

Considered: _____

Vested Right
WATER PERMIT NO. 1392-1

MAP No. same

Name of Applicant Mann Ditch c/o Donald W. Howe

Post Office Address 239 Evans Lane, Spearfish, SD 57738

Amount of Water Claimed ~~12 cfs~~ 1.45 cfs Total Acres 58

Source of Water Supply Spearfish Creek

Water to be used for irrigation County Lawrence

About _____ miles _____ of West side of Spearfish.

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 \$15⁰⁰ Remarks _____

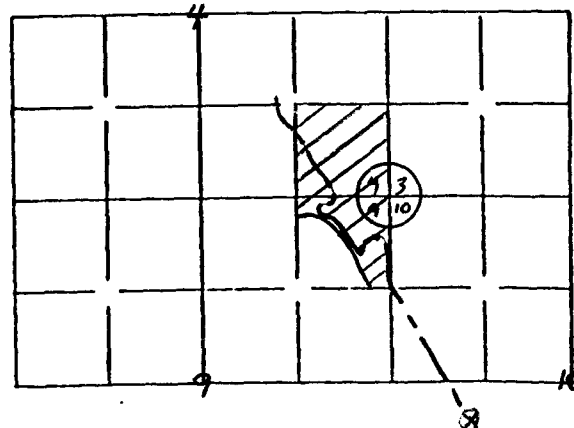
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point Mann Ditch headgate: NW $\frac{1}{4}$ SW $\frac{1}{4}$
section 10 - T6N-R2E

Land to be Irrigated SE $\frac{1}{4}$ SE $\frac{1}{4}$ (37.8) section 4;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ (20.2) section 9; both in T6N-R2E



Well Log: Driller NA Licensed YES _____ NO _____

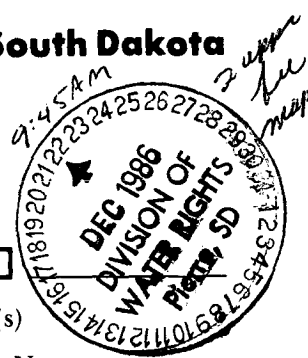
Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Rasool Ahadi Reviewed and the Number
assigned on June 15, 1987 By Ron Sawall

No. 1392-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper 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 Mann Ditch/Donald W. Howe Phone No. 642-4307Post Office Address 239 Evans Lane, Spearfish, South Dakota State 57783
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 1.45 Total acres irrigated 583. Source of Water supply Spearfish Creek4. Location of point of diversion Approximately 1900 feet N, 1050 feet E from SW Corner
of Section 10, T6N-R2ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used April 1 - November 30

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.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T6N-R2E	37.84
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T6N-R2E	20.16

Land Description	No. Acres Irr.

Attach sheet if more space is needed

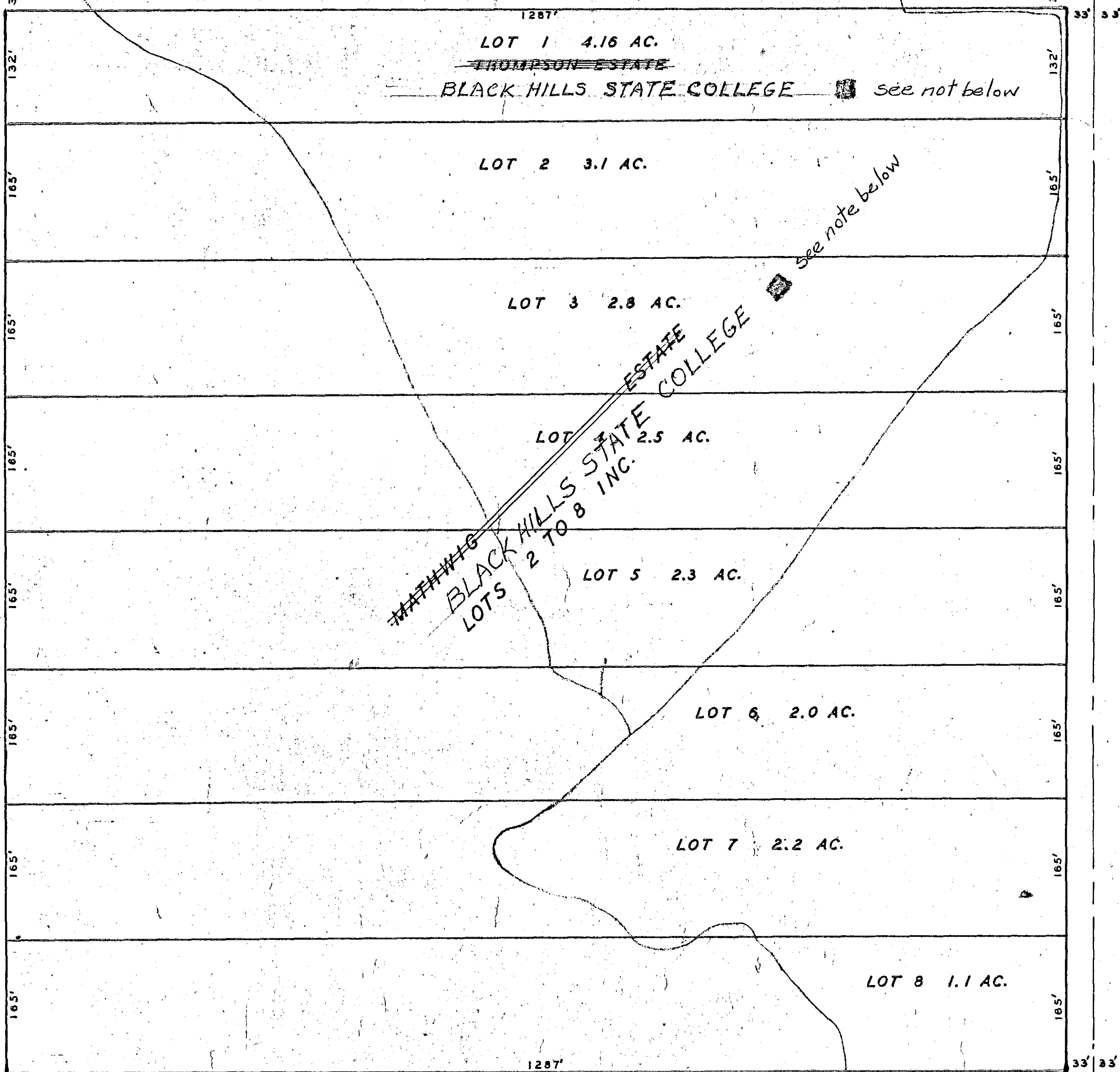
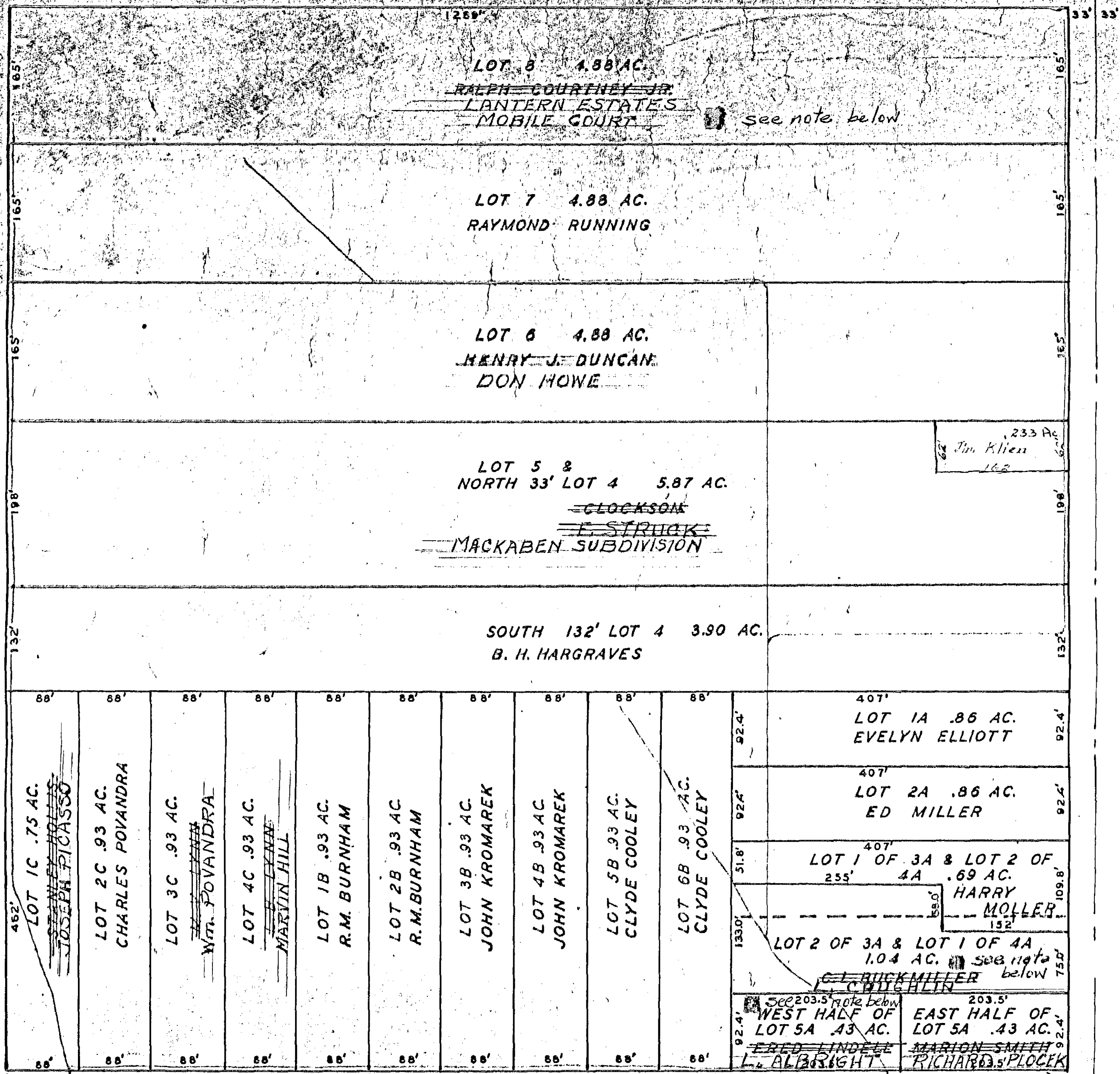
8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

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)^{ss}I, Donald W. Howe 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 Donald W. HoweSubscribed and sworn to before me this 18 day of Dec 1986

Notary Public (or other qualified officer)



MAP
SHOWING THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 9, AND THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 4, T6N, R2E, LAWRENCE COUNTY, SOUTH DAKOTA, WITH THAT PORTION OF EACH 40 ACRE TRACT IRRIGATED BY THE MANN DITCH. THIS MAP ALSO SHOWS SUBDIVISIONS AND PROPERTY OWNERSHIP AS OF THIS DATE. SUBDIVISION ACREAGE SHOWN IS THAT AMOUNT OF IRRIGABLE LAND FOR EACH. THE TOTAL IRRIGABLE LAND UNDER MANN DITCH EQUALS 58 ACRES.

SCALE: 1" = 100'

DATE: MARCH 20, 1958

All tracts with this marking (red) are excluded in the new Watering (WAT) time by request, since occupants do not use this reduced acreage from 58 to 31.57 AC.

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1392-1

Mann Ditch
(applicant)

239 Evans Lane, Spearfish
(post office address)

SD
(state)

57783
(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 March 21, 1878.
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 _____

1.45 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 - Nov 30.

Vested Water Right No. 1392-1 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hubbert
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

APR 29 1988, 19 .

ATTACHMENT A
VESTED WATER RIGHT NO. 1392-1

1. That Vested Water Right No. 1392-1 is subject to domestic use rights. Diversion of water under Water Right No. 1392-1 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 Mann Ditch within one year of validation of Vested Water Right No. 1392-1. 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. 1392-1 FOR IRRIGATION

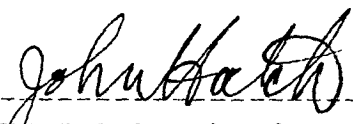
(1) Mann Ditch c/o Donald W. Howe
of 239 Evans Lane, Spearfish, South Dakota 57783
made Application No. 1392-1, December 22, 1986
for validation of a vested right claim to appropriate 1.45
cubic feet of water per second from Spearfish Creek,
Lawrence County, South Dakota for irrigation purposes.
Vested Water Right No. 1392-1 was validated December 2, 1987
with a priority date of March 21, 1878. 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 1.45 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: approximately 1900 feet North and 1050 feet East
of the SW Corner of Section 10, T6N, R2E

The location of the irrigated acreage is: _____

T6N. R2E Section 4 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.84
 Section 9 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.16
 58.0 ACRES

(3) Pursuant to Section 46-5-30.1 Mann Ditch c/o Donald Howe
of 239 Evans Lane, Spearfish, South Dakota 57783
the holder(s) and/or owner.(s) of Vested Water Right No. 1392-1
is issued a license to appropriate 1.45 cubic feet of
water per second from Spearfish Creek with a
priority date of March 21, 1878 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.
1392-1 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) Mann Ditch/Donald W. Howe

Post Office Address 239 Evans Lane, 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 1878C. Date that water was first applied to beneficial use early spring 1878D. Name of owner of original water supply system N/AE. Amount of water originally applied to beneficial use 58 miners inchesF. Present Use of Water - Amount of water now being used irrigation, domestic - 58 miners inchesDate that this water was first used early Spring 1878

G. Chronological History of Water Use

To the best of my knowledge the ditch has been used to transport water for the above mentioned purposes since it was built in the Spring of 1878 with no extended periods of non-use.

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)
SS

I, Donald W. Howe the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Donald W. Howe

Subscribed and sworn to before me Dec 18, 1986
[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.

DONALD W. Howe 1986
(Print name)

(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410664

Pierre, December 22, 19 86

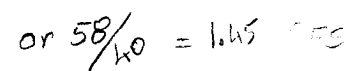
RECEIVED OF Mann Ditch/Donald W. Howe, 239 Evans Lane, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1392-1</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





4 3
9 10

9

8

M. Shad
Nat Res. Eng.
6/17/87

V.R. Appl. No. 1392-1

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

December 14, 1961

Mr. Raymond Manning, President
Mann Ditch
Lower Valley Road
Bearfish, S. Dak.

Re: Mann Ditch

Dear Mr. Manning:

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

When water rights are involved in Court action, as was the Mann 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 Mann water right and a number of other water rights along Bearfish 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 Mann water right was ninth in priority of those water rights adjudicated with a priority date of early spring, 1878, and was entitled to use not exceeding 58 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 those fields. We understand the fields and acreages as shown were correct. Enclosed, for your information, is an additional copy of this map and a 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. GRUBBS
Executive Officer and
Chief Engineer

Enclosed Map and List

ORIGINAL FILED 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
REPRODUCTIONS.

REDUCTION

35

ROLL NO

1

DATE MICROFILMED

5-4-82

NAME OPERATOR

W. J. Grubbs

Rec'd 6-21-29
KA

DIVERSION RATE RECORD

Ditch Company MAUN DITCH

Month _____

Ditch President Dew Howe Spear

Year _____

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length _____ ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
May 22 1	5:00 PM	4 1/2		Dr. B. J. Bogard	
5/23 2	6:00 PM	4 1/2		Bogard	
5/24 3	6:30 AM	4 1/2		Bogard	
5/24 4	6:30 PM	4 1/2		"	
5/25 5	6:00	4 3/4		"	
5/28 6	8:00	4 3/4		"	
6/3 7	8:00	4 3/4		"	
6/5 8	8:00	4 3/4		"	
6/9 9	9:00	4 3/4		"	
6/10 10	8:00	4 1/2		"	
6/11 11	8:00	5		"	
12					
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30					
31					

DIVERSION DITCH SERVICE



NAME OF THE DITCH: Mann Ditch

ADDRESS: 246 Evans Dr Springfield, S.D. 57783

DIVERSION POINT: NW 1/4 SW 1/4 SEC. 10 T 6 N-R 2 E; SOURCE: Spring Creek

MAXIMUM DIVERSION RATE: . C.F.S.

ACREAGE SERVED: 25.23 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
Charles Povandra	Sec 9	.93	
Marvin Hill		.93	
John Kromarek	NE 1/4 NE 1/4	.93	
Joe Picasso		.75	
Larry Albright	NE 1/4 NE 1/4	.43	
Bank Cooley		1.86	
Evelyn Elliott	Sec 9	.86	
Joe Hargraves	Sec 9	3.90	
Don Howe		4.88	
Ed Miller		.86	
Harry Moller		.69	
Bill Povandra	Sec 9	.93	
Ray Running		4.88	
Gerald Schnoible		.93	
John Williamson		.52	
John Manta		.52	
Cal Broadstadt		.43	
		25.23	

LANDOWNER'S
NAME

LOCATION OF LAND
BEING IRRIG. BY
THIS DITCH

ACREAGE

COMMENTS

--	--	--	--

Conversation or File Documentation

NAME OF PERSON OR FILE: Mann Ditch VR #1392-1ADDRESS: Spearfish COUNTY LawrenceDATE: 6/24/87 TELEPHONE _____RE: Water Use by BHSC from the Mann Ditch

COMMENTS:

Talked to Mr. Art Jones from the Black Hills State College in Spearfish regarding water use from Mann Ditch. Mr. Jones stated that they would like to keep this water right. He said they did not use water from Mann Ditch last year but they ^{will} use and are using presently water from the ditch.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: NP Shah



Department of Water & Natural Resources

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

August 10, 1987

Mann Ditch
c/o Donald W Howe
239 Evans Lane
Spearfish SD 57783

Dear Mr. Howe:

This letter is to inform you that the vested right claim for Mann 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



Department of Water & Natural Resources

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

October 29, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1392-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 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 Mann Ditch, c/o Donald W Howe, 239 Evans Lane, Spearfish SD.

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 29, 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. 1392-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 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 Mann Ditch, c/o Donald W Howe, 239 Evans Lane, Spearfish SD.

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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

South Dakota Department of
Water & Natural Resources

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

October 29, 1987

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

Mann Ditch
c/o Donald W Howe
239 Evans Lane
Spearfish SD 57783

Dear Mr. Howe:

Your Application No. 1392-1 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 FOURCE DAILY 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 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

Instruction to Newspaper - Publish first publication of the following Notice on or before November 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1392-1 to Appropriate Water

Notice is hereby given that Mann Ditch, c/o Donald W Howe whose mailing address is 239 Evans Lane, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 1.45 cubic feet of water per second (cfs) from Spearfish Creek to irrigate 58 acres via the Mann Ditch with a claimed priority date for early spring of 1878. The Spearfish Creek diversion point for Mann Ditch is located in the NW 1/4 SW 1/4 Section 10, T6N, R2E. The irrigated acreage is located in the SE 1/4 SE 1/4 Section 4; NE 1/4 NE 1/4 Section 9; both 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. 1392-1 for 1.45 cfs because 1) water has been appropriated as described for irrigation with a priority date of March 21, 1878, 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 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.

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. 1392-1

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

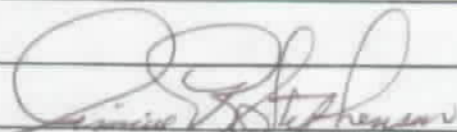
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

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:

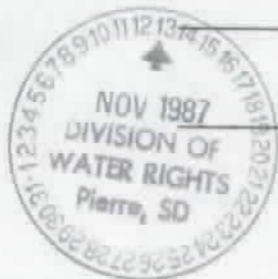
November 4th, 1987

November 11th, 1987


(Signature)

Publisher
(Title)

11-11-87
(Date Signed)



Cost of Printing: 104 lines x .2564 = 26.67

104 lines x .2051 = 21.34

Total = 48.01

NOTICE OF HEARING
To Validate Vested
Right Application
No. 1392-1 to
Appropriate Water

Notice is hereby given that Mann Ditch, c/o Donald W Howe whose mailing address is 239 Evans Lane, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 1.45 cubic feet of water per second (cfs) from Spearfish Creek to irrigate 58 acres via the Mann Ditch with a claimed priority date for early spring of 1878. The Spearfish Creek diversion point for Mann Ditch is located in the NW 1/4 SW 1/4 Section 10, T6N, R2E. The irrigated acreage is located in the SE 1/4 SE 1/4 Section 4; NE 1/4 NE 1/4 Section 9; both 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. 1392-1 for 1.45 cfs because 1) water has been appropriated as described for irrigation with priority dates of March 21, 1878, 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 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.

Nov 4, 11

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, 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, 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. 1392-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucca hereby

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

Water was taken from the Belle Fourche Daily press

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:

November 4, 1987

November 11, 1987

Marion Lucca
(Signature)

Editor
(Title)

November 11, 1987
(Date Signed)

Cost of Printing: \$ 41.06

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1392-1
to Appropriate Water

Notice is hereby given that
Mann Ditch c/o Donald W. Howe
whose mailing address is 239
Evans Lane, Spearfish, South
Dakota has filed an application
to validate a vested right claim
to appropriate 1.45 cubic feet of
water per second (cfs) from
Spearfish Creek to irrigate 58
acres via the Mann Ditch with a
claimed priority date for early
spring of 1878. The Spearfish
Creek diversion point for Mann
Ditch is located in the NW 1/4
SW 1/4 Section 10, T6N, R2E.
The irrigated acreage is located
in the SE 1/4 SE 1/4 Section 4;
NE 1/4 NE 1/4 Section 9; both 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. 1392-1
for 1.45 cfs because 1) water has
been appropriated as described
for irrigation with a priority
date of March 21, 1878, 2) the
use has been developed without
unlawful impairment of exist-
ing 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 appli-



cant and the Chief Engineer by
 November 15, 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, 46-2-17, 46-
 9, 46-2-11, 46-2-13, 46-2-14, 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 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, 1005
 Bldg. Pierre SD (605 773-3552)
 for assistance prior to the hear-
 ing date. The time of the hearing
 will be automatically extended
 after 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
 application must be filed with the
 Chief Engineer by November 20, 1987.

2011/4-11

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1392-1, Mann 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. 1392-1, Mann Ditch, c/o Donald W. Howe, 239 Evans Lane, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1392-1 for 1.45 cfs because 1) water has been appropriated as described for irrigation use with a priority date of March 21, 1878, 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. 1392-1 is subject to domestic use rights. Diversion of water under Water Right No. 1392-1 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 Mann Ditch within one year of validation of Vested Water Right No. 1392-1. 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 7, 1987

Report on the Mann Ditch (Spearfish Creek)
Vested Water Right Application No. 1392-1
September 15, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Mann Ditch has filed an application to validate a vested right claim. The application claims 1.45 cfs of Spearfish Creek water to irrigate 58 acres of land in Sections 4 and 9, T6N-R2E. The headgate is located in the NW1/4 SW1/4 Section 10, T6N-R2E, in Lawrence County.

Document Search

In the Cook vs Evans Court Case, dated January 30, 1913, the Mann Ditch Water Right and a number of other water rights along Spearfish Creek were adjudicated. In this action, the court specified that the Mann Water Right was ninth in priority of those water rights adjudicated with a priority date of Early Spring, 1878, and was entitled to use, no more than 58 miner's inches of water. Based upon the court judgement which determined a priority date of Early Spring 1878 for the Mann Ditch, a priority date of March 21, 1878 (first day of spring), should be assigned to this claim.

Discussion

The Water Resources Commission investigated the irrigation from Mann Ditch in the early 1960's. At that time, 58 acres were mapped as being irrigated from the ditch.

Recent investigations by Water Rights Division have found that the Mann Ditch still irrigates 58 acres of land. The ditch capacity was calculated to be 1.54 cfs. The headgate is capable of diverting more water than the ditch capacity.

To determine the amount of water needed to irrigate 58 acres of land, 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, .83 cfs of water will be used to irrigate 58 acres of land. Considering the efficiency of flood irrigation in the area which according to SCS for this area is 50%, the diversion rate required will be 1.66 cfs.
- 2) Using the SCS S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 23.8% of their annual water consumption during the Month of July. Assuming the crops need 3 feet of water every irrigation season, a total of 174 acre-feet of water is needed for the season, from which 50.1 acre-feet or .81 cfs will be used in the Month of July. Considering a 50% loss due to the system, the total diversion rate required will be 1.63 cfs.

Conclusions and Recommendations

- 1) The ditch is capable of carrying a maximum of 1.54 cfs
- 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 Mann Ditch would be 1.66 cfs. Comparing this to the SCS, South Dakota Irrigation Guide calculations, this quantity of water appears to be reasonable. However, the Cook vs. Evans Court Case limits the diversion rate to 1.45 cfs. Therefore, the claim should be validated for 1.45 cfs.
- 3) It is recommended that the Mann Ditch Vested Water Right Claim be validated for a diversion rate of 1.45 cfs for irrigation of 58 acres as described in Application No. 1392-1 with a priority date of March 21, 1878.

Rassool Ahadi

Rassool Ahadi
Natural Resources Engineer

**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 1392-1, Donald W. Howe -- Mann
Ditch

For:

Interested:

Donald W. Howe
Mann Ditch
239 Evans Lane
Spearfish SD 57783

Richard Beringson, Secretary
SD Dept of Game, Fish & Parks
Anderson Bldg., 445 E Capitol
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 1392-1 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,

Richard J. Beringson
Secretary

RJB/ld

cc: Mann Ditch % Donald W. Howe

SOUTH DAKOTA
Department of
Water & Natural Resources

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

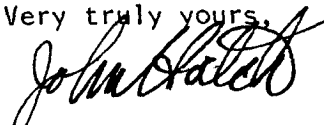
APR 29 1988

Mann Ditch
c/o Donald Howe
239 Evans Lane
Spearfish, South Dakota 57783

Dear Mr. Mann:

Enclosed are your Validated Vested Water Right and Water License No. 1392-1.
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

MANN DITCH COMPANY
239 Evans Lane
Spearfish, SD 57783

Spearfish, SD
May 3, 1988

Chief Engineer
SD DEPT of WATER AND NATURAL RESOURCES
Division of Water Rights
Joe Foss Building
Pierre, SD 57501



Dear Sir,

The Mann Ditch Company requests your approval of the enclosed design drawing of a measuring device we wish to install in the Mann irrigation ditch.

The installation of this device is to meet the qualifications you set forth for validation of our application for vested water right No. 1392-1. Your affirmative action will be appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Donald W. Howe".

Donald W. Howe, Secretary



Department of Water & Natural Resources

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

May 17, 1988

Mann Ditch Company
c/o Donald W. Howe, President
239 Evans Lane
Spearfish, S.D. 57783

RE: Approval of the Plans and Specifications for a Measuring
Device

Dear Mr. Howe:

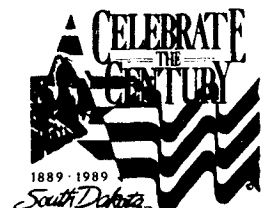
We have reviewed plans and specifications for your measuring device, designed by the Soil Conservation Service, to be used to measure the flow in Mann Ditch. The plan proposes to use a Parshall Flume with a nine (9) inch throat. The plans and specifications are approved as submitted.

If you have any questions, please contact us.

Very truly yours,

John Hatch
by James Montan

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





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 Hillsvieview 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

1392-1

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

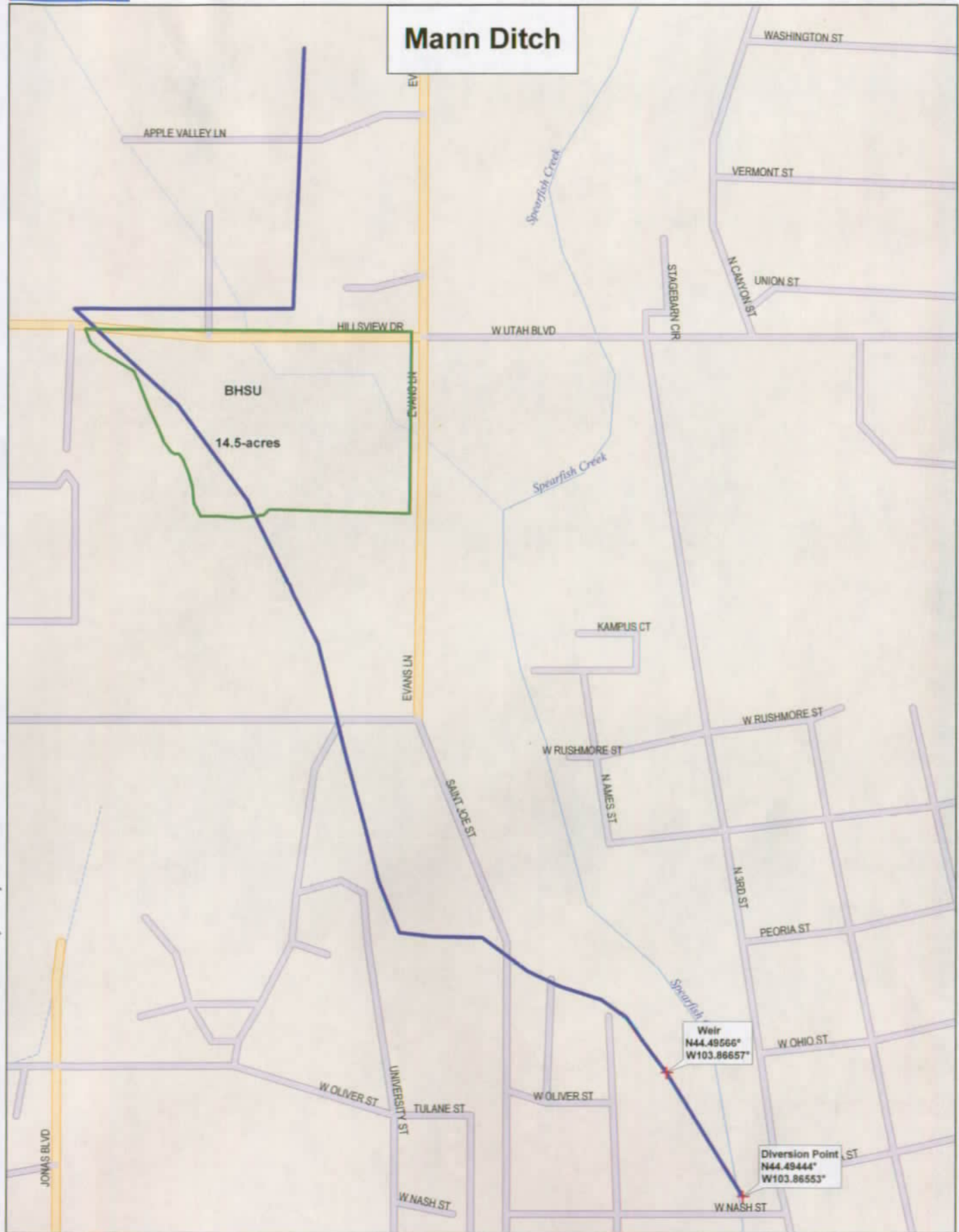
Mann Ditch

BHSU

14.5-acres

Weir
N44.49566°
W103.86657°Diversion Point
N44.49444°
W103.86553°

Don Stroup
SD DENR WR
3/24/05
Normal St. Stamp



Don Strop
SD DENR WR
3/24/05

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 8, 2017

Edgar Burr
Mann Ditch
209 Evans Ln
Spearfish, SD 57783

Mann Ditch, Vested Water Right No. 1392-1.

Dear Mr. Burr:

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

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
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