 10, 1889*. 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.

*The land irrigated in Section 25, T8N, R2E (84 acres) has a priority date of May 28, 1876. (See page 2 of this license)

*The land irrigated in Sections 13, 14, 23 & 24, T8N, R2E (431 acres) has a priority date of December 10, 1889. (See page 2 of this license)

(2) The applicant is entitled to divert 10.86 cubic feet of water per second for beneficial use. The location of the diversion point is: Approximately 2700 feet east, 1450 feet south from NW corner of Section 36, T8N, R2E

The location of the irrigated acreage is: all in T8N, R2E,

Section 13 (12-10-1889)*
SW 1/4 SW 1/4 36.0 acres
NW 1/4 SW 1/4 11.4 "

Section 14 (12-10-1889)*
SW 1/4 SE 1/4 35.1 acres
SE 1/4 SE 1/4 37.2 "
NW 1/4 SE 1/4 27.2 "
NE 1/4 SE 1/4 35.5 "
NE 1/4 SW 1/4 6.0 "
SW 1/4 NE 1/4 29.0 "
SE 1/4 NE 1/4 39.0 "
NW 1/4 NE 1/4 12.6 "
SE 1/4 NW 1/4 17.0 "
NE 1/4 NW 1/4 11.0 "

Section 23 (12-10-1889)*
NE 1/4 NE 1/4 27.4 acres
NW 1/4 NE 1/4 7.0 "
SE 1/4 NE 1/4 3.0 "

Section 24 (12-10-1889)*
SW 1/4 SW 1/4 0.5 acres
NW 1/4 SW 1/4 19.0 "
SW 1/4 NW 1/4 37.0 "
NW 1/4 NW 1/4 40.0 "

Section 25 (5-28-1876)*
NW 1/4 NW 1/4 1.0 acres
NE 1/4 NW 1/4 34.0 "
SE 1/4 NW 1/4 19.2 "
NE 1/4 SW 1/4 19.5 "
NW 1/4 SW 1/4 3.0 "
SW 1/4 SW 1/4 1.0 "
SE 1/4 SW 1/4 6.0 "
SW 1/4 NE 1/4 0.4 "

*Priority dates

TOTAL ACRES IRRIGATED FOR WESTSIDE DITCH: 515.0

(3) Pursuant to Section 46-5-30.1 Westside Ditch, %Vyr1 Norman of RR #1 Box 21A, Belle Fourche, SD 57717 the holder(s) and/or owner(s) of Vested Water Right No. 1391-1 is issued a license to appropriate 10.86 cubic feet of water per second from Redwater River with priority dates of May 28, 1876 and December 10, 1889 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1391-1 and subject to South Dakota State Law.



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

APR 29 1988

ATTACHMENT A
VESTED WATER RIGHT NO. 1391-1

1. That Vested Water Right No. 1391-1 is subject to domestic use rights. Diversion of water under Water Right No. 1391-1 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 West Side Ditch within one year of validation of Vested Water Right No. 1391-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

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) Westside Ditch/Vyrl Norman
 Post Office Address RR 1, Box 21A, Belle Fourche, South Dakota 57717
(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 various instruments in Butte County
Where Book Page
- B. Date of start of construction of water supply system May 1886
- C. Date that water was first applied to beneficial use December 10, 1889 — May 28, 1876
- D. Name of owner of original water supply system John B. Case et al.
- E. Amount of water originally applied to beneficial use 1000 Miners Inches
- F. Present Use of Water - Amount of water now being used 543 miners inches -irrigation
 Date that this water was first used December 10, 1889 — May 28, 1876
- G. Chronological History of Water Use

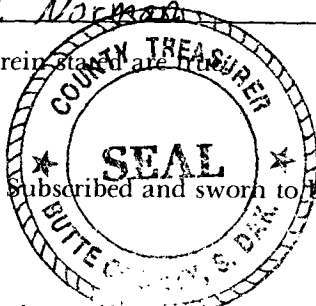
The water from West Side Ditch has been used to irrigate lands as described on Form 2 since the date of construction and has been used continuously when water was available with no extended periods of nonuse.

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 Butte) SS

I, Vyrl H. Norman the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.



Signed Vyrl H. Norman
December 18, 1986
James K. [Signature]
 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.

Vyrl H. Norman 12-17-86
(Print name) Vyrl H. Norman 19_____
 (Print name) 19_____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410665

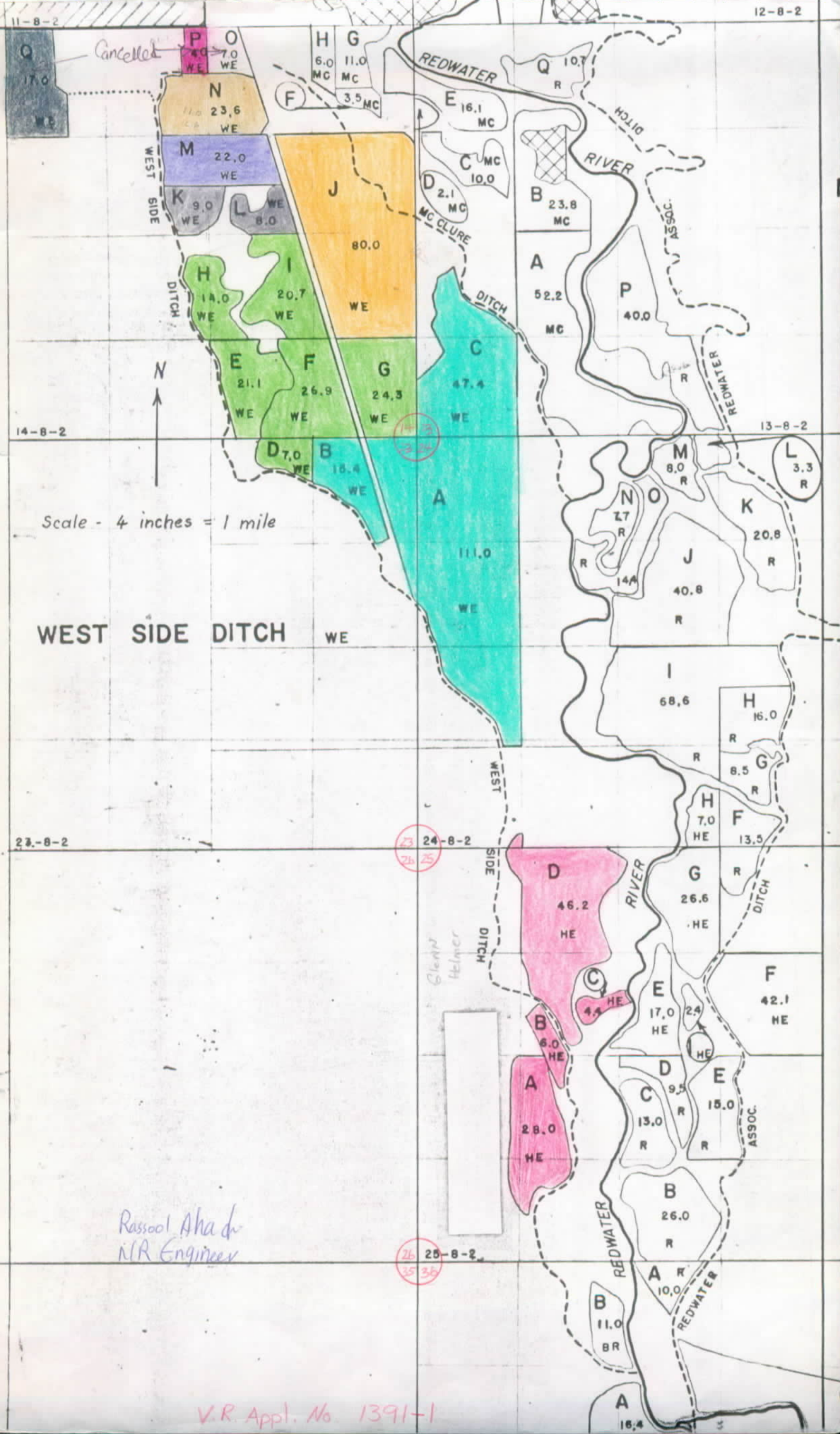
Pierre, December 22, 1986

RECEIVED OF Westside Ditch/Vyrl Norman, RRI, Box 21A, 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 works and to put water to beneficial use _____	15	00	VR
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____			VR
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)



Rasool Ahamd
N/R Engineer

V.R. Appl. No. 1391-1

DITCH DIVERSION SERVICE

DEC. 1964

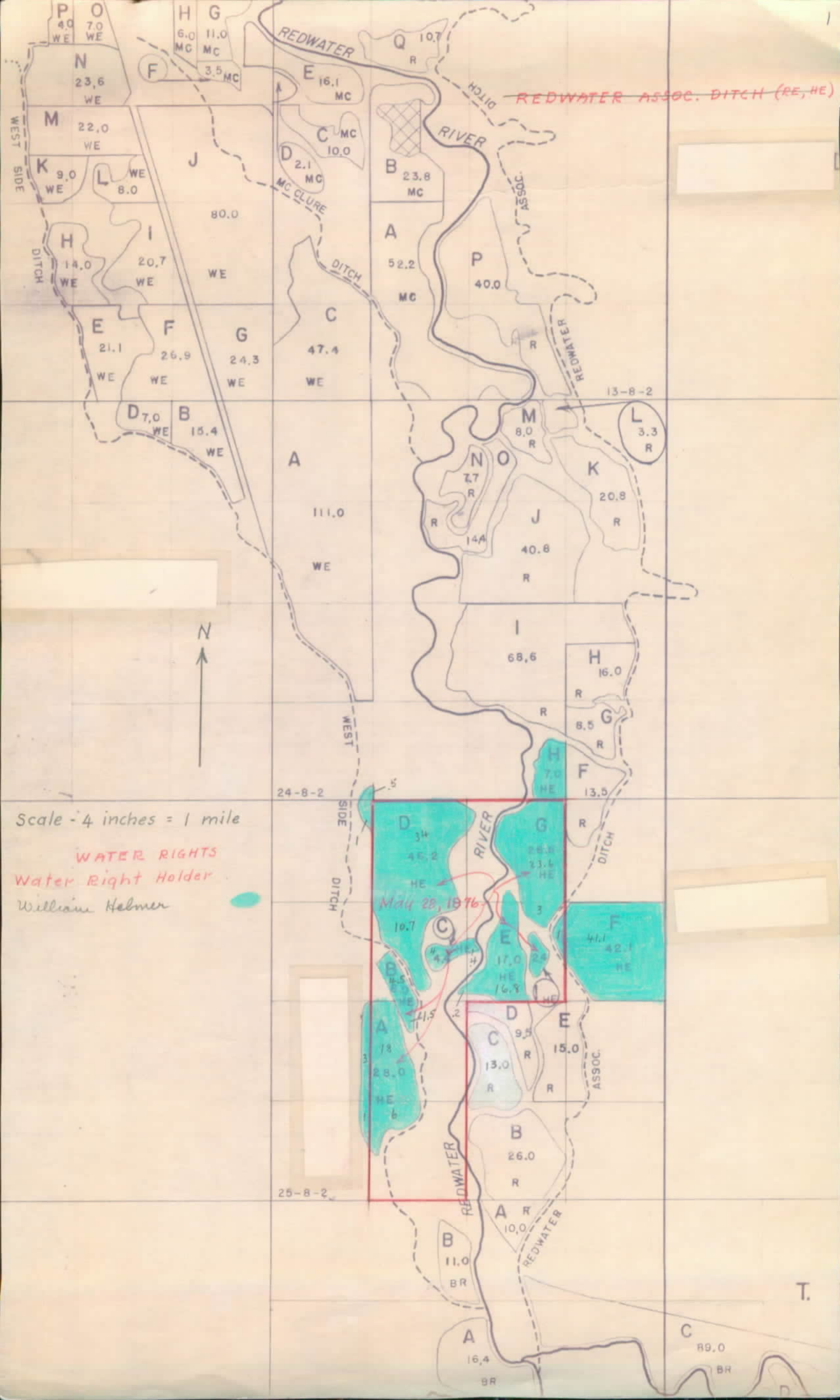
Name of Ditch Helmer ~~WEST SIDE DITCH~~ Stream REDWATER RIVERAddress _____ Purpose IRRIGATIONLocation of Diversion Point SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36, T8N, R2E, B.H.M.

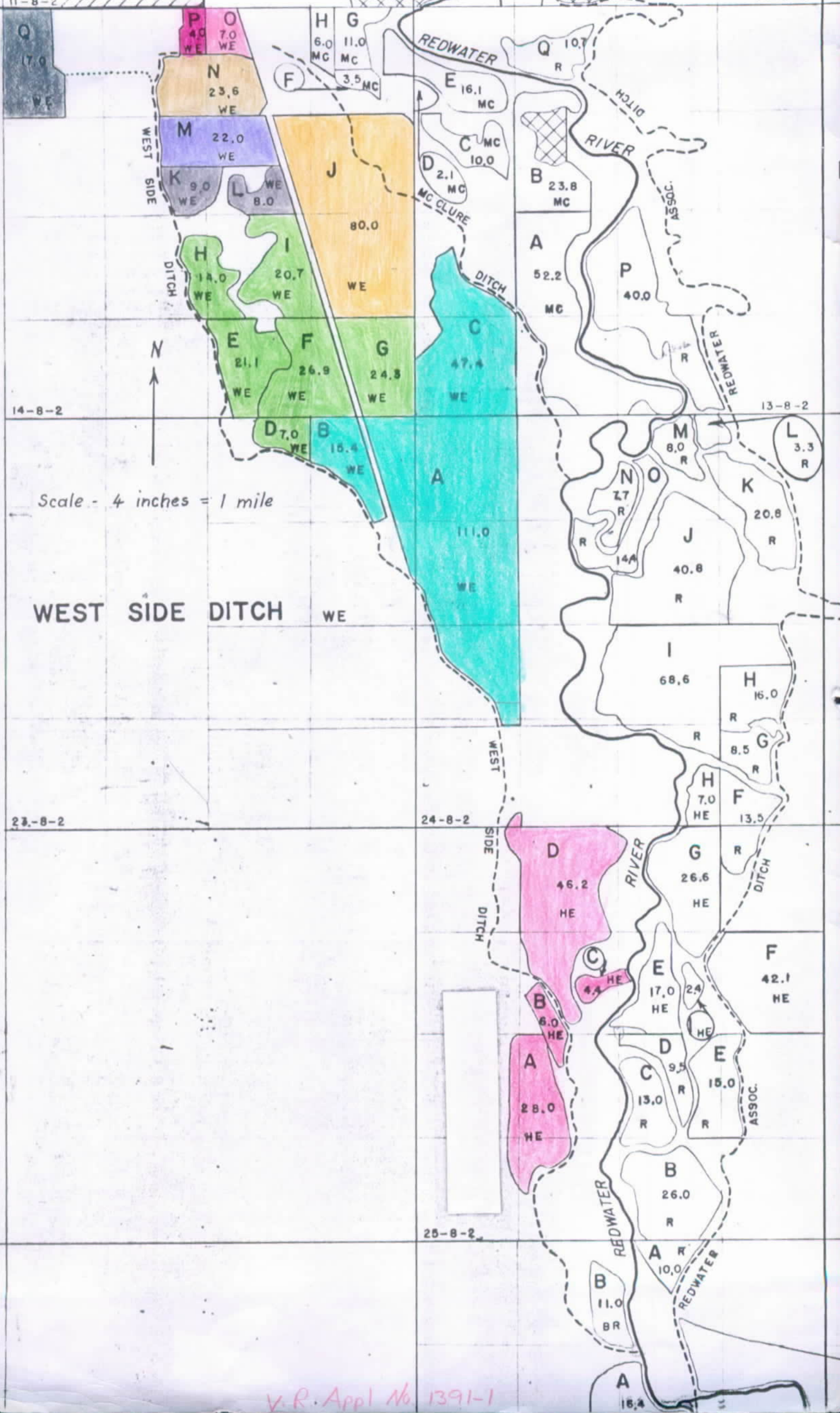
Maximum Diversion Rate _____.

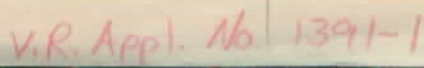
Total Irrigated Acreage Served _____.

<u>Description of Lands Served</u>		<u>Acreage</u>	<u>Owner</u>
T8N, R2E			
Sec. 24			
H	SW $\frac{1}{4}$, SE $\frac{1}{4}$	7	7
SW $\frac{1}{4}$, SW $\frac{1}{4}$		.5	
Sec. 25			
D	NW $\frac{1}{4}$, NW $\frac{1}{4}$	1	
	NE $\frac{1}{4}$, NW $\frac{1}{4}$	34	
	SE $\frac{1}{4}$, NW $\frac{1}{4}$ *	10.7	
			46.2
B	SE $\frac{1}{4}$, NW $\frac{1}{4}$ *	4.5	
	NE $\frac{1}{4}$, SW $\frac{1}{4}$ *	1.5	
			6
C	SE $\frac{1}{4}$, NW $\frac{1}{4}$ *	4	
	SW $\frac{1}{4}$, NE $\frac{1}{4}$ *	.4	
			4.4
A	NW $\frac{1}{4}$, SW $\frac{1}{4}$	3	
	SW $\frac{1}{4}$, SW $\frac{1}{4}$	1	
	NE $\frac{1}{4}$, SW $\frac{1}{4}$ *	18	
	SE $\frac{1}{4}$, SW $\frac{1}{4}$	6	
			28
E	SE $\frac{1}{4}$, NW $\frac{1}{4}$ *	.2	
	SW $\frac{1}{4}$, NE $\frac{1}{4}$ *	16.8	
			17
F	SW $\frac{1}{4}$, NE $\frac{1}{4}$ *	1	
	SE $\frac{1}{4}$, NE $\frac{1}{4}$	41.1	
			42.1
G	NW $\frac{1}{4}$, NE $\frac{1}{4}$	23.6	
	SW $\frac{1}{4}$, NE $\frac{1}{4}$	3	
			26.6
I	SW $\frac{1}{4}$, NE $\frac{1}{4}$ *	2.4	
			2.4

William Helmer







0206-1
G.W. Kingsbury et al

1060

Location of water

Know all men by these presents:

That we, the undersigned, residents of Butte County, Dakota Territory, do hereby claim, locate and appropriate Four thousand (4000) inches of the water of Redwater Creek for mining, manufacturing, agricultural and domestic purposes.

Said water to be taken out on the North side on land owned by William Wallace.

Witness our hands this 14th day of February, 1887.

G.W. Kingsbury.

John B. Case.

E.M. Bowman.

Abe Jones.

1583

Location of Water

Know all men by these presents:

That we, the undersigned, residents of Butte County, Dakota, do hereby claim, locate and appropriate Four thousand (4000) inches of the water of Red-water Creek for mining, manufacturing, agricultural and domestic purposes.

Said water to be taken out on the north side on land owned by William Wallace.

Witness our hands this 14th day of June, 1898.

G.W. Kingsbury.

John B. Case.

Abe Jones.

1680

0208-1
G.W. Kingsbury et al

Location of Water

Know all men by these presents:

That we, the undersigned, residents of Butte County, Dakota Territory, do hereby claim, locate and appropriate Four thousand (4000) inches of the water of Redwater Creek for mining, manufacturing, agricultural and domestic purposes.

Said water to be taken out on the north side on land owned by William Wallace.

Witness our hands this 17th day of September, A.D. 1888.

G.W. Kingsbury.

John B. Case.

Abe Jones.

0209-1
G.W. Kingsbury et al

Location of Water.

Know all men by the presents:

That we, the undersigned, residents of Butte County, Territory of Dakota, do hereby claim, locate and appropriate Four thousand (4000) inches of the water of Redwater Creek for mining, manufacturing, agricultural & domestic purposes. Said water to be taken out on the north side on land owned by William Wallace.

Witness our hands this 13th day of February, A.D. 1889.

G.W. Kingsberry

John B. Case

Abe Jones

D.R. Evans

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - VERIFICATION OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION 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 1-274. IT IS FURTHER CERTIFIED THAT THE MICROFILMING 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 MICROFILMING MICROPHOTODUPLICATION
REPRODUCTIONS. REPRODUCTION 25 ROLL NO. 1 DATE MICROFILMED 5-4-82
Edward J. [Signature]

217
O'3-1
John B. Case
Douglas Sayne,
S. Burd and L.S. Mitchell 11

Location of water.

Know all men by these presents: That we, the undersigned, residents of Butte County and State of South Dakota have located, claimed and appropriated and do hereby claim, locate and appropriate one thousand (1000) inches of the water of the Redwater creek to be taken out at a point on the west side of said Creek near the center of the South east quarter of the South west quarter of Section 25 in Township 8 North of Range 2 East P.M. and to be carried and conveyed in ditches and flumes from that point in a North westerly direction through, by and along the South west quarter of Section (26) and North east quarter of Section (23) and the west half of Section (14) same town and range to a point on Willow Creek in the central part of the North west quarter of Section (14) same town, and range. The said water to be used for agriculture and other domestic purposes, all the above location being in Butte County and State of South Dakota, December 10 1889.

John B. Case,
Douglas Sayre
S. Burd
L.S. Mitchell

RECORDS - SECTION 25 - ROLL NO. 1 - 5-11
MAINTAINED
Wm. J. Mitchell

1956

0127-1
David R. Evans et al

Location of Water

Know all men by these presents:

That we, the undersigned, residents of Butte Co. Dakota Territory, do hereby claim and appropriate (600) inches of the water of Redwater Creek for mining, manufacturing, agricultural and domestic purposes.

Said water to be taken out on the north side on land owned by William Wallace.

Witness our hands this 11th day of June A.D. 1889.

David R. Evans

Frank C. Thullen

George W. Kingsberry

John B. Case

174

0203-1
G.W. Kingsbury-
E.M. Bowman
John B. Case
F.T. West

Location of Water

Know all men by these presents:

That we, the undersigned, do hereby claim, locate and appropriate Four thousand inches of water of the Redwater Creek to be taken out on the west side on the N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Sec. 1 Tp. 7N, R. 2E. for agricultural, manufacturing and domestic purposes.

Minnesela, D.T. May, 10th 1886.

G.W. Kingsbury.

E.M. Bowman.

John B. Case.

F.T. West.

q 2.0

0204-1
G.W. Kingsbury,
E.M. Bowman
John B. Case
F.T. West

Location of Water

Know all men by these presents:

That we, the undersigned, do hereby claim, locate and appropriate Four thousand inches of the water of Redwater Creek to be taken out on the west side on the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, Tp 7, N R 2E for agricultural, manufacturing, and domestic purposes.

Minnesela, D.T.

June 28th 1886.

G.W. Kingsbury.

E.M. Bowman.

John B. Case.

F.T. West.

442

0205-1
G.W. Kingsbury
E.M. Bowman
John B. Case
F.T. West

Location of Water

Know all men by these presents:

That we, the undersigned, residents of Butte County, D.T. do hereby claim,
locate and appropriate Four thousand inches of the water of Redwater
Creek for mining, manufacturing, agricultural and domestic purposes.
Said water to be taken out on the North side of said Creek and on land
now owned by Wm. Wallace.

Dated at Minnecola, D.T. this 11th day of July, 1886.

G.W. Kingsbury.

E.M. Bowman.

Locators.

John B. Case.

F.T. West.

DIVERSION DITCH SERVICE

NAME OF THE DITCH: West side ditch

ADDRESS: RPA 2nd Floor, 100, 50417

DIVERSION POINT: 1/4 1/4 SEC. T N-R E; SOURCE: Paganin

MAXIMUM DIVERSION RATE: C.F.S.

ACREAGE SERVED: 485.1 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
VYRL NORMAN	A111 C47	158	
MAURICE HANIFY	B15	15	
BOB HEINBAUGH	D7	7	
DALE SPRAGUE	E5	5	
LARRY BYRNE	E6	6	
AL WILLIAMS	E5.1 F8	13.1	
DALE PACKER	F 10	10	
JIM SCHLOSSER	G24	24	
JOHN DACAR	H14 L 21	35	
O. G. ABEL	J 80	80	
KEN WILLIAMS	K 9 L 8	17	
RICHARD RAIL	M 22	22	
JOHN PATTEN	N 23	23	
PLUIMER & FERNEN	O6	6	
CITY OF BELLE FOURCHE	P4	4	
GLEN HELMER		50	
JR. HENDERSON	E 5 F 5	10	
	H3	3	



SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

December 14, 1961

Mr. S. A. Helmer
RTE 1 St. Onge
Belle Fourche, S. Dak.

Dear Mr. Helmer:

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.

As a part of this study, a search has been made for written records and documents which pertain to the diversions of the water. The Commission found the following pertaining to your irrigation out of Redwater River:

(1) A bill of sale wherein D. T. Harrison and Cora B. Chouteau sold, for \$400.00 to John T. Spaulding, the right to use sufficient water to irrigate his farm from a ditch constructed and located by Harrison and Chouteau. Dated September 14, 1886.

(2) A bill of sale wherein Spaulding sold this water right to Abraham Jones. Signed October 10, 1887.

The above two documents were filed for record on October 10, 1887, in Volume 7, page 64, Butte County, Register of Deeds Office.

(3) A Circuit Court Decision, dated July 27, 1904, the Circuit Court Judgement, dated August 14, 1904, the Supreme Court Opinion filed March 1, 1911, and the Supreme Court Order remanding the case to the Circuit Court in the case of the Redwater Land and Canal Company v. John R. Jones.

The Court said that the riparian land involved was 240 acres, specifically as being the E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 25, T8N, R2E, B1M, that 200 acres of this 240 acres could be irrigated, and that these riparian lands were settled on May 28, 1876.

The amount of water specified by the Court was that quantity of water to properly irrigate the land.

The land was considered in two different parcels by the Court. One parcel consisted of such portions of the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25, T8N, R2E, and such portions of the land lying between said eighty

December 14, 1961

Mr. W. A. Helmer

(80) acres and the said Redwater River as could be irrigated from the Harrison and Cheuteau Ditch (now the Redwater Irrigating Association Ditch). The other parcel consisted of the remaining land in the three described eighties as could be irrigated.

When water rights are involved in Court action, as is your case, the final ruling of the Court in effect becomes the water right to the extent specified by the Court.

While some questions may exist, the Court specified, apparently, that, based upon the date of settlement of the described lands (May 28, 1876), the water right to irrigate 200 acres of the above lands was prior to the water rights of the Redwater Land and Canal Company.

At the present time, you irrigate some land which is not included in the lands described in the Court case, Redwater Land and Canal Company v. John B. Jones. No record has been found relating to water rights for irrigation of about 50 acres located principally in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, T8N, R2E, BHM.

It would be advisable for you to check to see if you can locate additional records that pertain to your irrigation from Redwater River. The Water Resources Commission would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as possible, and would arrange to have a representative meet with you to discuss the information in this letter and such additional information as you might find, if you so desire.

A letter, dated January 14, 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.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Enclos: Map and List

CC: Mr. U. A. Jarvi
Federal Land Bank Ass'n.
Belle Fourche, S. Dak.

9.3.3

Be D T Harrison and Cora B Chouteau for and in consideration of the sum of Four Hundred Dollars, the receipt of which is hereby acknowledged do hereby grant sell and convey unto John T. Spaulding the right and use forever of sufficient water to irrigate his farm situated in the County of Butte and Territory of Dakota, described as follows, namely, The Westhalf of the North East quarter of Section Twenty Five of Town Eight North of Range Two East B.H.M. and the land lying between said 80 acres and the Redwater River. Said water to be taken from the ditch running through the said described land and constructed under the location made by said parties of the first part.

In Witness Whereof the said parties of the first part have herunto set their hands and seals this Fourteenth day of September A.D. 1886.

D T Harrison Seal

Cora B Chouteau Seal

Territory of Dakota } ss
County of Butte }

Signed and acknowledged before me this 15th day of December AD 1886

Seal.

F. T. West
County Clerk

Minneapolis Dakota October 10th 1887.

For and in consideration of having sold my ranch, I hereby transfer to Abraham Jones all my interest in and to the within mentioned water right.

John T. Spaulding

Territory of Dakota)
County of Butte)

Signed and acknowledged before me this 10th day of October 1887.

Seal.

F. T. West
County Clerk

No 1253
Bill of Sale

Register's Office) ss.
Butte County Dakota)

Received for record the 10th day of October AD 1887 at 5:10 o'clock P.M. and recorded in Vol. 7 of Misc. Insts. - page 64.

State of South Dakota } ss
County of Butte }

F. T. West
Register of Deeds

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT IS A TRUE, CORRECT AND COMPLETE COPY OF THE ORIGINAL INSTRUMENT AS RECORDED IN MY OFFICE ON THE 10 DAY OF Oct. 1887 AT 5:10 P.M. FILED IN BOOK 7 PAGE 64 NO. 1253 DATED April 13, 1900. M.

Ethel Rowander

W. HILSON IRRIGATION

Averages as measured.

From West Side Ditch

44.8
25.0
79.8

From Radiator Ditch

7.0
26.6
2.4
42.1
17.0
95.1

TOTAL 169.3

M. HELMER IRRIGATION

<u>Name</u>	<u>Field</u>	<u>Acres</u>	<u>Total</u>
William Helmer	A	28.0	
	B	6.0	
	C	4.4	
	D	46.2	84.6
	E	17.0	
	F	42.1	
	G	26.6	
	H	7.0	
	I	2.4	<u>95.1</u>
	Ditch Total		179.7

Handwritten: Ditch

9.3.3

Be D T Harrison and Nora B Chouteau for and in consideration of the sum of Four Hundred Dollars, the receipt of which is hereby acknowledged do hereby grant sell and convey unto John T. Spaulding the right and use forever of sufficient water to irrigate his farm situated in the County of Butte and Territory of Dakota, described as follows, namely, The Westhalf of the North East quarter of Section Twenty Five of Town Eight North of Range Two East R.R.V. and the land lying between said 80 acres and the Redwater River. Said water to be taken from the ditch running through the said described land and constructed under the location made by said parties of the first part.

In Witness Whereof the said parties of the first part have hereunto set their hands and seals this Fourteenth day of September A.D. 1886.

D T Harrison Seal

Nora B Chouteau Seal

Territory of Dakota)
County of Butte) ss

Signed and acknowledged before me this 15th day of December AD 1886

Seal.

F. T. West
County Clerk

Minnesota Dakota October 10th 1887.

For and in consideration of having sold my ranch, I hereby transfer to Abraham Jones all my interest in and to the within mentioned water right.

John T. Spaulding

Territory of Dakota)
County of Butte)

Signed and acknowledged before me this 10th day of October 1887.

Seal.

F. T. West
County Clerk

No 1263
Bill of Sale

Register's Office) ss.
Butte County Dakota)

Received for record the 10th day of October AD 1887 at 5:10 o'clock P.M. and recorded in Vol. 7 of Misc. Insts. - page 64.

State of South Dakota)
County of Butte)

F. T. West
Register of Deeds

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT IS A TRUE, CORRECT AND COMPLETE COPY OF THE ORIGINAL INSTRUMENT AS RECORDED IN MY OFFICE ON THE 10th day of Oct. 1887 AT 5:10 P.M. BY ME
F. T. West
REGISTER OF DEEDS
DATED April 12, 1888.

West Side Ditch ~~Co.~~
Belle Fourche, S.D. 57717

Aug 20, 1986

Department of Water & Natural Resources
Division of Water Rights
Pierre, S.D.



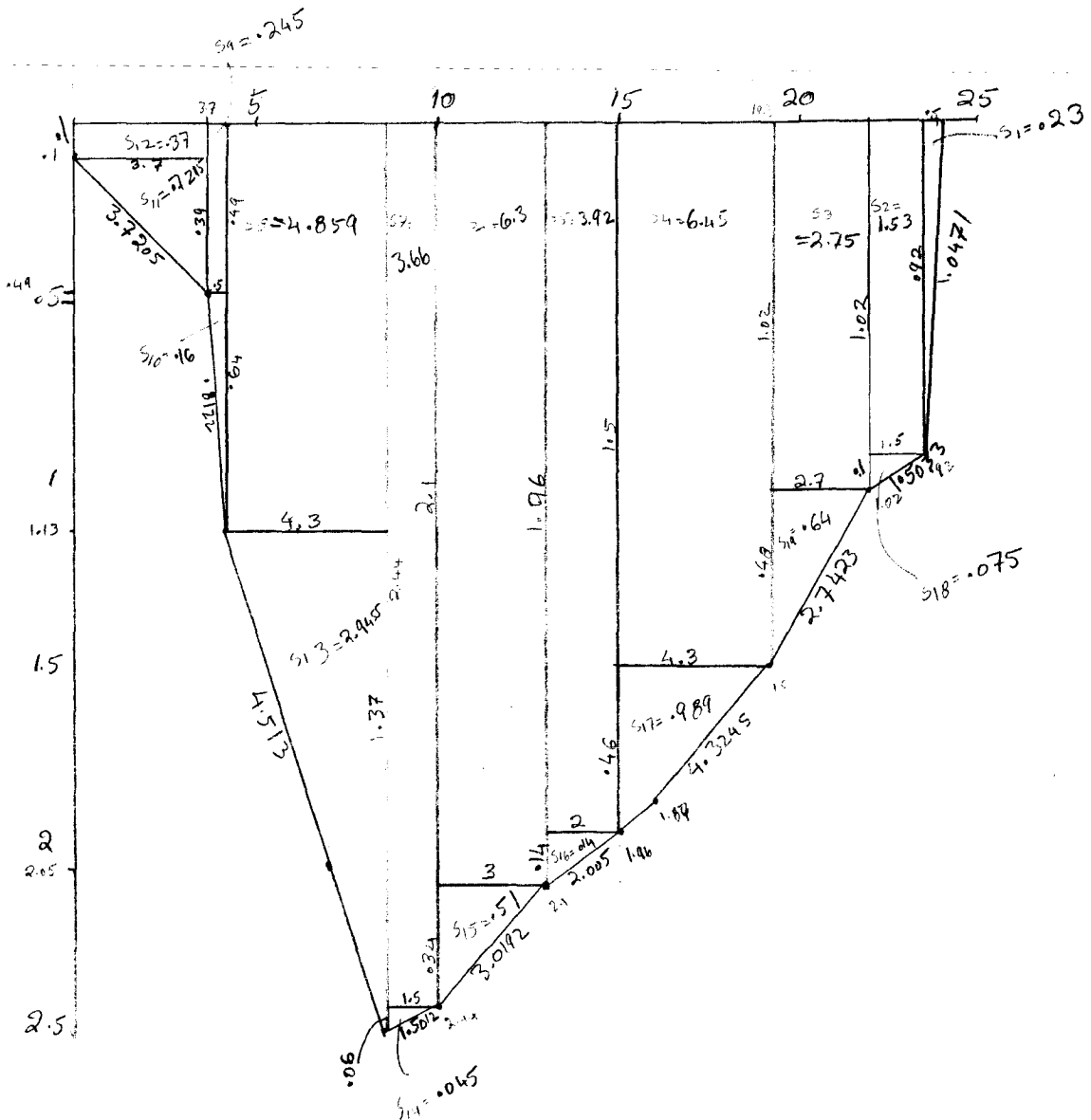
Dear Sirs: -

I am sending a corrected sheet on the individual acres of the West Side Ditch Co. Don Keil was omitted from the list. He should have A 3 acres and Byrl Norman should have A 108 - C 47 for a Total of 155. Al Wilkins total should read 8.1 as some of his is not irrigated.

Thank you.

Byrl H. Norman
Byrl H. Norman Pres
West Side Ditch ~~Co.~~

West side Ditch



Ditch Capacity

$$Q = V \cdot A$$

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

$$V = \frac{1.49}{0.035} (1.445) (0.0009)^{\frac{1}{2}}$$

$$V = 1.6324 \text{ FPS}$$

$$Q = 1.6324 \text{ FPS} \times 36.54 \text{ ft}^2 \Rightarrow$$

$$Q = 60 \text{ CFS}$$

Gate Capacity:

$$Q = C_d' (b - 2dH_1) \sqrt{g H_1}$$

$$Q = 41.5 \text{ CFS}$$

$$b = H_1 = 3'$$

$$n = 0.1$$

$$C_d' = 0.587$$

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

$$n = 0.035$$

$$S = 0.0009$$

$$R = \frac{A}{wp} = \frac{36.54 \text{ ft}^2}{25.288 \text{ ft}} = 1.445$$

$$Q_{\text{Ditch}} = 60 \text{ CFS}$$

$$Q_{\text{Gate}} = 41.5 \text{ CFS}$$

$$Q_{\text{vested}} = 20 \text{ CFS}$$

$$Q = \frac{10.86 \text{ CFS}}{(543 \text{ MJ})}$$

2
WEST SIDE DITCH (cont.)

Description of Lands Served

Average

Owner

T 8 N, R 2 E

Sec. 23

D NW $\frac{1}{4}$, NE $\frac{1}{4}$

7

7

E Sec. 14

SW $\frac{1}{4}$, SE $\frac{1}{4}$ *

21.1

21.1

F SW $\frac{1}{4}$, SE $\frac{1}{4}$ *

14

SE $\frac{1}{4}$, SE $\frac{1}{4}$ *

12.9

26.7

John Deane

G SE $\frac{1}{4}$, SE $\frac{1}{4}$ *

24.3

24.3

H NE $\frac{1}{4}$, SW $\frac{1}{4}$

6

NW $\frac{1}{4}$, SE $\frac{1}{4}$ *

8

14

I NW $\frac{1}{4}$, SE $\frac{1}{4}$ *

18.7

NE $\frac{1}{4}$, SE $\frac{1}{4}$ *

2

20.7

114.

J NE $\frac{1}{4}$, SE $\frac{1}{4}$ *

33.5

NW $\frac{1}{4}$, SE $\frac{1}{4}$ *

.5

SW $\frac{1}{4}$, NE $\frac{1}{4}$ *

7

SE $\frac{1}{4}$, NE $\frac{1}{4}$

39

80

Jerome Detenman

K SE $\frac{1}{4}$, NW $\frac{1}{4}$ *

7

SW $\frac{1}{4}$, NE $\frac{1}{4}$ *

2

9

L SW $\frac{1}{4}$, NE $\frac{1}{4}$ *

8

Leslie Heinbaugh

8

17

M SE $\frac{1}{4}$, NW $\frac{1}{4}$ *

10

SW $\frac{1}{4}$, NE $\frac{1}{4}$ *

12

22

Horner Thurman

N NE $\frac{1}{4}$, NW $\frac{1}{4}$ *

11

NW $\frac{1}{4}$, NE $\frac{1}{4}$ *

12.6

23.6

Lee Counts

O NW $\frac{1}{4}$, NE $\frac{1}{4}$ *

7

7

Mrs. Anna Attokewey

P NE $\frac{1}{4}$, NW $\frac{1}{4}$ *

4

4

Chas Burnside

Q NW $\frac{1}{4}$, NW $\frac{1}{4}$

17

17

Lawrence Wyles

December 14, 1961

Mr. John F. Dacar
RFD 1
Belle Fourche, S. Dak.

Re: West Side Ditch

Dear Mr. Dacar:

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.

As a part of this study, a search has been made for written records and documents which pertain to the diversions of the water. The Commission found the following pertaining to the West Side Ditch:

(1) Nine water right location notices were found. All of these notices were signed by John B. Case, as well as other signers.

<u>Instrument No.</u> <u>Butte County</u>	<u>Amount of</u> <u>Water Claimed</u>	<u>Location Date</u>
2177	1000	December 10, 1889
1956	4000	June 14, 1889
774	4000	May 10, 1886
820	4000	June 28, 1886
842	4000	July 14, 1886
1060	4000	February 16, 1887
1583	4000	June 16, 1888
1680	4000	Sept. 17, 1888
1831	4000	February 13, 1889

(2) A copy of the complaint of John B. Case asking that all water rights in the Redwater River Drainage area be adjudicated. In his complaint, John B. Case stated he owned a 1/4 interest in a water right having a priority date of December 10, 1889, and claiming 1000 inches of the waters of Redwater River. No record of Court action on this complaint was found.

(3) In 1914 members of West Side Ditch Company and other water users in the Redwater River Valley below the mouth of

December 14, 1961

False Bottom Creek started a series of suits against the Redwater Irrigating Association, claiming damages, and praying that the Redwater Irrigating Association be stopped from taking all of the flow of Redwater River upstreams. These cases were removed to Federal Court. Then an agreement was reached between all parties in the suit wherein the Redwater Irrigating Association was to divert the first 2200 miner's inches of Redwater River and the remainder of the flow at the diversion point of the Redwater Irrigating Association was to be divided on a specified basis.

In this action we found:

Complaint dated August 15, 1914.

Order removing case to Federal Court dated September 8, 1914.

Agreement between parties in the suits dated December 14, 1915.

Stipulation of Dismissal from Federal Courts dated May 16, 1916.

(4) The Petition of Eminent Domain, dated October 6, 1919, and the Judgement, dated April 25, 1921 in which William A. Mitchell asked for right-of-way for a ditch to carry water from West Side Ditch to his property.

Other than as stated above, no record was found wherein the West Side Ditch Company water right was interpreted, determined or established by Court action. The data collected, as outlined above, indicates that the West Side Ditch water right is an appropriative water right, claiming 1000 miner's inches with priority date of December 10, 1889, although the other water right filings, listed above, may be applicable also.

In an appropriative water right, the amount claimed, in your case 1000 miner's inches, is not necessarily the amount of water which you are entitled to divert. You are entitled to divert that amount of water put to beneficial use, not exceeding 1000 miner's inches, providing that amount is available after holders of prior water rights have obtained their allocation of the water.

The agreement of December 14, 1915 ((3) above), between the Redwater Irrigating Association and water users downstream from False Bottom Creek, modifies your water right to some extent. This agreement applies only to the water users involved, and would not be binding where it conflicts with legal use of water by other water right holders. This agreement specifies that the water users down-

Mr. John F. Dacar

December 14, 1961

stream on Redwater River from the Redwater Irrigating Association diversion point are to use the water flowing past the diversion point as they shall agree among themselves.

In an agreement dated February 21, 1916, and filed March 12, 1921, page 345, Book 70, Butte County Register of Deeds, it was agreed that the West Side Ditch would take two-thirds of the water and McClure Ditch would take one-third of the water flowing past the diversion point of the Redwater Association Ditch.

It would be advisable for you to check to see if you can locate additional records that pertain to West Side Ditch Company. The Water Resources Commission would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as possible, and would arrange to have a representative meet with you to discuss the information contained in this letter and such additional information as you might find, if you so desire.

A letter, dated January 14, 1961, was sent to you enclosing a map showing the 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.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

Copy of Letter & List to:

Mr. Vyril Norman

RFD 1

Belle Fourche, S. Dak.

Mr. J. Determan

RFD 1

Belle Fourche, S. Dak.

Mr. Leslie Heinbaugh

RFD 1

Belle Fourche, S. Dak.

Mr. Homer Truman

RFD 1

Belle Fourche, S. Dak.

Mrs. Mabel Counts

S 13

Belle Fourche, S. Dak.

Mrs. Anna Attaberry

Belle Fourche, S. Dak.

Mr. Chan L. Burnside

E. National

Belle Fourche, S. Dak.

Mr. Lawrence Weyler

1414 9th

Belle Fourche, S. Dak.

WATER RIGHTS DIVISION
(605) 773-3352

January 30, 1987

Vyr1 Norman
RR 1, Box 21A
Belle Fourche, South Dakota 57717

Dear Mr. Norman:

As per our agreement at our meeting on Wednesday, January 21, 1987, the following changes were made on your signed and notarized application forms to file your vested right claim.

Application form 2

Part 2 "Total acres irrigated" was changed from 543 acres to 515 acres based on your correction.

Affidavit of Water Use form

Part C and Part F

The priority date of May 28, 1878 was added to your priority date for the West Side Ditch. This priority date belongs to Mr. Helmer who irrigates some parts of his land from the West Side Ditch.

The word "irrigation" was also added to the Part F.

Enclosed you will find a copy of the application forms before and after the changes were made and also a copy of the calculated ditch capacity.

If you have any questions, please feel free to contact me.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Department of Water & Natural Resources

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

July 1, 1987

West Side Ditch
c/o Vyrl Norman
RR 1, Box 21A
Belle Fourche SD 57717

Dear Mr. Norman:

This letter is to inform you that the vested right claim for West Side Ditch has been reviewed. A report on the investigation of the vested right claim is being prepared. When the report is finalized your application will be complete pursuant to SDCL 46-2A-2. A recommendation will then 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 and 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,

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

RON DUVALL
Water Resources Engineer
605 773-3352

Report on the West Side Ditch (Redwater River)
Vested Water Right Application No. 1391-1
September 28, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, West Side Ditch has filed an application to validate a vested right claim for irrigation of 515 acres of land in Sections 13, 23, 24, and 25, T8N-R2E in Butte County. The application claims 10.86 cfs of Redwater River water. The headgate is located in the SW1/4 NE1/4 Section 36, T8N-R2E.

Document Search

The West Side claim is for the West side Ditch Company and Helmer's Irrigation. The history is as follows:

A. West Side Ditch:

1. Listed below are nine Water Right Filings pertaining to the West Side Ditch.

<u>Water Rights</u> <u>Filing</u>	<u>Amount of Water Claimed</u> <u>in miners inches</u>	<u>Location Date</u>
063-1	1000	December 10, 1889
0127-1	4000	June 14, 1889
0203-1	4000	May 10, 1886
0204-1	4000	June 28, 1886
0205-1	4000	July 14, 1886
0206-1	4000	February 16, 1887
0207-1	4000	June 16, 1888
0208-1	4000	September 17, 1888
0209-1	4000	February 13, 1889

The filing which seems to be the most applicable to the ditch is No.063-1 for 1000 miner's inches of water with a location date of December 10, 1889, and signed by John B. Case et al;

2. A copy of the complaint of John B. Case asking that the water rights in the Redwater River Drainage area be adjudicated. In this complaint, John B. Case stated he owned a 1/4 interest in a water right having a priority date of December 10, 1889, and claiming 1000 miner's inches of Redwater River water.
3. In 1914, members of West Side Ditch Company and other water users in the Redwater River Valley below the mouth of False Bottom Creek started a series of law suits against the Redwater Irrigating Association. The law suits were to stop the Redwater Irrigating Association, an upstream appropriator from taking all of the flow of Redwater River.

On September 8, 1914, these cases were removed to Federal Court. On December 14, 1915, an agreement was reached between all parties in the suit wherein the Redwater Irrigating Association was to divert the first 2200 miner's inches of Redwater River and the remainder of the flow at the diversion point of the Redwater Irrigating Association was to be divided on a specific basis. This agreement specifies that the water users on the Redwater River below the Redwater Irrigating Association diversion point are to use the water flowing past the diversion point as they shall agree among themselves.

In an agreement dated February 21, 1916 and filed March 12, 1921, and recorded Page 343, Book 70, Butte County Register of Deeds, it was agreed that the West Side Ditch would take two-thirds of the water and McClure Ditch would take one-third of the water flowing past the diversion point of the Redwater Association Ditch.

B. Helmer's Irrigation

The following documents were found pertaining to Helmer's Irrigation:

1. A Circuit Court Decision dated July 27, 1904; a Circuit Court Judgement, dated August 14, 1904; a Supreme Court Decision, filed March 1, 1911; and a Supreme Court Order remanding the case to the Circuit Court in the case of the Redwater Land and Canal Company vs. John R. Jones.

The court said that the riparian land involved was 240 acres located in the E1/2 NW1/4, E1/2 SW1/4, and the W1/2 NE1/4 of Section 25, T8N-R2E, and that 200 of the 240 acres could be irrigated and that these riparian lands were settled on May 28, 1876. The amount of water specified by the court was that quantity of water necessary to properly irrigate the land.

2. A bill of sale wherein D.T. Harrison and Cora B. Chouteau sold, for \$400 to John T. Spaulding, the right to use sufficient water to irrigate his farm from a ditch constructed and located by Harrison and Chouteau.
3. A bill of sale wherein Spaulding sold this water right to Abraham Jones. Signed October 10, 1887.

The above two bill of sale documents were filed for record on October 10, 1887, and recorded in Volume 7, Page 64, Butte County, Register of Deeds Office.

Discussion

The Water Resources Commission investigated the irrigation from West Side Ditch in the early 1960's. At that time, 543 acres were mapped as being irrigated from the ditch. The maximum diversion rate was reported to be 543 miner's inches (10.86 cfs).

Recent investigations by Water Rights Division engineers have found that the West Side Ditch supplies water to irrigate 515 acres of land using a claimed 10.86 cfs of water, including 84 acres of Helmer's Irrigation. The investigations also showed that the ditch is capable of carrying 60 cfs and the headgate can divert 41 cfs.

To determine the amount of water needed to irrigate 515 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 necessary to irrigate 70 acres of land, 7.36 cfs of water will be used to irrigate 515 acres. Considering the efficiency of flood irrigation in the area, which according to SCS for this area is 50%, the total rate required will be 14.7 cfs.
2. Using the SCS, S.D. Irrigation Guide, the peak consumption of water occurs in July. The crops in the area use 28.8% of their annual water consumption in the Month of July. Assuming the Crops need 3 feet of water every irrigation season, a total of 1545 acre-feet of water is needed for the season, from which 445 acre-feet or 7.2 cfs will be used in the Month of July. Considering a 50% loss of water due to the irrigation system, the total diversion rate required will be 14.4 cfs.

Conclusions and Recommendations

1. The headgate and the ditch are capable of diverting more water than the amount claimed.
2. Although the calculated 14.7 cfs may be a reasonable amount of water for Westside Ditch irrigation of 515 acres since the maximum measured diversion rate in the 1960's was 10.86 cfs and 10.86 cfs is the amount of water claimed by Application No. 1391-1, the claim should be validated for 10.86 cfs.
3. It is recommended that the West Side Ditch Vested Water Right Claim be validated for a diversion rate of 10.86 cfs for irrigation of 515 acres as described in Application No. 1391-1 with a priority date of December 10, 1889 for the West Side Ditch to irrigate 431 acres and May 28, 1876 for Helmer's Irrigation to irrigate 84 acres.

4. It is recommended that if Vested Water Right No. 1391-1 is validated, that the applicable portions of Water Right Filings Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1, and 0209-1 be incorporated into No. 1391-1 and that the abandoned portions of Water Right Filings Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1, and 0209-1 be cancelled.



Rassool Ahadi
Natural Resources Engineer

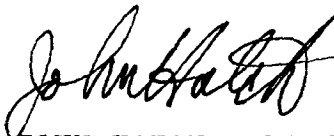
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1391-1, West Side Ditch

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. 1391-1, West Side Ditch, c/o Vyrl Norman, RR 1, Box 21A, Belle Fourche, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1391-1 for 10.86 cfs and that the applicable portions of Water Right Filings No. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 have been incorporated into No. 1391-1 and the abandoned portions of Filings No. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-01 have been cancelled, because 1) water has been appropriated as described for irrigation use with priority dates of December 10, 1889 for 431 acres and May 28, 1876 for 84 acres, 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. 1391-1 is subject to domestic use rights. Diversion of water under Water Right No. 1391-1 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 West Side Ditch within one year of validation of Vested Water Right No. 1391-1. 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 16, 1987

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. 1391-1 to Appropriate Water

Notice is hereby given that West Side Ditch, c/o Vyrl Norman whose mailing address is RR 1, Box 21A, Belle Fourche, South Dakota has filed an application to validate a vested right claim to appropriate 10.86 cubic feet of water per second (cfs) from Redwater River to irrigate 515 acres via the West Side ditch with claimed priority dates of May 28, 1876 for irrigation of 84 acres and December 10, 1889 for irrigation of 431 acres. The May 28, 1876 priority date applies to irrigation of 84 acres located in Section 25, T8N, R2E. The Redwater River diversion point for the West Side Ditch is located in the SW 1/4 NE 1/4 Section 36, T8N, R2E. The irrigated acreage is located in the W 1/2 SW 1/4 Section 13; SE 1/4, NE 1/4 SW 1/4, S 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 NW 1/4 Section 14; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23; W 1/2 SW 1/4, W 1/2 NW 1/4 Section 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4, SW 1/4 NE 1/4 Section 25; all in T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1391-2 for 10.86 cfs and that the applicable portions of Water Right Filings No. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be incorporated into No. 1391-1 and that the abandoned portions of Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be cancelled because 1) water has been appropriated as described for irrigation with priority dates of May 28, 1876 and December 10, 1889, 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, 46-2-9, 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.

(continued)

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.

SOUTH Dakota 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.

Westside Ditch
c/o Vyril Norman
RR 1, Box 21A
Belle Fourche SD 57717

Dear Mr. Norman:

Your Application No.1391-1 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 Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCHE DAILY POST printed at Belle Fourche. 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 have 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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



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. 1391-1. 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 Westside Ditch, c/o Vyrl Norman, RR 1, Box 21A, Belle Fourche SD 57717.

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

SOUTH Dakota 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:

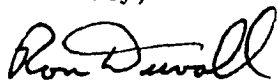
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1391-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

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 Westside Ditch, c/o Vyril Norman, RR 1, Box 21A, Belle Fourche SD 57717.

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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

No. 1391-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby

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

Water was taken from the Belle Fourche 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 Belle Fourche

County of Butte 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 Lucas
(Signature)

Editor
(Title)

November 3, 1987
(Date Signed)

Cost of Printing: \$48.47

144 Lines 2 times



Public Notice
NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1391-1
to Appropriate Water

Notice is hereby given that West Side Ditch, c/o Vyril Norman whose mailing address is RR 1, Box 21A, Belle Fourche, South Dakota has filed an application to validate a vested right claim to appropriate 10.86 cubic feet of water per second (cfs) from Redwater River to irrigate 515 acres via the West Side ditch with claimed priority dates of May 28, 1876 for irrigation of 84 acres and December 10, 1889 for irrigation of 431 acres. The May 28, 1876 priority date applies to irrigation of 84 acres located in Section 25, T8N, R2E. The Redwater River diversion point for the West Side Ditch is located in the SW 1/4 NE 1/4 Section 36, T8N, R2E. The irrigated acreage is located in the W 1/2 SW 1/4 Section 13; SE 1/4, NE 1/4 SW 1/4, S 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 NW 1/4 Section 14; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23; W 1/2 SW 1/4, W 1/2 NW 1/4 Section 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4, SW 1/4 NE 1/4 Section 25; all in T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1391-2 for 10.86 cfs and that the applicable portions of Water Right Filings No. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be incorporated into No. 1391-1 and that the abandoned portions of Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be cancelled, because 1) water has been appropriated as described for irrigation with priority dates of May 28, 1876 and December 10, 1889, 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.

Tempe City, SJ, 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 appli-

cant and the Chief Engineer by

November 20, 1987. The peti-

tion may be informal, but it

must include a statement de-

scribing the petitioner's inter-

est in the application, the rea-

sons for the petitioner's opposi-

tion to or support of the applica-

tion, and the signature and

mailing address of the peti-

tioner or his legal counsel if

legal counsel is obtained. The

applicant need not file a peti-

tion.

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

This hearing is an adversary
proceeding. The applicant or
any person, after filing a peti-
tion, 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 recom-

mendation, 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 hear-

ing 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 peti-

tion to oppose or support the

application. The request for

extension must be received by the

Chief Engineer by November

20, 1987.

2/10/27-11/

No. 1391-1

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

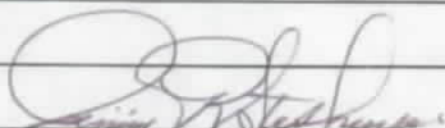
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

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: _____

125 x .2564 = 32.05

125 x .2051 = 25.64

Total = 57.69

NOTICE OF HARARING
TO VALIDATE VESTED
RIGHT APPLICATION
NO. 1391-1 TO
APPROPRIATE WATER

Notice is hereby given that West Side Ditch, c/o Vyril Norman whose mailing address is RR 1, Box 21A, Belle Fourche, South Dakota has filed an application to validate a vested right claim to appropriate 10.86 cubic feet of water per second (cfs) from Redwater River to irrigate 515 acres via the West Side ditch with claimed priority dates of May 28, 1876 for irrigation of 84 acres and December 10, 1889 for irrigation of 431 acres. The May 28, 1876 priority date applies to irrigation of 84 acres located in Section 25, T8N, R2E. The Redwater River diversion point for the West Side Ditch is located in the SW 1/4 NE 1/4 Section 36, T8N, R2E. The irrigated acreage is located in the W 1/2 SW 1/4 Section 13; SE 1/4, NE 1/4 SW 1/4, S 1/2 NE 1/4, NW 1/4 NE 1/4, E 1/2 NW 1/4 Section 14; N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 23; W 1/2 SW 1/4, W 1/2 NW 1/4 Section 24; N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4, SW 1/4 NE 1/4 Section 25; all in T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water rights Division recommends VALIDATION of Vested Water Right Application No. 1391-2 for 10.86 cfs and that the applicable portions of Water right Filings No. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be incorporated into No. 1391-1 and that the abandoned portions of Nos. 063-1, 0127-1, 0203-1, 0204-1, 0205-1, 0206-1, 0207-1, 0208-1 and 0209-1 be cancelled because 1) water has been appropriated as described for irrigation with priority dates of May 28, 1876 and December 10, 1889, 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



Oct 28 Nov 4

November 20, 1987.

Filed with the Chief Engineer by

extension may be

opposed or support the

or person who has

upon written request of the applicant

cally extended for at least twenty days

time of the hearing will be automati-

tance prior to the hearing date. The

Pierre SD (605 773-3352) for assis-

Water Rights Division, Joe Foss Bldg,

by the handicapped can contact the

tion or to assure access to the hearing

further information on this applica-

Chief Engineer's recommendation,

Any person wishing a copy of the

by law.

and State Supreme Court as provided

may be appealed to the Circuit Court

exercised. Decisions of the Board

rights will be forfeited if they are not

lawyer. These and other due process

be present or to be represented by a

after filing a petition, has the right to

ceeding. The applicant or any person,

This hearing is an adversary pro-

74:02:01:22.

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

Rules ARSD 74:02:01:01 thru

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

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

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

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

46-2A-1 thru 46-2A-10, 46-2A-12,

3.1, 46-2-9, 46-2-13, 46-2-17;

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

to the provisions of SDCL 46-1-1 thru

This application is made pursuant

a petition.

obtained. The applicant used not file

his legal counsel as

mailing address of the petitioner or

the application, and the signature and

petitioner's opposition to or support of

describing the petitioner's interest in

but it must include a statement

1987. The petition may be informal,

the Chief Engineer by November 20,

petition with BOTH the applicant and

SDCL 1-26, must file a written

cross-examine witnesses according to

the Board and present evidence or

to participate in the hearing before

by a Board decision and who intends

interested person who may be affected

presented at the public hearing. Any

**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 1391-1 on Redwater River, Butte 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,

Richard J. Beringson
Secretary

RJB/lld

cc: Westside Ditch % Vyrl Norman

**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".

Ron Koth
Water Permits Coordinator

RK/ld

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1391-1, Westside Ditch

For :

Interested:

Vyril Norman
Westside Ditch
RR1, Box 21A
Belle Fourche SD 57717

Richard Beringson, Secretary
SD Dept. of Game, Fish & Parks
Anderson Bldg., 445 E Capitol
Pierre SD 57501



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

APR 29 1988

Vyr1 Norman
Westside Ditch
RR 1, Box 21A
Belle Fourche, South Dakota 57717

Dear Mr. Norman:

Enclosed are your Validated Vested Water Right and Water License No. 1391-1.
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,

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

JH: ms

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

January 9, 1989

Westside Ditch
c/o Vryl Norman
RR 1, Box 21
Belle Fourche SD 57717

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1391-1

Dear Mr. Norman:

As a reminder, the Water Management Board, at the December 2 and 3, 1987 meeting, validated your vested right claim on Westside Ditch. The Board's motion required installation of a permanent measuring device on the ditch at or near the point of diversion within one year of validation of your vested right claim. To comply with the Board's order, the measuring device must be installed prior to the 1989 irrigation season. Please note that the plans and specifications for the measuring device must be approved by the chief engineer prior to installation.

If you have any questions, please contact me.

Sincerely,

RASSOOL AHADI
Natural Resources Engineer
(605)773-3352





Department of Water & Natural Resources

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

April 24, 1989

Vyrl Norman
Westside Ditch
RR Box 52
Belle Fourche SD 57717

RE: Approval of Plans and Specifications for a Measuring Device.
Vested Water Right No. 1391-1.

Dear Mr. Norman:

We have reviewed the plans and specifications for your measuring device designed by the Soil Conservation Service. The measuring device will be used to measure flow in Westside Ditch. According to the proposed plan, a Parshall Flume with a throat width of 2 feet will be used. The plans and specifications are approved as submitted. Please note that the installation of your measuring device must be supervised or approved by a qualified engineer.

If you have any questions, please contact Rassool Ahadi
(605-773-3352).

Very truly yours,

JAMES WINTERTON, P.E.
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Division



1391-1



T. VER HELST 4/7/89

WEST SIDE DITCH

VAR 1/2" max
AR 8" x 5" Z
Helle Founcke, S.D.

MEASURING DEVICE FOR 10.86 CFS

TRY 2' THROAT PARASHALL FLUME:

Submergence Allowed - 70%

$$H_a = 1.22' @ 10.89 \text{ cfs}$$

$$\frac{H_b}{H_a} = .7 \Rightarrow H_b = 1.22 (.7)$$

$$H_b = .85$$

Approx Flow depth - 1.7'

$$\Delta = 1.7 - .85$$

$$= .85$$

$$\text{Upstream Depth} = H_a + \Delta$$

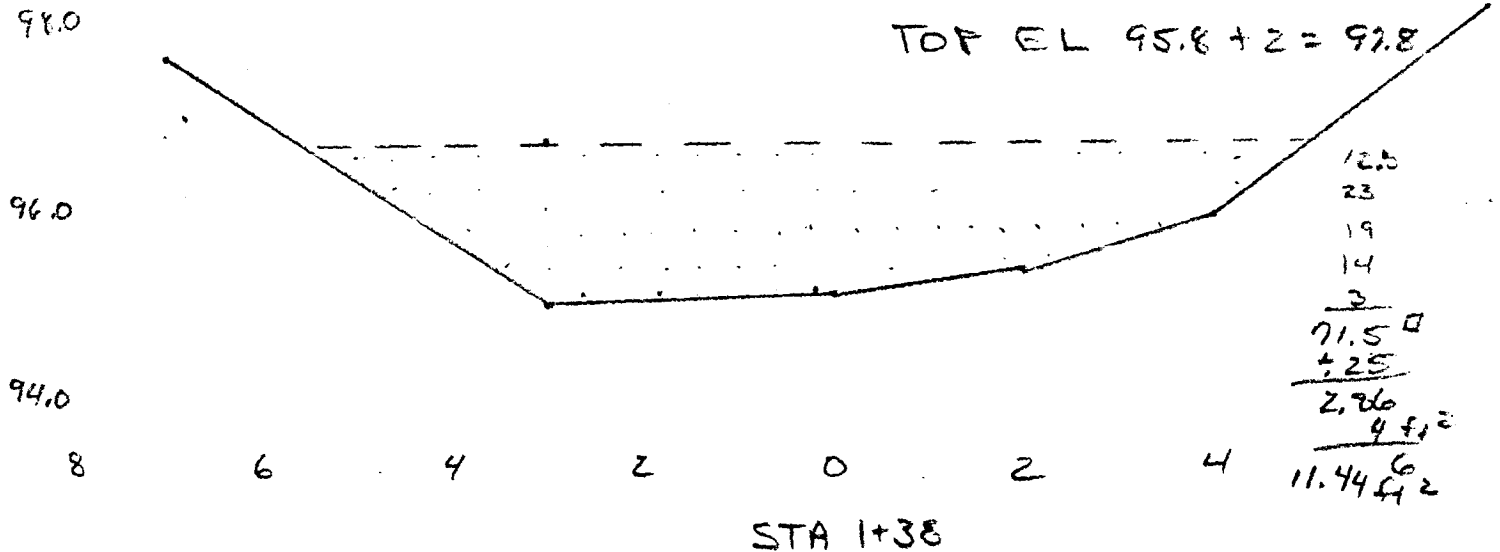
$$= 1.22 + .85$$

$$= 2.07'$$

USE 95.80

$$\therefore \text{CREST EL } 95.0 + .85 = 95.85$$

$$\text{TOP EL } 95.8 + 2 = 97.8$$



REDWATER LAND COMPANY, INC.

Billy Norman, General Manager (605)-892-3235

1113 Fifth Avenue
Belle Fourche, South Dakota, 57717
Telephone (605) 892-2033
Facsimile (605) 892-4995

Rod Woodruff, President
Chip Helmer, Secretary

July 7, 1992



M. Rassool Ahadi
Natural Resources Engineer
Joe Foss Building
523 East Capitol
Pierre SD 57501-3181

RE: Jones Claim
Redwater

Dear Rassool,

I would like to see whatever the Helmers signed that established 1.77 CFS on the West Side Ditch when this was vested about 3 years ago.

According to your formula of 35 acres per 1 CFS, then Helmers should have received 2.4 CFS for 84.6 acres and they only received 1.77 CFS.

As Jones Claim was to receive all the water needed for 200 acres, my question is how did they get cut back on the normal conversion of 1 CFS for 35 acres and did Helmers sign anything agreeing to this and if they did, did they know they were giving up water rights for less than the normal conversion rate.

Please let me know.

Sincerely,

Billy H. Norman
General Manager

cc. John Hatch
Rod Woodruff

WEST SIDE DITCH

Section 13 T8N-R2E

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.0 Acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.4 Acres

Subtotal 47.4 Acres

Section 14, T8N-R2E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.1 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.2 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 27.2 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 35.5 Acres

Subtotal 135.0 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 Acres

Subtotal 6.0 Acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 29.0 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0 Acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 12.6 Acres

Subtotal 80.6 Acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17.0 Acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.0 Acres

Subtotal 28.0 Acres

Section 23, T8N-R2E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 27.4 Acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 7.0 Acres

Subtotal 34.4 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.0 Acres

Subtotal 3.0 Acres

Section 24, T8N-R2E

SW $\frac{1}{4}$ SW $\frac{1}{4}$.5 Acres

Subtotal .5 Acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.0 Acres

Subtotal 19.0 Acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.0 Acres

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 Acres

Subtotal 77.0 Acres

Section 25

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.0 Acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 34.0 Acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 19.2 Acres

Subtotal 54.2 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.5 Acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.0 Acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 Acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 Acres

Subtotal 29.5 Acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$.4 Acres

Subtotal .4 Acres

TOTAL ACREAGE FOR WEST SIDE DITCH 515.0 ACRES



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1992

Billy Norman
1113 Fifth Avenue
Belle Fourche, SD 57717

Dear Billy,

I am writing you in response to your letter of July 7, 1992. The investigations of the '60s showed that 543 acres were irrigated through the Westside Ditch using 10.86 cfs including water use by Helmer. During the 1986 investigation, in a meeting with your dad, who was the ditch president, he stated that 515 acres were irrigated through the Westside Ditch with a diversion rate of 10.86 cfs. On December 22, 1986, Westside Ditch submitted an application to validate a vested right claim for irrigation of 515 acres, including 84 acres for Helmer's claim, with a diversion rate of 10.86 cfs. The application was signed by your dad, Vyril Norman. The Water Management Board validated the claim on December 2, 1987.

The amount of water for Helmer's claim was then pro rated to be 1.77 cfs as follow: 515 acres divided by 10.86 is equal 47.4, meaning 1 cfs for irrigation of 47.4 acres. Now if you divide 84 acres by 47.4, you will get 1.77 cfs, meaning that was the water that Helmer's claim was entitled to receive under the Westside Ditch.

Please note that 1 cfs for irrigation of 35 acres is not a "normal conversion", as you mentioned in your letter. It was a method we used to validated individual vested right claims when, for example, the length of the ditch required more head to transport water to compensate for the water losses in the ditch. Not all these claims have been validated using 1 cfs for irrigation of 35 acres criterion.

If you have any other questions or need more explanation, please do not hesitate to contact me.


M. RASSOOL AHADI
Natural Resources Engineer

FROM

Memo

BILLY H. NORMAN

Rassal,

This is the current
list for Westside
Ditch Co



6-1-93
Diversion Ditch Service



Name of Ditch - West Side Ditch

Address: RR 1 Box 52, Belle Fourche, SD 57717

Diversion Point: 1/4 1/4 Sec T8N-R2E; Source: Redwater River

Maximum Diversion Rate: C.F.S.

Acreage Served: 450.6

Billy Norman (Norman Place)	A-1,C	74	2-3235
Keith Snoozy (Helmer Place)	D-2	34	2-4982
Randy & Billy Norman (Helmer Place)	B	6	2-3235
Redwater Land Co (Helmer Place)	A,C,D-1	44.6	2-3235
Jay Terne	A-2	64	2-3780
Maurice Hanify	B	15	2-4365
Bob Heinbaugh	D	7	2-4284
O.G. Abel	J-1	50	2-4403
Pauline Dacar (Robert Budmayr)	H,I	35	2-3837
Dawn (Lange) Newland	J-2	30	2-2813
John Patten	N	23	2-4372
Richard Rail	M	22	2-4110
Ken Williams	K,L	17	2-3116
Bob Waddell	part of F	5	2-4134
Reed Harris	part of E	5	2-4224
Dick Pluimer	part of E	6	2-6383
Jack Nickodym	part of F	5	2-4135
Ben & Elva Ellwein	part of F	5	2-2790
Phyllis Fernen	part of D	3	2-3105

Total Acreage

450.6

FROM

Memo

BILLY H. NORMAN

8-31-93

M. Rassool Ahadi,

attached is a current
list of people on
West Side Ditch.

Billy H. Norman



6-1-93
Diversion Ditch Service



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Phyllis Fernen	part of D	3	2-3105

Total Acreage

450.6



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Rod Woodruff
1113 5th Ave
Belle Fourche, SD 57717

Dear Mr. Woodruff:

This in regards to your January 10 telephone call concerning West Side Ditch water right and a request for a change of diversion point for that water right from Redwater River. During our conversation, you indicated that West Side ditch had been recently filled in between the headgate on Redwater River and your property. You told me that you would like to pump the ditch water directly from the Redwater River near your property into the ditch to allow for continued irrigation along the rest of the ditch.

The correct procedure is for West Side Ditch to request a change of diversion point and to fill out an application specifying the proposed diversion point location, the requested diversion rate (pump capacity), and the legal description of the land to be irrigated. I am enclosing copies of our application forms for you to complete and return. We have some concerns about how the other irrigators on the ditch downstream from you will be impacted by this proposal and by the action of the gentleman closing off the ditch.

Please submit the completed application along with a signed map back to this office, you do not need to submit an application fee at this time. We will carefully review the proposed change and the Chief Engineer will then make the determination whether the change can be authorized pursuant to SDCL 46-5-13.1 without publication of a notice of hearing or if a formal amendment to the existing vested water right requiring publication notice is necessary. A change in the diversion point can be made administratively under SDCL 46-5-13.1 only if it is determined that other existing water rights will not be adversely impacted by the change. I am enclosing a copy of the West Side Ditch permit and map for your reference.

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

Sincerely,

Mark D. Rath
Natural Resources Engineer
Water Rights Program

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416981

Pierre, November 20, 20 01

RECEIVED OF Redwater Land Company Inc., Rod Woodruff Pres., 1113 5th, Belle Fourche, SD 57717
the following amount in fees for services rendered as provided for by law: (Westside Ditch)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 1391-1 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Darland Erbe
Chief Engineer
gm

No.

Date: 10 - 31 - 00

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.

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Redwater Land Company, Inc. %Rod Woodruff

ADDRESS: 1113 5th, Belle Fourche, SD 57717

DATE: 11/20/01 **COUNTY:** Butte **TELEPHONE:** 605-892-2033

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source will remain the Redwater River. The diversion point will be moved approximately 3200 feet downstream from the existing point. The diversion rate will be reduced from 10.86 cfs to 1.04 cfs.

- **If irrigation, no new land is irrigated**

The total irrigated acreage will be reduced from 515 acres to 49.1 acres

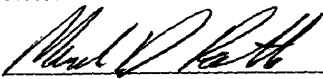
- **Review of Existing Diversions**

A review of the records found two existing water rights Nos. 291-1 and 1471-1 which divert from the Redwater River in the immediate vicinity of the Redwater Land Company, Inc (West Side Ditch) existing diversion point. Moving the diversion point downstream should have no adverse impacts on these existing water rights since the new diversion will be downstream from these water rights.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point be moved and licensed as described.

From the SW corner of Sec 25 T8N-R2E: 2365 ft east and 1510 ft north; having a longitude of -103.82042 and a latitude of 44.62348.



Mark D. Rath, Natural Resources Engineering Specialist
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 14 2002

1391-1
1391A-1

Redwater Land Company, Inc.
c/o Rod Woodruff, Pres.
1113 5th
Belle Fourche SD 57717

Dear Mr. Woodruff:

Enclosed is Vested Right Water License No. 1391A-1 and receipt for payment of the Notice of Transfer fee. Since it was determined that the *Application for Permit to Appropriate Water for Irrigation* submitted November 2, 2001 was not required, the \$100 application/license filing fee will be refunded to you. You should receive the refund within a couple of weeks.

The remaining acreage authorized by License No. 1391-1 not included on this license has been forfeited for nonuse.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures