

Insidered: _____

Vested Right Claim
WATER PERMIT NO. _____

13951-1

19

MAP No. Same

of Applicant Concordia Ditch c/o Ralph Crago

Office Address RR1, Box 52 B, St. Onge, SD 57779

Amount of Water Claimed 60 cfs Total Acres 660.7

Source of Water Supply Redwater River

Water to be used for irrigation County Lawrence & Butte

About 7 miles N of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec. 22, 1986 Fee \$15.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Apr 1 - Nov 30

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

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

Diversion Point Redwater River: NE 1/4 NW 1/4

section 10 - T7N-R2E

Land to be Irrigated SW 1/4, NW 1/4 SE 1/4, NW 1/4, W 1/2 NE 1/4,

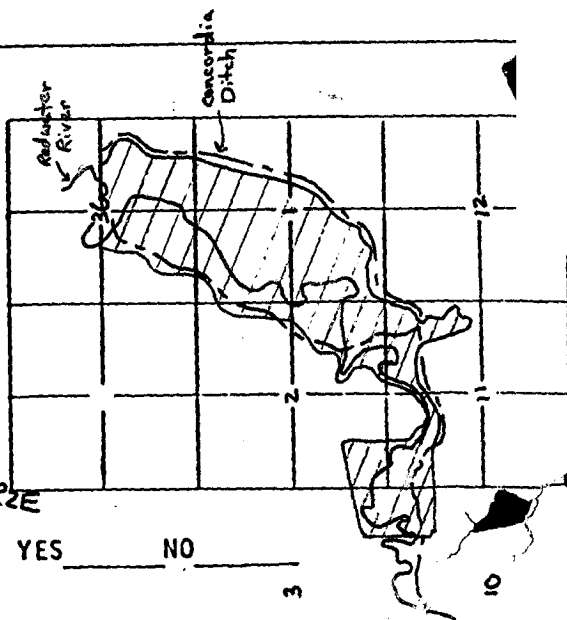
NE 1/4 NE 1/4 sec 1; S 1/2 SE 1/4, NE 1/4 SE 1/4, E 1/2 NE 1/4, SW 1/4 SW 1/4 sec 2;

SE 1/4 SE 1/4 sec 3; NE 1/4 NE 1/4 sec 10; N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 NE 1/4,

SE 1/4 NE 1/4 sec 11; all in T7N-R2E; SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 sec 36-T8N-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 22, 1987 By Ron Duwall

No. 1395-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R
 Newspaper Queen City Mail, Box 7, Spearfish (Weld)
Belle Fourche Daily Post, 1004 5th Ave

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 Concordia Ditch/Ralph Crago Phone No. 892-2351

Box 52 B
 Post Office Address RR 1, St. Onge South Dakota State 57779
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 3000 MI 60 cfs Total acres irrigated 660.73. Source of Water supply Redwater4. Location of point of diversion 1000'S, 1950'E of NW Corner of Section 10, T7N, R2ECounty Lawrence5. Counties where water will be used Lawrence-Butte6. 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.	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 of Butte) ss

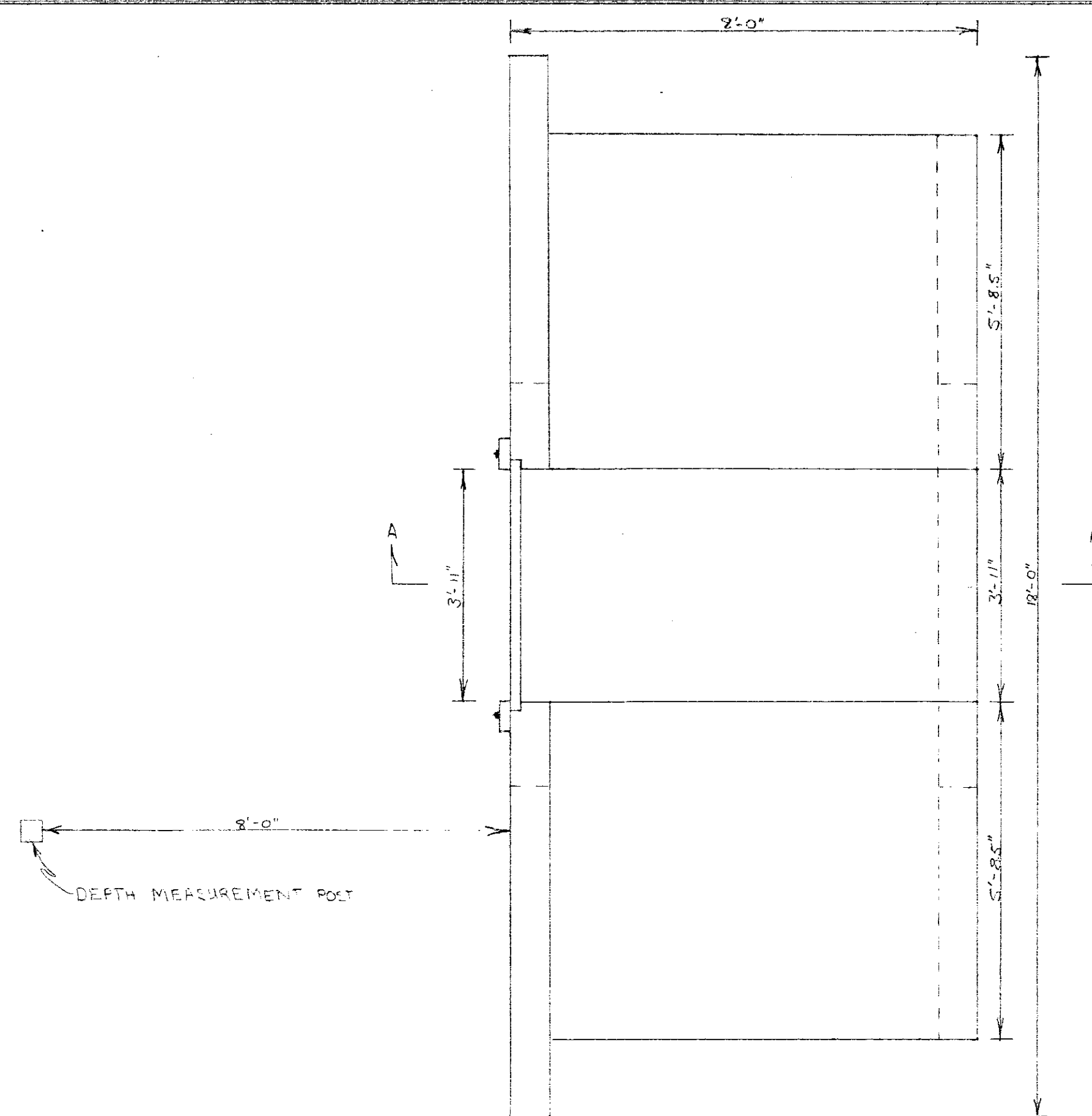
I, Concordia Ditch / Ralph Crago the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

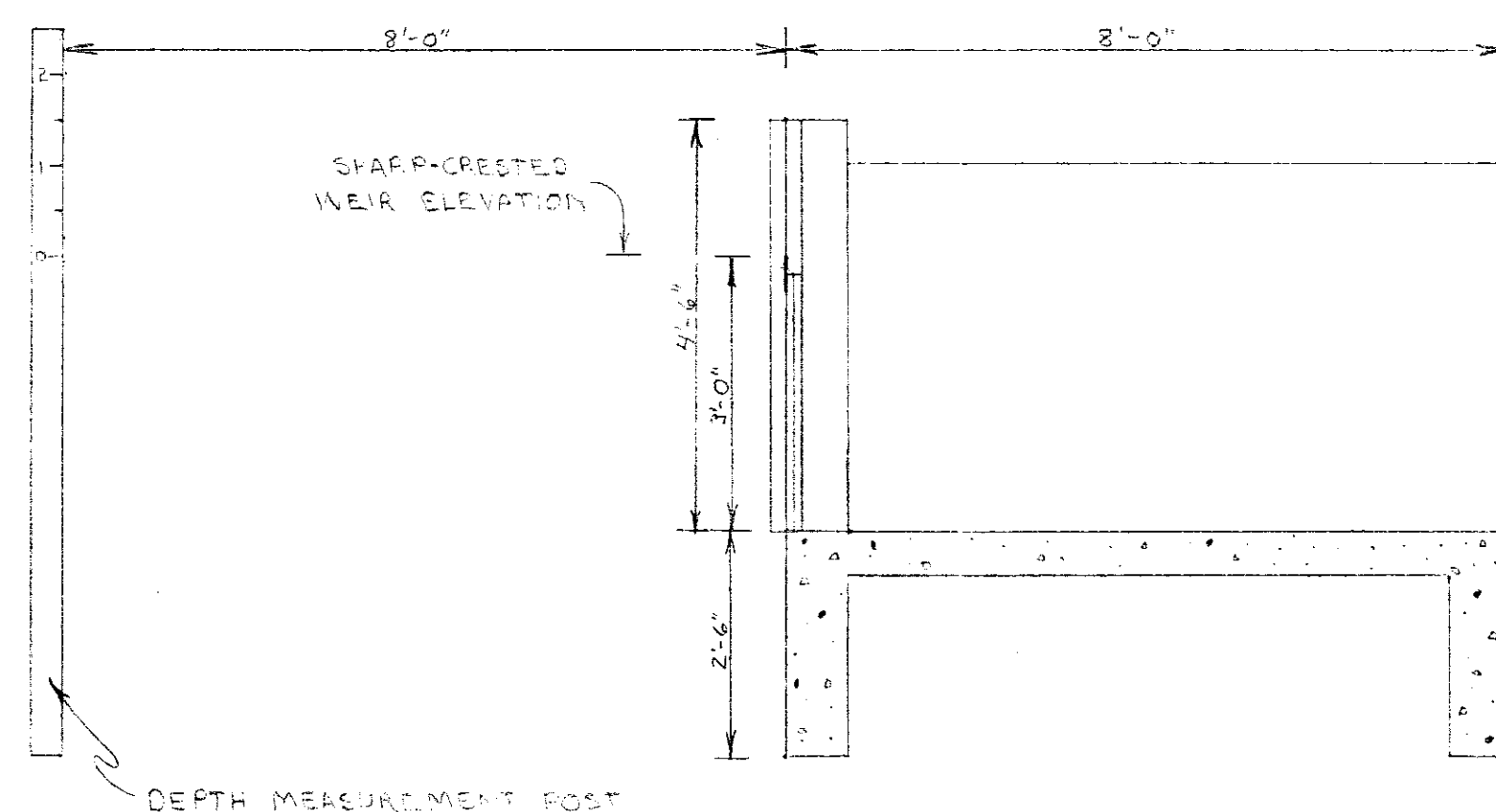
Ralph CragoSubscribed and sworn to before me this 18th day of December 1986Granda Parker

My Commission Expires OCT 1, 1989

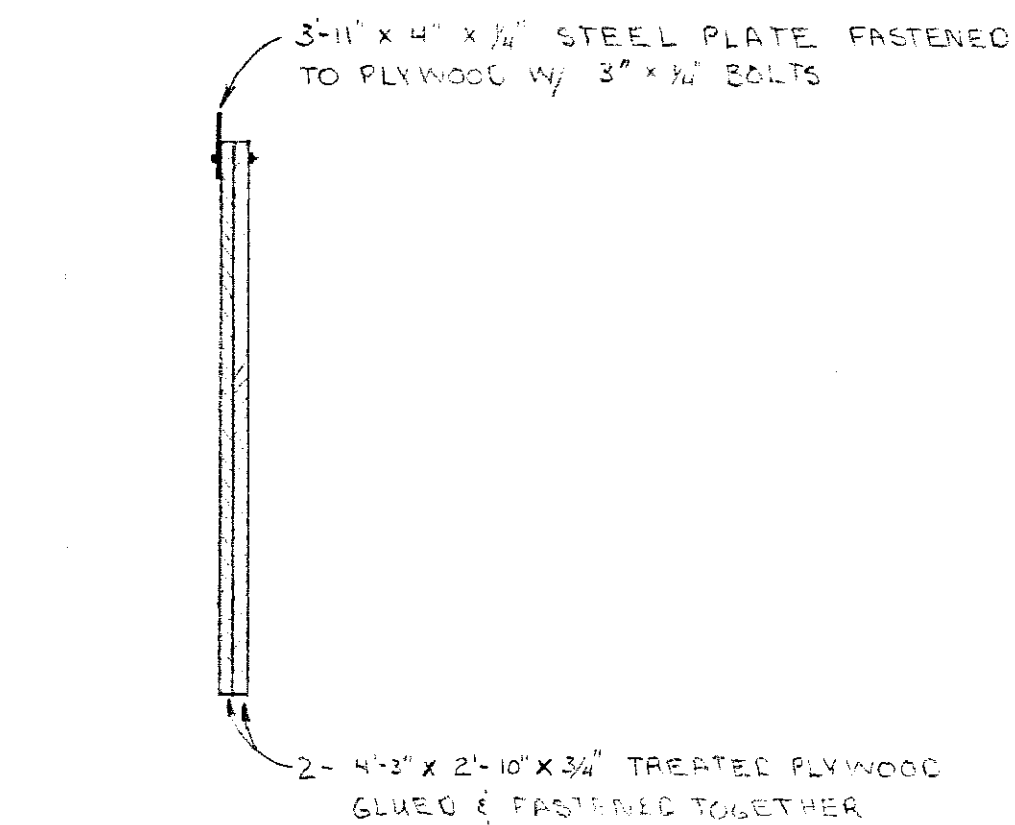
Notary Public (or other qualified officer)



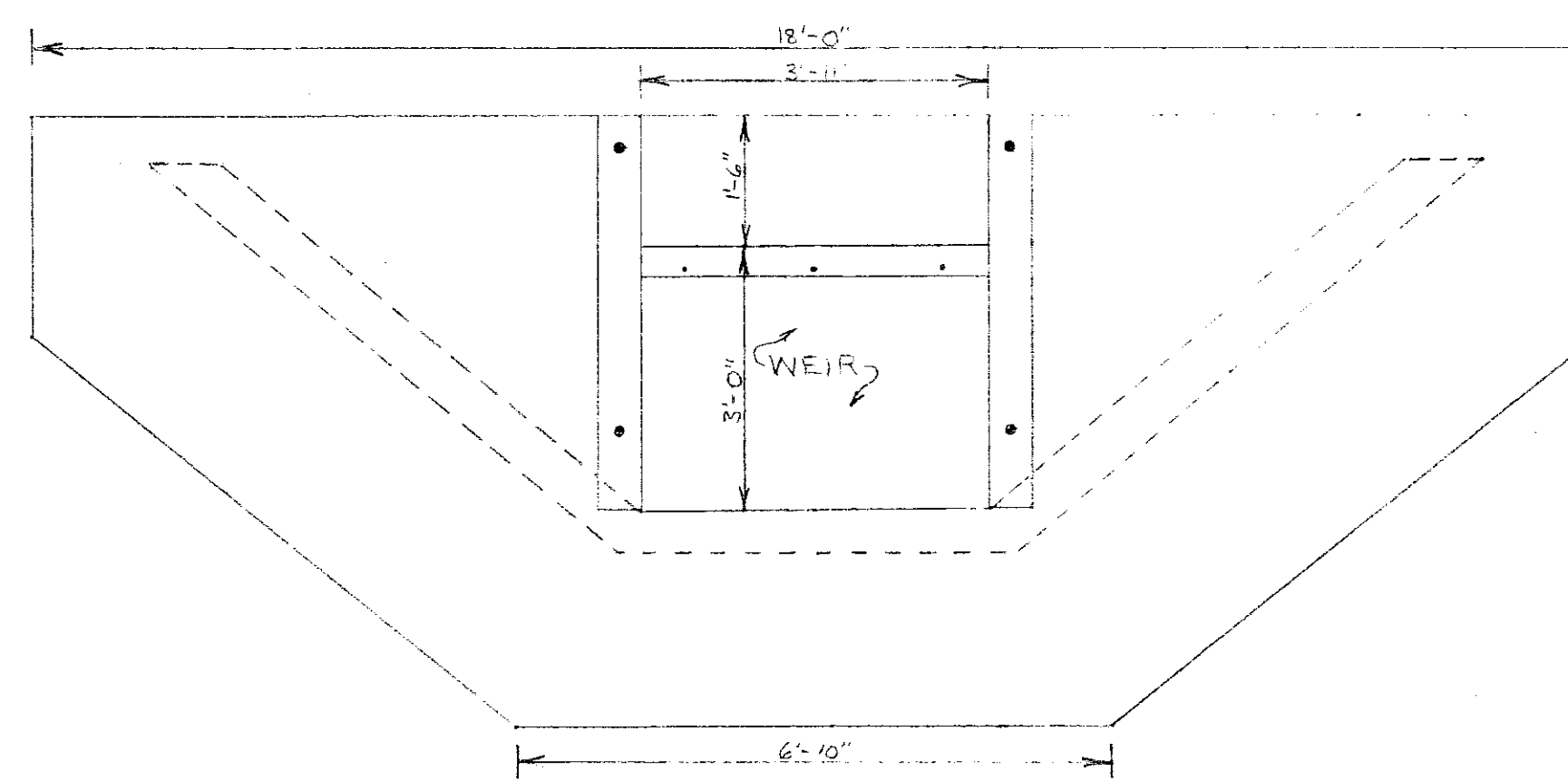
PLAN VIEW
SCALE: 1" = 2'-0"



SECTION A-A
SCALE: 1" = 2'-0"



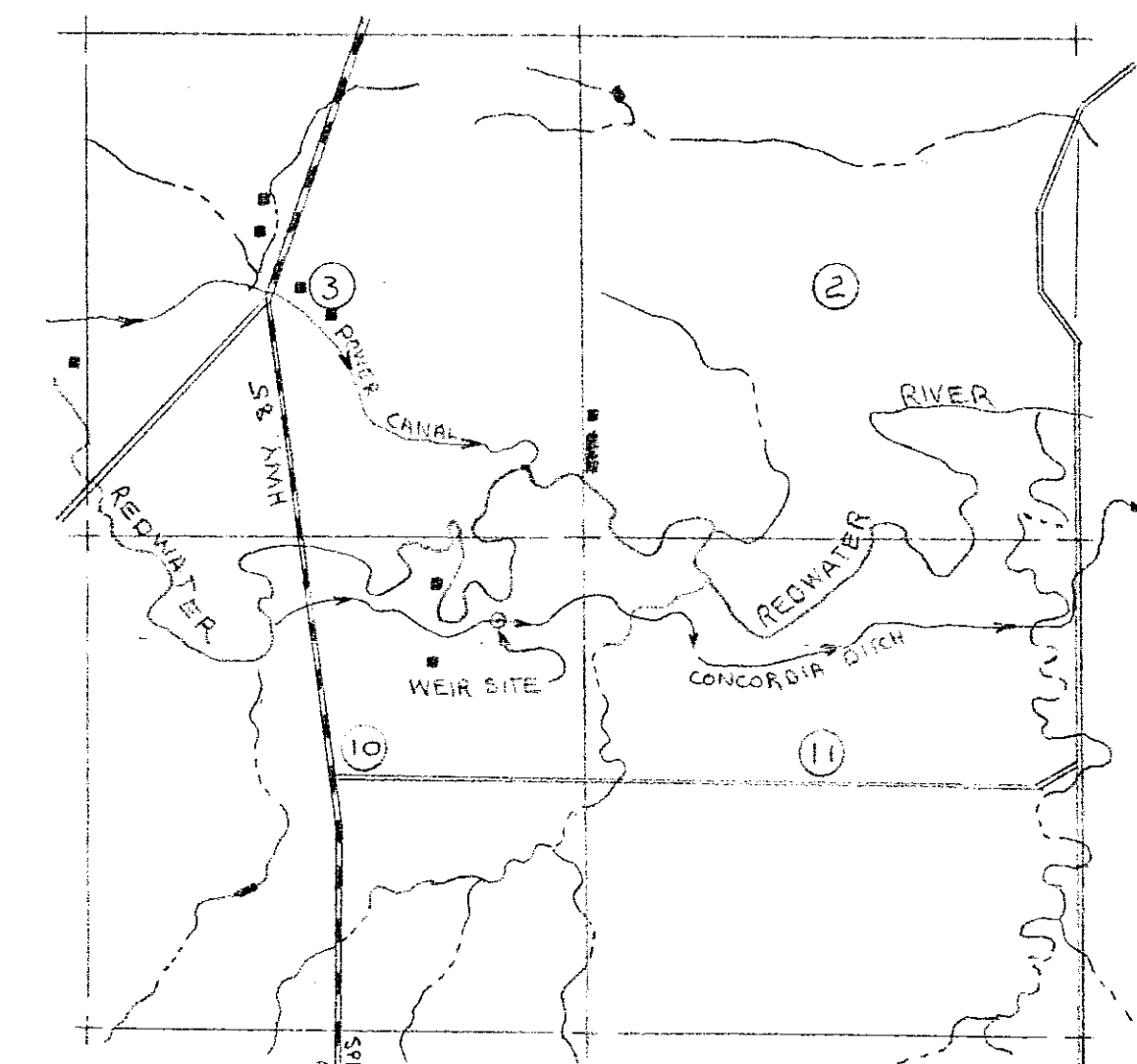
SHARP-CRESTED
WEIR DETAIL
SCALE: 1" = 1'-0"



END VIEW
SCALE: 1" = 2'-0"

WEIR DISCHARGE	
H (FEET)	Q (CFS)
1.5	23.31
1.4	21.07
1.3	18.91
1.2	16.80
1.1	14.79
1.0	12.86
0.9	11.02
0.8	9.27
0.7	7.62
0.6	6.08
0.5	4.66

NOTE: 1) WEIR DISCHARGE TABLE DEVELOPED USING DATA TAKEN FROM "KINGS-HANDBOOK OF HYDRAULICS" FOURTH EDITION.
2) TABLE HAS BEEN ADJUSTED FOR 2. END CONTRACTIONS



LOCATION MAP

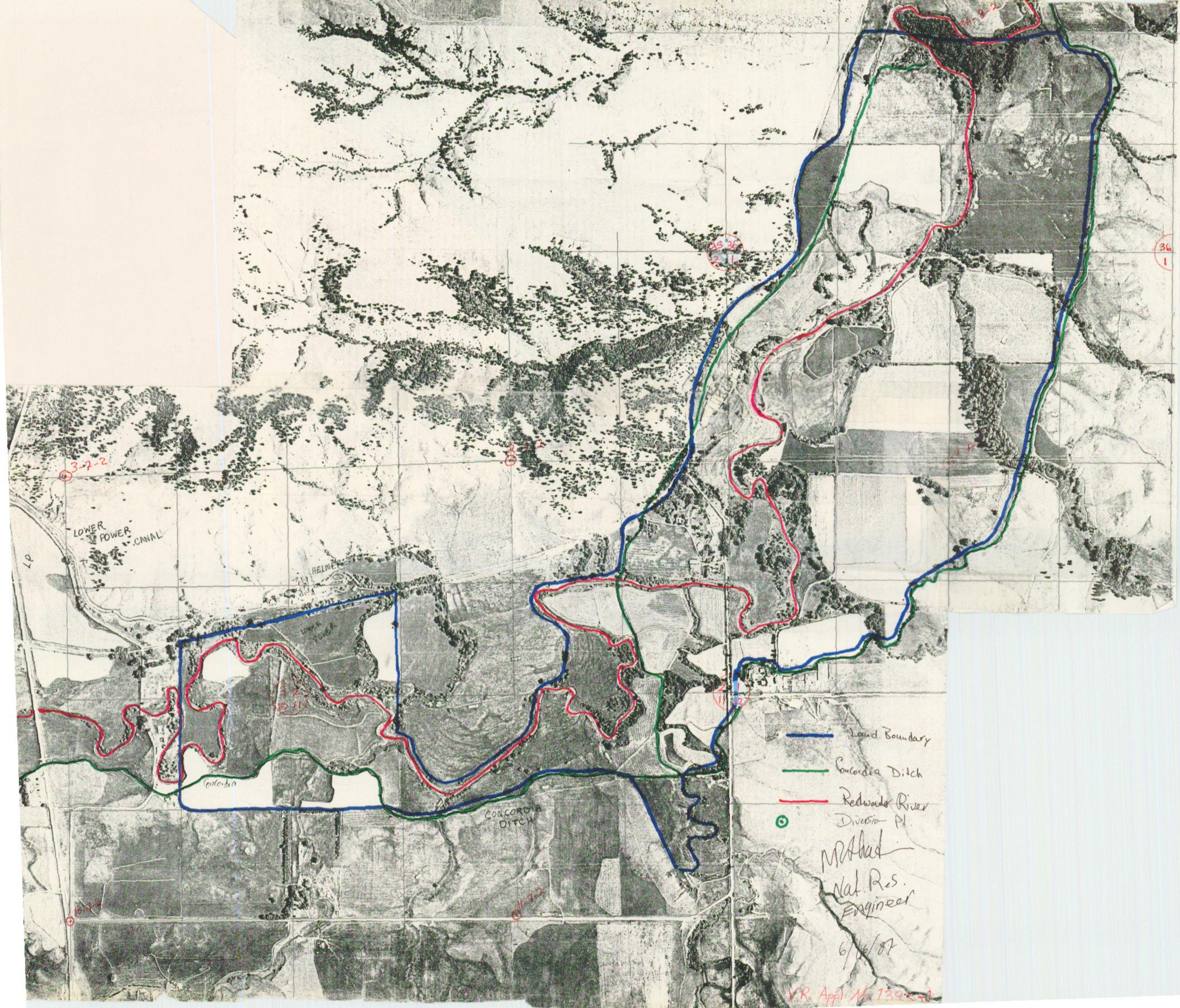
SHARP-CRESTED WEIR

CONCORDIA DITCH

N 1/4 SEC 10, T10N R2E LARSEN CO.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date	Approved by
Designed Jan. Van Halst 2/25/87	Title
Drawn Jan. Van Halst 2/25/87	Title
Traced	Sheet
Checked	No
	of



CONCORDIA DITCH

Section 1, T7N-R2E

NE $\frac{1}{4}$ SW $\frac{1}{4}$	39.0 Acres	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13.0 Acres	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.5 Acres	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	13.7 Acres	Subtotal 81.2 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12.0 Acres	Subtotal 12.0 Acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	36.7 Acres	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	19.2 Acres	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	23.0 Acres	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	15.6 Acres	Subtotal 94.5 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	27.3 Acres	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.0 Acres	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	3.8 Acres	Subtotal 55.1 Acres

Section 2, T7N-R2E

SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 Acres	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	15.2 Acres	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0 Acres	Subtotal 63.2 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	13.1 Acres	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	2.3 Acres	Subtotal 15.4 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	18.3 Acres	Subtotal 18.3 Acres

Section 3, T7N-R2E

SE $\frac{1}{4}$ SE $\frac{1}{4}$	16.2 Acres	Subtotal 16.2 Acres
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Section 10, T7N-R2E

NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.2 Acres	Subtotal 37.2 Acres
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Section 11, T7N-R2E

NW $\frac{1}{4}$ NW $\frac{1}{4}$	38.9 Acres	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8 Acres	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	2.6 Acres	Subtotal 49.3 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	16.8 Acres	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.3 Acres	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.5 Acres	Subtotal 55.6 Acres

Section 36, T8N-R2E

NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.2 Acres	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	38.9 Acres	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	12.2 Acres	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	15.2 Acres	Subtotal 85.5 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.2 Acres	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	35.0 Acres	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.0 Acres	Subtotal 77.2 Acres

TOTAL ACREAGE FOR CONCORDIA DITCH 660.7 ACRES

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1395-1 FOR IRRIGATION

Date of Receipt of Claim December 22, 1986.

Date of Validation July 1, 1993.

The Water Management Board validated Vested Water Right Claim No. 1395-1 for irrigation purposes for Concordia Ditch, c/o Ralph Crago, RR 1, Box 52B, St. Onge SD 57779 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1395-1 appropriates 17.0 cubic feet of water per second (cfs) from Redwater River to irrigate 595.9 acres via the Concordia Ditch. The Redwater River diversion point for Concordia Ditch is located in the NE 1/4 NW 1/4 Section 10-T7N-R2E. The irrigated acreage is located in the SW 1/4, NW 1/4 SE 1/4, NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 1; S 1/2 SE 1/4, NE 1/4 SE 1/4, E 1/2 NE 1/4, SW 1/4 SW 1/4 Section 2; SE 1/4 SE 1/4 Section 3; NE 1/4 NE 1/4 Section 10; N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 11; all in T7N-R2E; SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36-T8N-R2E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - November 30.
3. The priority date of the Vested Water Right is: June 24, 1879.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That Vested Water Right No. 1395-1 is subject to domestic use rights. Diversions of water under Vested Water Right No. 1395-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Concordia Ditch continue to be maintained and records of diversions be kept as directed by the Chief Engineer and reported to the Chief Engineer annually.
3. That applicable portions of Location Certificate No. 12479 and No. 49665 have been incorporated into No. 1395-1 and the abandoned or forfeited portions of No. 12479 and No. 49665 have been canceled.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 14 1994
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1395-1 FOR IRRIGATION

(1) Concordia Ditch, c/o Ralph Crago of RR 1, Box 52B, St. Onge SD 57779 made Application No. 1395-1, December 22, 1986 for validation of a vested right claim to appropriate 60 cubic feet of water per second from the Redwater River, Lawrence County, South Dakota, for irrigation purposes. Vested Water Right No. 1395-1 was validated July 1, 1993 with a priority date of June 24, 1879. 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 applicable portions of Location Certificate No. 12479 and No. 49665 have been incorporated into No. 1395-1 and the abandoned or forfeited portions of No. 12479 and No. 49665 have been cancelled.

Water Permit No. 1395-1 originally claimed 660.6 acres. This amount has been reduced by 64.7 acres which were transferred under Water Permit Nos. 1467-1 and 1485-1 to Leland Johnson with 595.9 acres remaining on Water Permit No. 1395-1.

(2) The vested right owner is entitled to divert 17.0 cubic feet of water per second for beneficial use. The location of the diversion point is: 1000 feet S and 1950 feet E of the NW corner of Section 10-T7N-R2E (NE 1/4 NW 1/4).

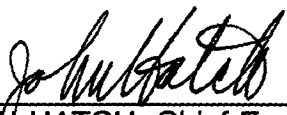
The location of the irrigated acreage is:

Section 1-T7N-R2E	NE 1/4 SW 1/4	39.0 acres
	NW 1/4 SW 1/4	13.0 acres
	SE 1/4 SW 1/4	15.5 acres
	SW 1/4 SW 1/4	13.7 acres
	NW 1/4 SE 1/4	12.0 acres
	SE 1/4 NW 1/4	36.7 acres
	NE 1/4 NW 1/4	19.2 acres
	SW 1/4 NW 1/4	23.0 acres
	NW 1/4 NW 1/4	15.6 acres
	SW 1/4 NE 1/4	27.3 acres
Section 2-T7N-R2E	NW 1/4 NE 1/4	24.0 acres
	NE 1/4 NE 1/4	3.8 acres
	SE 1/4 SE 1/4	34.0 acres
	SW 1/4 SE 1/4	15.2 acres
	NE 1/4 SE 1/4	14.0 acres
	SE 1/4 NE 1/4	13.1 acres
	NE 1/4 NE 1/4	2.3 acres
	SW 1/4 SW 1/4	1.2 acres

(continued)

Section 3-T7N-R2E	SE 1/4 SE 1/4	1.4 acres
Section 10-T7N-R2E	NE 1/4 NE 1/4	20.1 acres
Section 11-T7N-R2E	NW 1/4 NW 1/4	23.2 acres
	NE 1/4 NW 1/4	7.8 acres
	SE 1/4 NW 1/4	2.6 acres
	NW 1/4 NE 1/4	16.8 acres
	NE 1/4 NE 1/4	30.3 acres
	SE 1/4 NE 1/4	8.5 acres
Section 36-T8N-R2E	NW 1/4 SE 1/4	19.2 acres
	SW 1/4 SE 1/4	38.8 acres
	SE 1/4 SE 1/4	12.2 acres
	NE 1/4 SE 1/4	15.2 acres
	NE 1/4 SW 1/4	30.2 acres
	SE 1/4 SW 1/4	35.0 acres
	SW 1/4 SW 1/4	12.0 acres
Total		595.9 acres

(3) Pursuant to Section 46-5-30.1 Concordia Ditch, c/o Ralph Crago of RR 1, Box 52B, St. Onge SD 57779 the holder and/or owner of Vested Water Right No. 1395-1 is issued a license to appropriate 17.0 cubic feet of water per second from the Redwater River with a priority date of June 24, 1879 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. 1395-1 and subject to South Dakota State Law.



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

MAR 14 1994

 date

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) Concordia Ditch/Ralph CragoPost Office Address RR 1, Box 52 B St. Onge, South Dakota 57779
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation N/A Locating June 24, 1879 1000 miners inches
Date of Posting December 21, 1889 2000 miners inches
February 10, 1882 Lawrence County 21 290
Date of recording June 10, 1890 Recording date Lawrence County 72 331
Where Book Page

B. Date of start of construction of water supply system 1879C. Date that water was first applied to beneficial use June 24, 1879 0 1000 miners inches
December 21, 1889 - 2000 miners inchesD. Name of owner of original water supply system George Barribal/president (June 24, 1879)E. Amount of water originally applied to beneficial use 1000 miners inches & 2000 miners inchesF. Present Use of Water - Amount of water now being used irrigation 3000 Miners InchesDate that this water was first used June 24, 1879

G. Chronological History of Water Use

This ditch has been used continuously since constructed to the best of our knowledge

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)

SS

County of Butte)

I, Concordia Ditch/Ralph Crago the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed Ralph CragoSubscribed and sworn to before me December 18, 1986

Bruce Parker
Notary Public or other qualified officer, State of South Dakota.

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

(Print name) _____ 19____

(Print name) _____ 19____

5

5

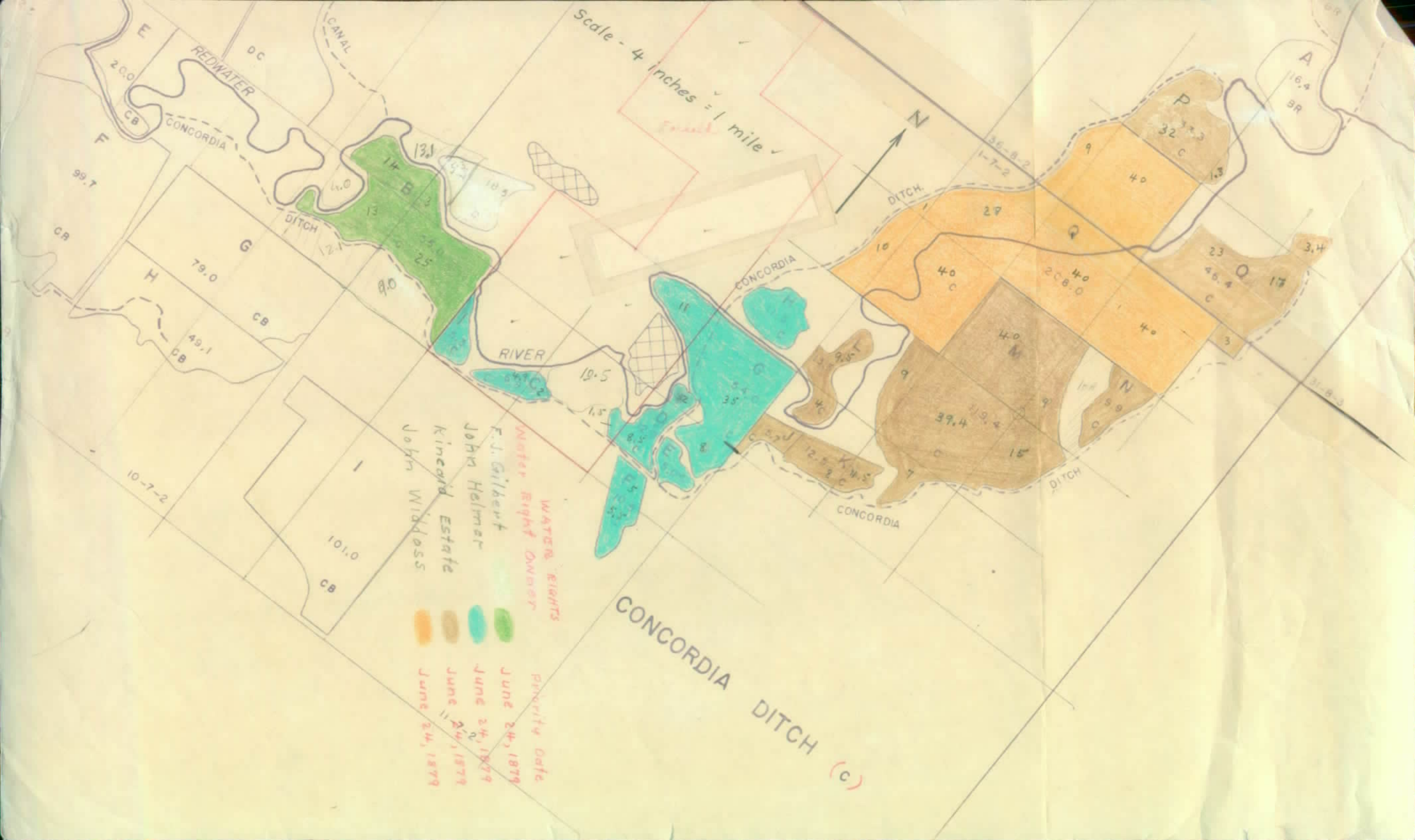
North
North Res Eng.
4/1/09.

Appl. No. 7437-1

10

Scale - 4 inches = 1 mile ✓

N



Water Right Owner	Priority Date
F.J. Gilbert	June 24, 1879
John Helmer	June 24, 1879
Kincaid Estate	June 24, 1879
John Widdoss	June 24, 1879

CONCORDIA DITCH (C)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 22, 1985

RECEIVED OF Concordia Litch/Ralph Orago, RR 1, Box 320, St. Onge, SD 57770

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

Fee for Application for Permit No. <u>1395-1</u> to Appropriate Water, to construct works 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 _____		
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	

By

Chief Engineer

John M. Litch
(S)

December 14, 1961

Mr. John Helmer
RFD 1 St. Onge
Belle Fourche, S. Dak.

Dr. F. J. Gilbert
1047 Kingsbury
Belle Fourche, S. Dak.

Mr. John Widdoss
1013 Lawrence
Belle Fourche, S. Dak.

Mrs. Janet Mackie
4617 Summit
Kansas City 12, Mo.

Re: Concordia Ditch

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 Concordia Ditch:

(1) Location Certificate located June 24, 1879, filed February 10, 1882 in Book 21, page 290 Lawrence County, claiming 1000 miner's inches of the waters of Redwater Creek.

(2) Location Certificate located December 21, 1889, filed June 17, 1890 in Book 72, page 331 Lawrence County claiming an additional 2000 miner's inches of water out of Redwater Creek.

(3) Complaint sworn to on July 17, 1893, an order of Eighth Judicial Circuit Court, dated July 18, 1893, and another order dated August 3, 1893 between Concordia Ditch Company and William B. Perkins v. John Fassold. These documents concern the ownership of a 1/7 interest in Concordia Ditch.

(4) Summons, dated March 29, 1929 and complaint dated April 3, 1929, between Theodore Widdoss and the Utah-Idaho Sugar Company. This concerns damages. No Court decision was found.

(5) Answer of Defendants, Eighth Judicial Circuit Court, dated November 22, 1928 of the Utah-Idaho Sugar Company v. Members of Concordia Ditch. This involves the Sugar Company's use of Concordia Ditch. No Court decision was found.

Mr. John Helmer
Mr. John Widdoss
Dr. F. J. Gilbert
Mrs. Janet Mackie

December 14, 1961

No record was found wherein the Concordia Ditch Water Right was interpreted, determined or established by Court action. The data collected, as outlined above, records the Concordia water right as being an appropriative water right, claiming 1000 miner's inches with a priority date of June 24, 1879, with a supplemental claim for an additional 2000 miner's inches with a priority of December 21, 1889.

In an appropriative water right, the amount claimed, in your case 1000 and 2000 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 and 2000 miner's inches, providing that amount is available after holders of prior water rights have obtained their allocation of the water.

It would be advisable for you to check to see if you can locate additional records that pertain to the Concordia Ditch. 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 fields reported to be irrigated and the acreages of those 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

CC of Letter, List & Map
to: Mr. Fred Shimp
RFD 1, St. Onge
Belle Fourche, S. Dak.



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

June 8, 1978

TO: Owners of the Concordia Ditch: Mr. Vince Crago, Mr. Larry Helmer, Dr. F.J. Gilbert and Mr. Lon Widdoss

SUBJECT: Need for repair of the Concordia Ditch near the residence of Mr. and Mrs. Gregory Jahner.

Gentlemen:

In reference to the order issued by John Hatch, Chief Engineer of the Water Rights Commission pertaining to the repair of the Concordia Ditch, this office has been informed that the repairs of the ditch banks have not been completed to date. The order stated that the repairs be made with all reasonable diligence from the date of the notice. This office would define this as meaning the work is to be completed prior to again using the ditch for the conveyance of water this summer.

This office will be in the area within the next month to inspect the repairs. Please advise this office of any questions.

Sincerely,

A handwritten signature in cursive script, reading "James E. Winterton".

James E. Winterton
Water Resources Engineer III

JEW:plh

WATER RIGHTS DIVISION

(605) 773-3352

June 22, 1982

Vince Crago
Route #1, Box 182
Spearfish, South Dakota 57783

Dear Mr. Crago:

Our office is currently updating water rights on the Redwater River. Enclosed is a map showing lands and owners services by the Concordia Ditch. This list was compiled in 1961-62. We would appreciate your review of the map and any corrections or additions there might be. If you have any questions please contact me.

Thank you,

Kevin C. Larson
Water Resources Engineer

KCL:ms
Enc.

Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Concordia Ditch - Don Helmer land

ADDRESS: _____ COUNTY Butte

DATE: 8/9/85 TELEPHONE _____

RE: Request from Realtor to determine irrigable lands

COMMENTS:

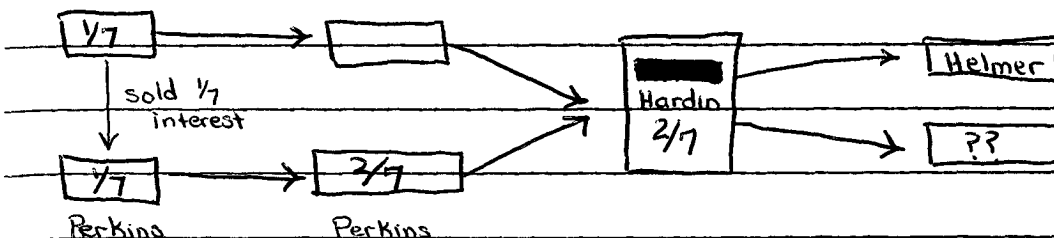
Lyle Martin of Martin Real Estate in Belle Fourche
called the Division and asked for information concerning the
water rights on the Don Helmer land. Our map from
1962 indicated that John Helmer, Don's dad, had 105
acres under irrigation under the Concordia Ditch.

Don has approximately 320-360 acres under irrigation.
I am researching a court case of Concordia ditch vs. Fassold
to determine if the additional 200+ acres irrigated by Don
fall under this court case.

Research indicated that Helmer land has a $\frac{1}{7}$ interest
in the Concordia ditch and a 90 acre ground water permit.
Beyond those 2 items no other records could be found.

Landownership

Helmer
Land



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: [Signature]

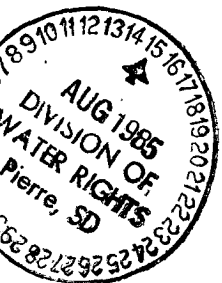
IN THE CIRCUIT COURT OF THE EIGHTH
JUDICIAL CIRCUIT OF SOUTH DAKOTA IN
AND FOR THE COUNTY OF LAWRENCE,

Concordia Ditch Company and William:
B. Perkins,-----Plaintiff, :
-vs- : O r d e r.
John Fassold, -----Defendant.:

This matter coming on to be heard upon
plaintiffs' application for temporary order of injunction
herein; the parties having submitted affidavits and oral
evidence in support of the application and in opposition
thereto; the plaintiffs appearing by their attorneys,
Martin & Mason, and the defendant by his attorneys, Henry
Frawley, Esq., and McLaughlin & McLaughlin, and having con-
sented in open court to the following temporary order, to
be entered without prejudice to the rights of either parties
hereto, it is, accordingly, O r d e r e d that the
defendant, his agents, servants and employees, be, and they
are hereby enjoined and restrained, until the further order
of this Court, from interfering with, or diverting any waters
from the ditch of the Concordia Ditch Company, and from in-
terfering with plaintiffs' use and enjoyment of the said
water and water-ditch, excepting that said defendant, by his
agents, or employees, may take from said ditch not to exceed
forty (40) miner's inches of water for a period not to ex-
ceed six (6) days; said water to be taken upon such days (not
exceeding in all six) as aforesaid, as the defendant may
desire.

This order is entered by consent of the parties hereto,
and without prejudice to the rights of either.

This order shall be in force until the first day of
April, A.D., 1894.



Done in open court, at Deadwood, Lawrence county, South
Dakota this third day of August, A. D., 1893.

By the Court:

O.K.

4.

Henry Traubley
Clerk

Chas. W. Hansen

Judge.

In the Circuit Court,
of the Eighth Judicial Circuit of the State of South Dakota,
within and for Lawrence County.

.....
The Concordia Ditch Company, and
W. B. Perkins,

Plaintiffs.

vs.

John Fassolo,

Defendant.
.....

O R D E R.

Now on this 22nd day of January, 1894, comes on to be heard, the above entitled action, upon the complaint of the Plaintiff and the demurrer interposed by the Defendant. Frawley & Laffey appearing for and on behalf of the demurrer and Martin & Mason in opposition thereto. And the Court having heard the argument of the respective counsel, and being fully advised in the premises, it is by the Court Ordered: That the ^{1st} Demurrer of the defendant to the Plaintiffs complaint be, and the same is hereby sustained, ^{and} ~~it~~ being hereby granted to said plaintiff within thirty days to amend said complaint and make new parties plaintiffs, or if they fail to unite with the plaintiff to make said parties defendant.

By the Court,

Adoniram J. Plummer
Judge.

*OK from
Mason*

IN THE CIRCUIT COURT OF THE EIGHTH
JUDICIAL CIRCUIT OF SOUTH DAKOTA IN
AND FOR THE COUNTY OF LAWRENCE.

Concordia Ditch Company, et al., Plaintiffs:

-vs-

: O r d e r.

John Fassold,-----Defendant.:

Upon the annexed complaint and affidavit, and
upon the papers and proceedings herein, let the defendant,
John Fassold, show cause before the undersigned at the Court
House in Deadwood, Lawrence County, South Dakota, on Monday,
July 24, 1893, at ten o'clock in the forenoon of said day or
as soon thereafter as counsel can be heard, why he, his
servants, agents and employees should not be enjoined from
committing the acts complained of in the complaint herein, and
from any manner interfering with or appropriating to his own
use any portion of the waters of the Concordia Ditch Company,
more particularly described in the complaint.

Done at Deadwood, South Dakota, this 18th day of July,
A.D., 1893.

Chas. M. Brown
J u d g e.

IN THE CIRCUIT COURT OF THE EIGHTH
JUDICIAL CIRCUIT OF SOUTH DAKOTA IN
AND FOR THE COUNTY OF LAWRENCE.

The Concordia Ditch Company and :
William B. Perkins,-----Plaintiffs, :
-vs- : C o m p l a i n t.
John Fassold,-----Defendant.:

Plaintiffs complain and allege:-

2- (1) That in October, 1889, and prior and subsequent to said date, the plaintiff, the Concordia Ditch Company was an association of seven (7) individuals, of whom the plaintiff, William B. Perkins and the plaintiff's grantor, Perry B. Sibley, were members, and that said association were the owners of a certain water-right and water-ditch, used for irrigating purposes; said ditch being taken out of Red Water Creek or river in Lawrence County, South Dakota, and the same then and now having been used by the members thereof for irrigating and domestic purposes; that the plaintiff, William B. Perkins is the owner of an undivided one-seventh, (1/7) interest in said Concordia Ditch Company and in the property thereof, for that Perry B. Sibley, one of the original members therein and owners thereof, did on October 17, 1889, grant and convey unto said Perkins his interest in and to said Concordia water ditch, being an undivided one-seventh (1/7) interest therein, together with the right-of-way therefor over and across the northeast quarter of the northwest quarter and the northwest quarter of the northeast quarter of section 11 in township 7 north, range 2 east, B.H.M. for the purpose of constructing, enlarging or repairing said Concordia Water Ditch and that since said conveyance, the plaintiff, William B. Perkins, has been and is now the owner of said interest and entitled to the possession thereof.

John B. Perkins

5 (2) Upon information and belief that the defendant, John Fassold, claims to be the owner of said one-seventh (1/7) interest in said water-ditch, which claim is adverse to that of this plaintiff, William B. Perkins; that said claim is founded upon a certain mortgage, dated February 13, 1888, executed by Perry B. Sibley, aforesaid, and wife to the Western Dakota Loan and Trust Company, covering the following described property, to-wit: The southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter and the northeast quarter of the northwest quarter, and the northwest quarter of the southeast quarter of section 2, and the southwest quarter of the southeast quarter, and the southeast quarter of the southwest quarter of section 2, and the northwest quarter of the northeast quarter, and the northeast quarter of the northwest quarter of section 11, in township seven (7) north of range 2 east B.H.M., containing three hundred and twenty (320) acres, together with all the appurtenances or improvements thereunto belonging or in any-wise appertaining. Which said mortgage was sought to be foreclosed by said Western Dakota Loan and Trust Company; but that upon said foreclosure neither of these plaintiffs were made parties, nor were they served with summons, nor did they appear therein; that sheriff's deed was executed to the said defendant, John Fassold, in said foreclosure proceedings on April 14, 1892, and that defendant claims title to said interest in said water-ditch under and by virtue of the sheriff's deed aforesaid. That neither said water-ditch, nor any interest therein was ~~in~~ at any time or is appurtenant to or an improvement on the premises described in said mortgage.

7 (3) That the defendant is and has been for weeks past using and appropriating more than one-seventh (1/7) of the water of

SUMMIT 20
NEW NWSE 20
SW SE SE SW 2
THREE

about 1/2
1/2

11-11-11
said Concordia Ditch Company, and threatens and will continue so to do.* That by reason of the said claim of the defendant herein the value of the plaintiffs' interest in said water-ditch and water company is diminished and the said claim of the defendant casts a cloud upon the title of the plaintiffs thereof and interferes with their use and enjoyment thereof; that all of the water of said ditch and of said company is absolutely essential to the irrigation of the lands belonging to the members of said company, including this plaintiff, and that the defendant by appropriating a portion of the waters of said ditch, which said appropriation is and has been without right, diminishes the flow of water to which these plaintiffs are entitled, and which is absolutely essential to their needs, and without which they cannot successfully cultivate the lands owned by them and situated in the vicinity and along the course of said ditch. That the amount of compensation for the act of the defendant herein complained of which would afford adequate relief to these plaintiffs would be extremely difficult to ascertain and no ordinary compensation would afford these plaintiffs adequate relief; and that said wrongful acts of the defendant will work to these plaintiffs great and irreparable injury and unless the defendant is enjoined and restrained from diverting the waters from said ditch it will cause a multiplicity of suit.

9
10
Dam
(4) That subsequent to the conveyance hereinbefore set forth from Perry B. Sibley to the plaintiff, William B. Perkins, the plaintiff, the Concordia Ditch Company, became and is now, a corporation, duly organized and created under and by virtue of the laws of the State of South Dakota; that the defendant is not an owner or holder of any of the capital stock thereof, nor is he entitled thereto.

W h e r e f o r e Plaintiffs pray,

(1) That the defendant be decreed to have no right, title or interest, in and to the waters of said ditch and that plaintiffs' title in and to said water be confirmed and quieted in ~~him~~ them.

// (2) That the defendant be enjoined and restrained from interfering with, or diverting any waters from said water ditch; and that pending this litigation the defendant and his agents, servants and employees be enjoined from committing any of the acts herein complained of, and from interfering with plaintiffs' use and enjoyment of the said water and water-ditch.

. 3 (3) For damages against the defendant in the sum of five hundred dollars, (\$500.00).

Martin Mason
Attorneys for Plaintiffs.

State of South Dakota, :
: ss.
County of Lawrence. :

12. William B. Perkins, being duly sworn, deposes and says: He is one of the plaintiffs in the above entitled action, that he has read the foregoing complaint, knows the contents thereof, and the same is true to his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes ~~in~~ it to be true.

13.

Filed this <u>20</u> day of <u>Aug</u> A. D. 189 <u>3</u> <i>W. B. Perkins</i> Clerk of Circuit Court, Lawrence Co. S. D. DEPUTY
--

W. B. Perkins
Subscribed and sworn to before me

this 17 day of July, A. D., 1893.

Thomas D. Mason
Notary Public.

IN THE CIRCUIT COURT OF THE EIGHTH
JUDICIAL CIRCUIT OF SOUTH DAKOTA IN
AND FOR THE COUNTY OF LAWRENCE.

The Concordia Ditch Company and :
William B. Perkins,-----Plaintiffs,:
-vs- : A f f i d a v i t of
John Fassold,-----Defendant.: William B. Perkins.

State of South Dakota, :
: ss.
County of Lawrence. :

William B. Perkins, being duly
sworn deposes and says: He is one of the plaintiffs herein,
that he has read the complaint hereto annexed, knows the
contents thereof, and the same is true; that he is one of
the ~~original~~ members and ~~organizers~~ of the Concordia Ditch
Company, which ^{is} ~~was~~ an incorporated association of ^{six} ~~seven~~ per-
sons, of whom this affiant and his grantor, Perry B. Sibley,
were two, who were formed for the purpose of locating and
appropriating certain waters of Red Water Creek for irrigat-
ing and domestic purposes; that in accordance with the
purpose for which said association was formed a water-right
was located and a ditch therefrom was constructed over and
across the lands owned by the individuals composing said
association and by others, which said ditch was used in the
way referred to in the complaint herein; that by the terms
of the agreement of association each of the members thereof
were entitled to one-seventh of the waters flowing through
said ditch, which seventh could be and was used by each of
said members at whatever point and in whatever manner that
might be desired by them; that the interest of the associa-
tion in said ditch was by the agreement of the members forming
said association entirely separate and distinct from the
interest of the members thereof in lands in the neighborhood
of and covered thereby, and that such interest in such ditch

16. and in such association was by the agreement, understanding and useage of the members of said association subject to alienation or other disposition at the pleasure of such members, and that upon such amlienation the purchaser was entitled by the agreement, understanding and useage of said association to use the waters acquired by said alienation on any premises and in any way consistent with the location of such waters that he desired; that neither said association, nor the corporation which has succeeded it had any interest in or control over any of the lands adjacent to or covered by said water ditch, excepting as it owned or controlled the 7 right-ofway therefor over lands across which said ditch was constructed. That in accordance with the agreement, understanding and useage of said association, this affiant purchased the interest of Perry B. Sibley in and to said water company and water-ditch as alleged in his complaint, and thereupon entered into possession and use of the interest so purchased by him, and has since said date remained and continued in the sole and exclusive possession, use and enjoyment thereof, until the wrongful acts of the defendant complained of in the complaint and until the spring of 189³.

8 That unless the defendant is restrained from committing said acts, he will continue to ~~xxx~~ divert and appropriate to his own use more than one-seventh of the waters of said ditch and company to the irreparable damage of this affiant.

Subscribed and sworn to before me this 17 day of July,

A.D.

19 Filed this 20 day of July
A. D. 1893
Clerk of Circuit Court Lawrence Co. S. Dak.
DEPUTY.

Notary Public.



Department of Water & Natural Resources

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

October 16, 1986

NOTICE

TO: Lon Widdoss, RR-1, St. Onge, S.D. 57779

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

SUBJECT: Notice of Requirement to File Vested Right Claim

This Notice is in regard to the Concordia Ditch located in Butte and Lawrence Counties, South Dakota. Rassool Ahadi, Natural Resources Engineer with the Division of Water Rights is investigating water rights for irrigation ditches on Spearfish Creek and the Redwater River. On July 18, 1986 application forms and maps for filing a vested right claim were sent to you. To date, we have not received the forms from you.

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

Enclosed is a partially completed set of application forms to claim vested rights and copies of the information previously sent to you. If your system does not qualify for vested right status, the filing fee for your application will be based upon the acreage irrigated. We estimate this fee would be about \$350, if a new permit could be approved. We will be glad to help you complete the applications and answer any questions you may have.

cc: Vince Crago
RR-1, Box 183
Spearfish, S.D. 57783

F. J. Gilbert
823 Park Dr.
Belle Fourche, S.D. 57717

Don Helmer
RR-1
St. Onge, S.D. 57779

Equal Opportunity Employer

CERTIFICATION

I hereby certify that on October 16, 1986 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice pertaining to Requirement to File a Vested Right Claim for Lon Widdoss addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October, 1986.

John Hatch
Notary Public



Dear Sir:

In regard to your letter wanting a application form to claim vested water rights on the Concordia ditch; We have moved from that ranch, Henry Peppin now owns that ranch and will fill out the application forms if you mail them to him. Your letter stated forms were enclosed, but were omitted from envelope.

We did not receive your first letter probably due to change in our address.

Yours truly

Don Helmer

RR 1 1302 177

Spearfish S.D.





Water & Natural Resources

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

August 10, 1987

Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779

Dear Mr. Crago:

This letter is to inform you that the vested right claim for Concordia 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, appearing to read "Ron Duvall".

RON DUVAL
Water Resources Engineer
605 773-3352

WATER RIGHTS DIVISION
(605) 773-3352

November 3, 1987

Jacqueline Marousek
2030 10th Avenue
Belle Fourche, South Dakota 57717

Dear Ms. Marousek:

This letter is in response to our phone conversation on November 3, 1987 regarding the Vested Right Claim for Concordia Ditch. Enclosed is a copy of the report and Chief Engineer's recommendation for Vested Right Application No. 1395-1 and a listing of the Water Management members.

Please contact us if you have any additional questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

sent Concordia Ditch flow records on 11/6/87

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1395-1, Concordia Ditch

For :

Ralph Craga
Concordia Ditch
RR1, Box 52B
St. Onge, SD 57779

Interested

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

Against:

B.E. Martin, Regional Director
Bureau of Reclamation
P.O. Box 36900
Billings MT 59107-6900

Bruce Kaymon
U.S. Bureau of Reclamation
P.O. Box 226
Newell SD 57760

4
3
3

93

26.1

67.5

SW of SE Sec 2
SE of SE Sec 3
NE of NE Sec 10
NW of NW Sec 11a } Shot Past South of
Red Water River
Lawrence Co.
Town - 7 North
67.5 acres. Range - 2 East.

NE of SE Sec 3. Shot Past North of
W of SW Sec 2 Red Water River
Butte Co.
26.1 acres. Town - 7 North.
Range 2 East.

Richard Johnson

DIVERSION DITCH SERVICE

NAME OF THE DITCH: *Concordia*

ADDRESS: *RR 1, S 107 22, S 30*

DIVERSION POINT: *NE 1/4 NW 1/4 SEC. 10 T 7 N-R 2 E*; SOURCE: *Redwater River*

MAXIMUM DIVERSION RATE: *A.C.F.S.*

ACREAGE SERVED: *647.3* ACRES
Total

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
---------------------	---	---------	----------

<i>HAT RANCH INC</i>	<i>7N-2E Sec 142 8N-2E Sec 36</i>	<i>208</i>	
----------------------	---------------------------------------	------------	--

<i>Pepin Ranch</i>	<i>7N-2E Sec 2 + 4</i>	<i>105</i>	
--------------------	----------------------------	------------	--

<i>Ralph Craig</i>		<i>240.7</i>	
--------------------	--	--------------	--

Johnson

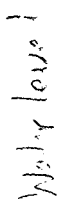
LANDOWNER'S
NAME

LOCATION OF LAND
BEING IRRIG. BY
THIS DITCH

ACREAGE

COMMENTS

--	--	--	--

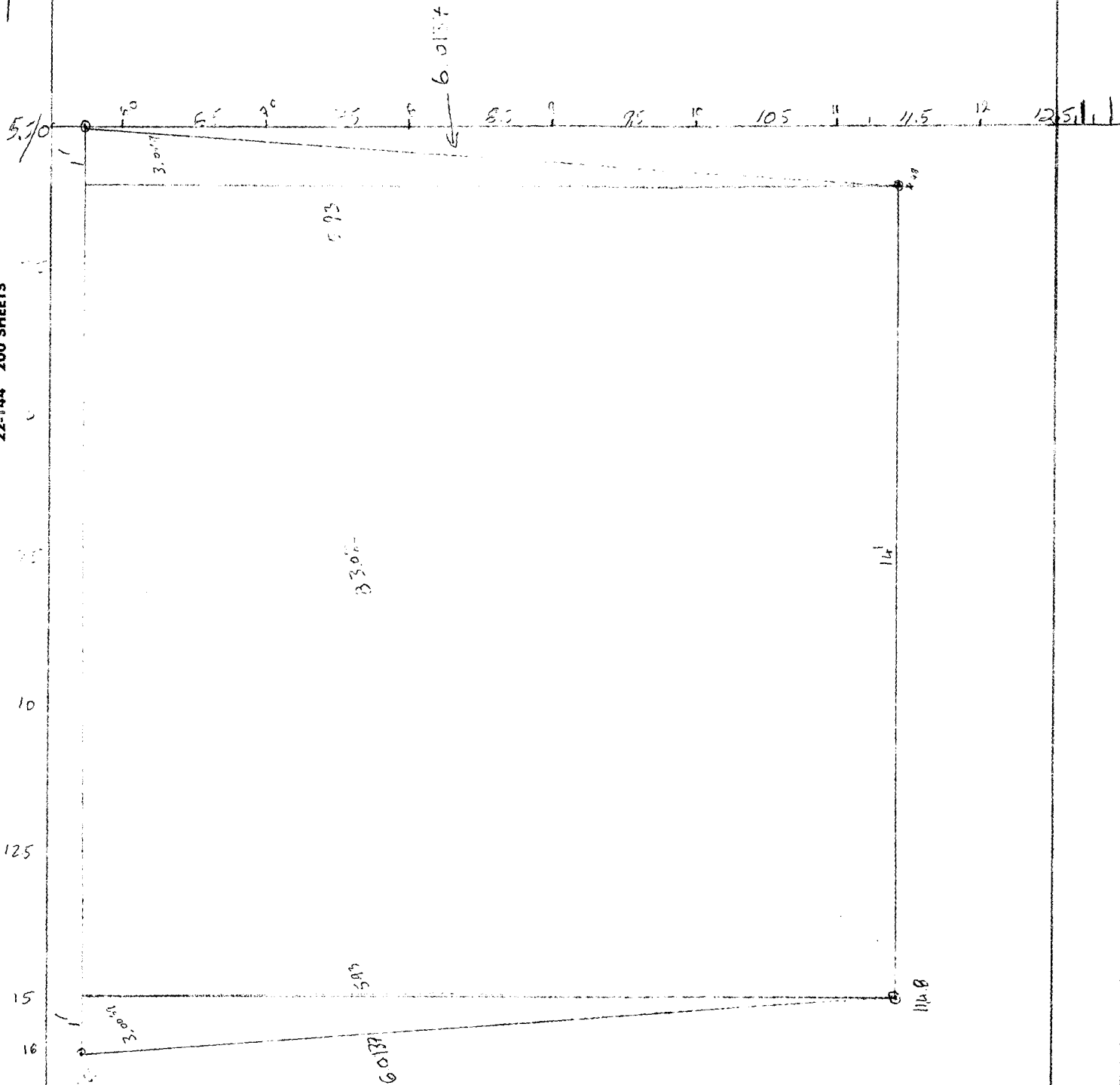


— = cos: ft/ft

$$\eta = .03$$

7/29/87

for $n = .02 \Rightarrow Q_1 = 46.7 \text{ CFs}$



$$Q = V \cdot A$$

$$V = 2.8256 \text{ fPs}$$

$$A_z = 100.0494 \text{ g}^2$$

$Q_t = 283 \text{ CFS}$

$$n = .03$$

$$R = \frac{G}{\omega_p} = \frac{59.0338 \text{ } \Omega^2}{26.02704} = 3.4208$$

$$Q_t = 283 \text{ CFs}$$

$$Q = V \cdot A \quad Q = 116.7 \text{ CFS}$$

$$A_{\text{total}} = 12.5 \text{ ft}^2$$

$$V = \frac{Q}{A}$$

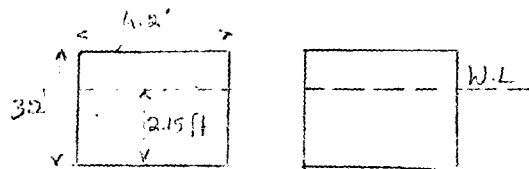
$$Q \approx 70.0 \text{ CFS}$$

Culverts
Capacity

$$V = \frac{116.7 \text{ CFS}}{12.5 \text{ ft}^2} = 9.34 \text{ FPS}$$

$$Q = V \cdot A = 9.34 \text{ FPS} (26.8 \text{ ft}^2) = 69.5 \text{ CFS}$$

Capacity



Culverts under the Road.

Inst. No. 49665

Location Certificate

Water Right

By

Concordia Ditch Co.

Filed for record June 17th

1890 at 4 P.M.

John Baker

Register of Deeds

By J. L. Baker

Deputy

Location Certificate

Know all Men by these Presents That undersigned the Concordia Ditch Company has this 21st day of December 1889 taken located and appropriated an additional two thousand miners inches of water out of the Red Water River taken from the same point as shown in book 21 page 290 of the records of the Register of Deeds Office at Lawrence County South Dakota to wit: Near the center of the N.E. Quarter of N.W. Quarter of Section 10 Township 7 North of Range 2 E. R.R.M. Co. The said water is to be conducted by means of ditch flumes or canals upon the lands of the parties interested in said ditch Company and of various other parties. The purpose of this appropriation is for mining Milling manufacturing irrigation and domestic uses.

Dated and located December 21st 1889.

Concordia Ditch Co.

STATE OF SOUTH DAKOTA)

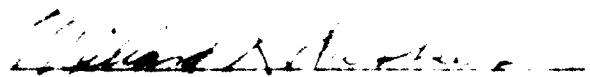
) ss

COUNTY OF LAWRENCE)

I hereby certify that the within instrument is a true, correct and complete copy of the instrument as recorded in my office on the 17th day of June, 1890, at 4 P. M., in

Book 72, Page 331.

Dated this 17 day of July, 1890.


Register of Deeds

Inst. No. 12479

Location Certificate
Concordia Ditch Water Right
George Barribal et al
Filed
Feby. 10th 1882. 12. M.
J. S. Tracy
Register of Deeds
By Jno McCarthy
Deputy

Know all men by these presents That we the undersigned citizens of the United and residents of the County of Lawrence and Territory of Dakota, claim by right of location and appropriation for Mining Milling Irrigating, Manufacturing, Domestic of any of the useful or beneficial purposes to which the same can be applied the following described Water Right to wit:

One thousand (1000) inches miners measurement of the Waters of Red water Creek, taken out at a point in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 10, Township 7 North Range 2 East BHM, about 2 miles below the Pioneer Water Right.

We claim the right to divert and convey said water by ditch pipes or flumes to any point where it can be conveniently used for any of the above purposes.

This Water Right shall be known as the Concordia Ditch water Right.

Located the 20th day of June 1879.

George Barribal	President
P. C. Sibley	Treasurer
J. B. Willhofs	Secretary
Chas. C. Bohl	
William Wallace	
J. Christopher Schaefer	
Christ Fluken	

DIVERSION RATE RECORD

Ditch Company Concordia
 Ditch President Ralph Crago
 Type of Measuring Device?

Month May
 Year 1988



☐ A) Parshall Flume: Throat Width _____ ft.
☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					Ditch opened & level come up. Had a look around south end of ditch.
17					
18					
19					
20					
21					
22					
23					
24					Weir fixed open up. Check & running up.
25	3.30 PM	.9			
26		1.12			
27		1.85			
28		1.8			
29		1.75			
30		1.75			
31		1.8			opened 5 turns on head gate

DIVERSION RATE RECORD

Ditch Company Concordia
 Ditch President Ralph Crago
 Type of Measuring Device?

Month June
 Year 1988



☐ A) Parshall Flume: Throat Width _____ ft.
☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		1.85			road up to <u>Gate Level</u>
2		"			
3		"			
4		"			
5		"			
6		"			
7		"			
8		"			
9		"			
10		"			
11		1.95			<u>Spent time 5 tonnes at Head Gate</u>
12		1.90			
13		1.85			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		"			
21		"			
22		"			
23		"			
24		"			
25		"			
26		"			
27		"			
28		"			
29		"			
30		"			
31					

DIVERSION RATE RECORD

Ditch Company Concordia

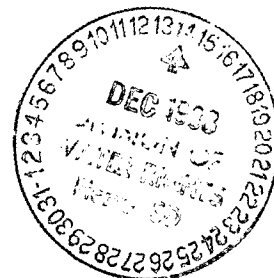
Ditch President Ralph Craig

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Month July
Year 1938



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		1.85			
2		1.85			
3		"			
4		1.75			opened 5 turns on head gate
5		1.85			
6		"			
7		"			
8		"			
9		"			
10		"			
11		1.75			open 5 turns on head gate
12		1.85			
13		"			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		1.75			open clear up on head gate (5 more turns)
21		"			
22		"			
23		"			
24		"			
25		"			
26		"			
27		"			
28		"			
29		"			
30		"			
31					

DIVERSION RATE RECORD

Ditch Company Concordia
 Ditch President Ralph Chicago
 Type of Measuring Device?

Month Aug
 Year _____



☐ A) Parshall Flume: Throat Width _____ ft.
☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		1.85			
2		"			
3		"			
4		"			
5		"			
6		2.05			trash and Dead Deer in we
7		1.85			
8		"			
9		"			
10		"			
11		"			
12		"			
13		"			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		1.25			} open 5 more turns open Clear up no more available
21		1.85			
22		"			
23		"			
24		"			
25		"			
26		"			
27		"			
28		"			
29		"			
30		2.05			shot down 10 turns
31					

DIVERSION RATE RECORD

Ditch Company Concordia
 Ditch President Ralph Crapo
 Type of Measuring Device?

Month Sept
 Year 1988



☐ A) Parshall Flume: Throat Width _____ ft.
☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		2.05			Shut Down 10 more tanks on Head gate
2		Steady			
3		"			
4		"			
5		"			
6		"			
7		"			
8		"			
9		"			
10		"			
11		"			
12		"			
13		"			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		"			
21		"			
22		"			
23		"			
24		"			
25		"			
26		"			Shut off ditch
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concarila
Ditch President Ralph Crago
Type of Measuring Device?

Month May
Year 89



☐ A) Parshall Flume: Throat Width _____ ft.
☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1				<u>Johnson</u>	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26	8:00AM	1.2		<u>Johnson</u>	First Day opened
27	7.50	1.2			
28		1.2			new head
29					new head
30	8.10	1.2			
31	9.00	1.2			
32	10.00	1.2			

DIVERSION RATE RECORD

Ditch Company Concepcion
Ditch President Ralph Crogo
Type of Measuring Device?

Month June
Year 89



☐ 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
1	8:00 AM	1.3		Johann	
2					newer Road
3					"
4					"
5	8:45 AM	1.3		"	Headgate State
6					newer Road
7					"
8					"
9					"
10					"
11					"
12					"
13					"
14					"
15	10:15 AM	1.4		"	Johann Headgate above
16	8:10 AM	1.3 + 20 h at 600 g.p.m.			Weir have a meter on
17	8:00 "	1.2 + 24 h at 600 g.p.m.			discharge pipes and big
18	6:30 "	1.4 +			to lay at 600 gal per min
19	6:30 "	1.4 +			at 12:00 p.m.
20	7:00 "	1.4 +			
21	7:50 "	1.4 +			
22	8:00 "	1.4 +			
23	7:10	1.3 +			
24	7:00	1.3 +			
25	7:50	1.3 +			open up 6 threads
26	8:00	1.4 +			
27	9:10	1.4 +			
28	9:00	1.4 +			
29	6:00	1.4 +			
30	6:30	1.4 +			
31	7:00	1.4 + 24 h at 600 g.p.m.			

DIVERSION RATE RECORD

Ditch Company Crescent
 Ditch President Ralph Crogo
 Type of Measuring Device?

Month July
 Year 89



☐ A) Parshall Flume: Throat Width _____ ft.
☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	7:50	1.4 +	600 gpm	on Johnson Meter	
2					never read
3				Johnson	never read
4	8:00	1.4 +	600 gpm		
5					never Read
6	8:10	1.4 +			never Read
7	8:00	1.4 +			
8					never Read
9	8:00	1.4 +			
10					never Read
11					never Read
12	8:10	1.4 +			
13	6:30	1.4 +			
14	8:10	1.4 +	600 gpm	Johnson Meter	Ralph closed down
15	9:15	1.2 +			10th read
16					never Read
17	6:30 AM	1.2 +			
18					never Read
19					
20					
21					
22					
23					
24	7:00	1.2 +			Johnson shut down to Hay
25	8:00	1.3			
26					Forgot to read
27					never Read
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concepcion
 Ditch President Ralph Cogo
 Type of Measuring Device?

Month Aug
 Year 89



☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length 4 ft.

☒ C) Other: Meter on Johnson

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	6:30 AM	1.3		Johnson	
2	7:00 AM	1.3 + 900 8 PM		Johnson	
3	new	Read			
4	new	Read			
5	8:00 AM	1.4 + 900 8 PM		"	
6	new	Read			
7	6:30 AM	1.4 + 900 8 PM			
8	8:10 AM	1.4 + 600 8 PM			
9		1.4 + 600 8 PM			open Her Gate 10 turned
10	9:00 AM	1.4 + 600 8 PM			
11	10:00 AM	1.5 + 600 8 PM			
12	8:00 AM	1.5 + 600 8 PM			closed & turn
13	new	Read			
14	8:45 AM	1.4 + 900 8 PM			
15	2:45 PM	1.4 + 900 8 PM			
16	9:45 AM	1.4 + 900 8 PM			
17		1.4 + 900 8 PM			
18	9:30	1.4 + 900 8 PM			
19		1.4 + 900 8 PM		Johnson	
20	new	Read			
21	8:00 AM	1.4 + 900 8 PM			
22	2:50 AM	1.4 + 900 8 PM			
23	7:30 AM	1.4 + 900 8 PM			
24	7:00 AM	1.4 + 900 8 PM			
25		1.4 + 900 8 PM			
26		Target 1.6 Read			
27	7:10 AM	1.5 + 300 8 PM			
28	7:00 AM	1.5 + 300 8 PM			
29	6:00 AM	1.5 + 300 8 PM			
30	6:00 AM	1.5 -			closed Her Gate 10 turn
31	6:00 AM	1.4			

DIVERSION RATE RECORD

Ditch Company Continental

Ditch President Croft

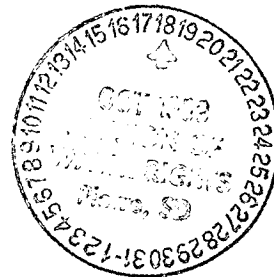
Month Oct

Year 89

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2	7:00	1.2			never read
3	7:00	1.2			
4					never read
5					
6					
7					
8					
9					
10					
11	9:00AM	1.2			shut off head for season
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company CMC Co. L

Month Sept

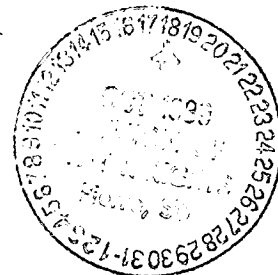
Ditch President Progo

Year 89

Type of Measuring Device?

☐ (A) Parshall Flume: Throat Width _____ ft.

☒ (B) Weir: Crest Length 4 ft. ☐ (C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	8:00	1.5		Johnson	
2					never read
3					never read
4	7:00	1.5			
5					never read
6					never read
7	6:00 AM	1.5			
8					never read
9	7:30 AM	1.5			
10	7:00 AM	1.5			
11	6:30 AM	1.5			
12					never read
13					never read
14	6:30	1.5			
15					never read
16					" "
17					" "
18					" "
19	6:30	1.2			
20	5:45 AM	1.2			never read
21					never read winter time
22					" "
23					" "
24					" "
25	6:40 AM	1.2			
26					never read
27					never read
28					" "
29					" "
30	6: AM	1.2			
31					never read

DIVERSION RATE RECORD

Ditch Company Concordia

Month June

Ditch President Ralph Crogo

Year 1990

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		1.0			
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25		1.35			River very low
26		1.15			
27		1.2			
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Corcoran

Month July

Ditch President Ralph Crago

Year 1990

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length 7 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2		1.19			
3		1.2			
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					General 2" Rain raised
22		1.43			Rises. 3" gate unchanged
23					
24					
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concordia

Month Aug

Ditch President Ralph Crege

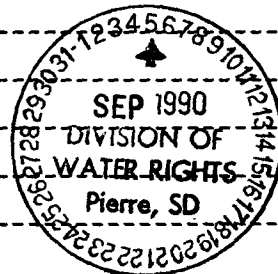
Year 1990

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11	10 am	1.2		<u>Sheldon</u>	
12					
13					
14					
15					
16					
17					
18		1.32			
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1				Pepin	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18		1.1			
19					
20		1.1			
21					
22					
23					
24		1.2			
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concordia

Ditch President Ralph Crago

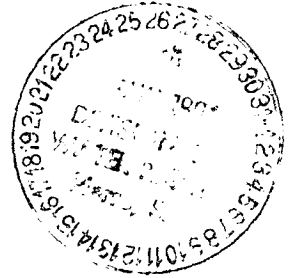
Type of Measuring Device?

Month June

Year 91

☐ A) Parshall Flume: Throat Width _____ ft.

☐ B) Weir: Crest Length 4 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1				<u>Pepin</u>	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23		<u>1.85</u>			
24					
25					
26					
27		<u>.9</u>			
28		<u>.9</u>			
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concordia

Ditch President Ralph Crapo

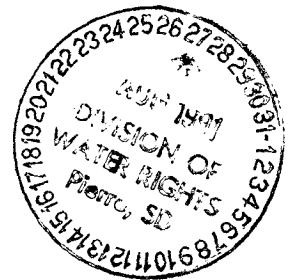
Type of Measuring Device?

Month July

Year 91

☐ (A) Parshall Flume: Throat Width _____ ft.

☐ (B) Weir: Crest Length 4 ft. ☐ (C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1				<u>Pepin</u>	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11		<u>1.5</u>			
12		<u>1.1</u>			
13					
14					
15		<u>1.1</u>			
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concordia

Ditch President Ralph Craig

Type of Measuring Device?

☐ (A) Parshall Flume: Throat Width _____ ft.

☐ (B) Weir: Crest Length 4 ft. ☐ (C) Other: _____

Month Aug
Year 1991



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1				<u>Pepin</u>	
2					
3					
4					
5					
6					
7					
8					
9		<u>1.1</u>			
10		<u>1.1</u>			
11					
12					
13					
14					
15					
16					
17					
18		<u>1.95</u>			
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

DIVERSION RATE RECORD

Ditch Company Concordia

Month May

Ditch President Ralph Crago

Year 1992

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2					
3					
4					
5					
6					
7					
8	9:30am	1.83		Jim Pepin	Opened ditch
9	"	"		"	
10	"	"		"	
11	"	"		"	
12	"	"		"	
13	"	"		"	
14	9:30am	1.82		Jim Pepin	
15	"	"		"	
16	"	"		"	
17	"	"		"	
18	"	"		"	
19	9:45am	1.95		Mac Johnson & Widdowson	
20	"	"		"	
21	9:15am	1.1		Verholst & Widdowson	
22	"	1.1		"	
23	9 am	1.22		Johnson & Widdowson	
24	"	"		"	
25	"	"		"	
26	"	"		"	
27	11:30am	1.8		Widdowson & Pepin	
28	"	"		"	
29	"	"		"	
30	"	"		"	
31	"	"		"	

DIVERSION RATE RECORD

Ditch Company Concordia

Month June

Ditch President Ralph Crap

Year 1992

Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1		1.18		Widdow & Pepin	
2		"		"	
3		"		"	
4		"		"	
5		"		"	
6		1.15		Widdow & Johnson	
7		"		"	
8		"		"	
9		"		"	
10		"		"	
11		1.10		Widdow & Johnson	
12		"		"	
13		"		"	
14		"		"	
15		"		"	
16		1.15		Pepin & Roscoe White	
17		"		"	
18		"		"	
19		"		"	
20		"		"	
21		"		"	
22		"		"	
23		"		"	
24		1.05		Widdow & Pepin	
25		"		"	
26		"		"	
27		"		"	
28		"		"	
29		"		"	
30		.98		Johnson	
31					

DIVERSION RATE RECORD

Ditch Company Concordia
Ditch President Ralph Crago
Type of Measuring Device?

Month Aug
Year 1992



☐ A) Parshall Flume: Throat Width _____ ft.
☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1					
2					
3					
4					
5	1:30 pm	1.26		Widdowson	
6		"			
7	8:45 pm	"		Johnson	
8		"			
9		"			
10		"			
11		"			
12	8:30 pm	1.2		Widdowson	
13		"			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		"			
21		"			
22		"			
23		"			
24	3 pm	1.44		Pepin	
25		"			
26		"			
27		"			
28		"			
29	9:30 am	1.15		Pepin	
30		"			
31		"			

DIVERSION RATE RECORD

Ditch Company Concordia

Ditch President Ralph Orago

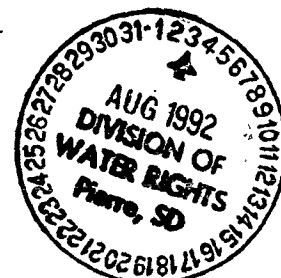
Type of Measuring Device?

☐ A) Parshall Flume: Throat Width _____ ft.

☒ B) Weir: Crest Length 4 ft. ☐ C) Other: _____

Month July

Year 1992



Date	Time	Head (ft.)	No. of Acres Being Irrigated	Name of the Gauge Reader	Remarks
1	9:30 am	.98		Johnson	
2		"			
3		"			
4		"			
5	7:00 am	.93		Johnson	
6		"			Our Headgate is locked & has never been moved since we started ditch. You will notice the fall in the head. This is what the weeds have done to lower the amount of water diverted. We will start the ditch the first part of Aug. Tom Widdons
7		"			
8		"			
9		"			
10		"			
11		"			
12		"			
13		"			
14		"			
15		"			
16		"			
17		"			
18		"			
19		"			
20		"			
21		"			
22		"			
23		"			
24	5 pm	.90		Johnson	
25	Ditch closed to spray weeds				
26	"				
27	"				
28	"				
29	"				
30	"				
31	"				



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.

Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779

Dear Mr. Crago:

Your Application No. 1395-1 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,

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

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 29, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1395-1. 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 Concordia Ditch, c/o Ralph Crago, RR 1, Box 52B, St. Onge 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 FOURCE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1395-1. 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 Concordia Ditch, c/o Ralph Crago, RR 1, Box 52B, St. Onge 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

**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 1395-1 on Redwater River, Lawrence & 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/ld

cc: Concordia Ditch & Ralph Crago



United States Department of the Interior
BUREAU OF RECLAMATION
Missouri Basin Region
P.O. Box 36900
Billings, Montana 59107-6900



IN REPLY
REFER TO: MB-450
870.

John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57301

NOV 19 1987

Dear Mr. Hatch:

Pursuant to South Dakota Civil Law 1-26, we hereby make known our objections to Applications to Validate Vested Water Rights (applications) Nos. 1388-1, 1390-1, 1394-1, 1395-1, 1399-1, 1400-1, 1402-1, 1405-1, 1408-1, 1409-1, 1410-1, 1411-1, 1412-1, 1413-1, 1415-1, 1417-1, 1423-1, and 1425-1. These applications are scheduled for consideration by the Water Management Board in Rapid City, South Dakota, on December 2, 1987, at 1:00 pm.

We concur with the Chief Engineer's recommendations regarding the diversion rates for the applications listed above and would object to increases in the diversion rates above those recommended by the Chief Engineer. The Bureau of Reclamation (Bureau) is the owner of water rights for the Belle Fourche Irrigation Project (Project) located on the Belle Fourche River. Most of the vested rights (with the exception of application No. 1423-1) have points of diversion located on tributaries to the Belle Fourche River upstream of the Project diversion dam. The Project could be adversely impacted if the applications are validated with flow rates in excess of those historically utilized.

Finally, we request that you send a copy of the Chief Engineer's recommendation regarding each of the applications listed above to Bruce Laymon who will be representing the Bureau's interests at the hearings. His mailing address is listed below.

U.S. Bureau of Reclamation
Attention: Bruce Laymon
Belle Fourche Project Office
P.O. Box 226
Newell, SD 57760

If you have any questions regarding our interest in these matters, please contact Dave Nelson at (406) 657-6639 or Bob Pike at (406) 657-6469.

Sincerely yours,


Donald R. Glaser

For B. E. Martin
Regional Director

Enclosure

Identical letters sent to attached listing

Mr. Ralph Bahm
RR 1, Box 196
Spearfish, SD 57783

Ms. Della Crago
RR 1, Box 24
Belle Fourche, SD 57717

Mr. Dick Cundy
St. Onge Road
Spearfish, SD 57783

Homestake Mining Company
P.O. Box 875
Lead, SD 57754

Mr. Albert Jeffery
RR 1
Spearfish, SD 57783

Mr. Leland Johnson
Mr. Keith Johnson
RR 1, Box 1011
Spearfish, SD 57783

Mr. Richard Lausser
RR 1, Box 195
Spearfish, SD 57783

Redwater Irrigation Association
P.O. Box 351
Belle Fourche, SD 57717

Mr. R. Thornton Vallery
Star Route, Box 188
Nisland, SD 57762

Mr. James Chenowith
Box 248
Woodrow, CO 80757

Mr. Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

Mr. Melvin Delzer
Box 1045
Spearfish, SD 57783

Mr. Robert Humphrey
Rt. 1, Box 170
Spearfish, SD 57783

Mr. James Jennings
RR 1, Box 182C
Spearfish, SD 57783

Mr. William Lambert
Box 335
Beulah, WY 82712

Mr. Josef Meier
421 Meier Street
Spearfish, SD 57783

Mr. Wesley W. Thompson
Rt. 1, Box 198A
Spearfish, SD 57783

**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". The signature is stylized with a large, sweeping initial "R".

Ron Koth
Water Permits Coordinator

RK/ld



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

November 23, 1987

Ralph Crago
Concordia Ditch
RR 1, Box 52 B
St. Onge, South Dakota 57779

Dear Mr. Crago:

I am writing to advise you that the legal notice of hearing published in the Belle Fourche Daily Post does not meet statutory requirements. The notice was intended to be published on November 3, 1987 with the second publication to be published November 10, 1987. However, the second publication did not get printed until Saturday, November 14, 1987. SDCL 46-2A-4 specifies that the second publication shall be at least 20 days before the first day of the Water Management Board meeting. Therefore, the notice of hearing does not meet statutory requirements because the second publication is only 18 days prior to the December 2, 1987 Board meeting. Enclosed is a copy of the Affidavit of Publication.

The hearing on Vested Right Application No. 1395-1 will not be held at the December 2, 1987 Board meeting due to the invalid publication. The legal notice of hearing will need to be readvertised for the March 2 and 3, 1988 Board meeting. The cost of the readvertisement will be paid by the Division of Water Rights. The readvertisement is needed to ensure that the vested right application is free from any potential legal problems due to noncompliance with statutory requirements. The information needed to readvertise will be sent under separate cover.

Please contact us if you have any questions.

Sincerely,

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

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

cc: Jacqueline Marousek, 2030 10th Ave., Belle Fourche SD 57717
Ron Koth, Dept. of Game, Fish & Parks
B.E. Martin, Bureau of Reclamation

Conversation or File Documentation

NAME OF PERSON OR FILE: Concordia Ditch -ADDRESS: C/O Ralph Crago, RR1, Box 52 B, St. 57774 COUNTYDATE: 2/23/88 TELEPHONE 892-4402RE: Concordia Ditch

COMMENTS:

Mrs. Jacquelin Marousak returned my call at 3:00.I told her that if the ditch company wanted to install a measuringdevice, They must either send us a letter or be present at theBoard meeting on March 2, 1988. She asked me if it should bementioned that I approved the measuring device. I told her therewas no measuring device. ^{also} I told her that there is a concrete structurethat could be converted into a measuring device. I also told hershe could contact Tom Vertelst from SCS and get hisadvice. I also told her that if they requested installing a measuringdevice, Plans and Specifications must be submitted to the Division andbe approved by the Chief Engineer. She said she would talk to ditchcompany and get back to me.

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: N. R. Had

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

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

December 22, 1987

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

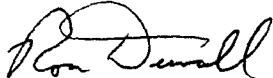
Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779

Dear Mr. Crago:

Your Application No. 1395-1 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 SD. 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. 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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

December 22, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1395-1 to be published twice. Please publish this notice on or before January 6, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the Division of Water Rights for the cost of publication.

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 /KS

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

December 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. 1395-1 to be published twice. Please publish this notice on or before January 6, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the Division of Water Rights for the cost of publication.

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 /ks

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

Instruction to Newspaper - Publish first publication of the following Notice on or before January 6, 1988 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate
Vested Right Application No. 1395-1 to Appropriate Water

Notice is hereby given that Concordia Ditch, c/o Ralph Crago whose mailing address is RR 1, Box 52B, St. Onge, South Dakota has filed an application to validate a vested right claim to appropriate a total of 60 cubic feet of water per second (cfs) from Redwater River to irrigate 660.7 acres via the Concordia Ditch with claimed priority dates of June 24, 1879 (20 cfs) and December 21, 1889 (40 cfs). The Redwater River diversion point for Concordia Ditch is located in the NE 1/4 NW 1/4 Section 10, T7N, R2E. The irrigated acreage is located in the SW 1/4, NW 1/4 SE 1/4, NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 1; S 1/2 SE 1/4, NE 1/4 SE 1/4, E 1/2 NE 1/4, SW 1/4 SW 1/4 Section 2; SE 1/4 SE 1/4 Section 3; NE 1/4 NE 1/4 Section 10; N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 11; all in T7N, R2E; SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 section 36, T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1395-1 for 18.9 cfs and that the applicable portions of Location Certificates No. 12479 and No. 49665 be incorporated into NO. 1395-1 and that the abandoned portions of No. 12479 and No. 49665 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of June 24, 1879, 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 in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD at 10:30 am, March 2, 1988.

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 February 19, 1988. 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 February 19, 1988.



No. 1395-1

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 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:

Tuesday, Jan. 5, 1988

Tuesday, Jan 12, 1988

Marion Lucca
(Signature)

Editor
(Title)

January 12, 1988
(Date Signed)

Cost of Printing: \$45.10



**NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1395-1**

to Appropriate Water

Notice is hereby given that Concordia Ditch, c/o Ralph Crago whose mailing address is RR1, Box 52B, St. Onge, South Dakota has filed an application to validate a vested right claim to appropriate a total of 60 cubic feet of water per second (cfs) from Redwater River to irrigate 660.7 acres via the Concordia Ditch with claimed priority dates of June 24, 1879 (20 cfs) and December 21, 1889 (40 cfs). The Redwater River diversion point for Concordia Ditch is located in the NE 1/4 NW 1/4 Section 10, T7N, R2E. The irrigated acreage is located in the SW 1/4, NW 1/4 SE 1/4, NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 1; S 1/2 SE 1/4, NE 1/4 SE 1/4, E 1/2 NE 1/4, SW 1/4 SW 1/4 Section 2; SE 1/4 SE 1/4 Section 3; NE 1/4 NE 1/4 Section 10; N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 11; all in T7N, R2E; SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36, T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1395-1 for 18.9 cfs and that the applicable portions of Location Certificates No. 12479 and No. 49665 be incorporated into No. 1395-1 and that the abandoned portions of No. 12479 and No. 49665 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of June 24, 1879, 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 in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD at 10:30 a.m., March 2, 1988.

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 February 19, 1988. 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 74:02:01:15 thru 74:02:01:19 and 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 February 19, 1988.

2t1/5-12

Affidavit of Publication

STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE } SS.

Jimie R. Stephenson of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Bill Kunerth, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I Jimie R. Stephenson the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

NOTICE OF HEARING

a printed copy of which is hereto attached, was printed and published in said newspaper for TWO successive and consecutive weeks, the first publication being made on the 5th day of January, 19 88 and the last publication on the 12th day of January, 19 88, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 53.98, inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 12th day of January, 19 88

Dina Koll
NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA

My Commission
Expires April 2, 1995

My commission expires

NOTICE OF HEARING To Validate Vested Right Application No. 1395-1 to Appropriate Water

Notice is hereby given that Concordia Ditch, c/o Ralph Crago whose mailing address is RR 1, Box 52B, St. Onge, South Dakota has filed an application to validate a vested right claim to appropriate a total of 60 cubic feet of water per second (cfs) from Redwater River to irrigate 660.7 acres via the Concordia Ditch with claimed priority dates of June 24, 1879 (20cfs) and December 21, 1889 (40cfs). The Redwater River diversion point for Concordia Ditch is located in the NE 1/4 NW 1/4 Section 10, T7N, R2E. The irrigated acreage is located in the SW 1/4, NW 1/4 SE 1/4, NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 1; S 1/2 SE 1/4, NE 1/4 SE 1/4, E 1/2 NE 1/4, SW 1/4 SW 1/4 Section 2; SE 1/4 SE 1/4 Section 3; NE 1/4 NE 1/4 Section 10; N 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4 Section II; all in T7N, R2E; SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 section 36, T8N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1395-1 for 18.9 cfs and that the applicable portions of Location Certificates No. 12479 and No. 49665 be incorporated into No. 1395-1 and that the abandoned portions of No. 12479 and No. 49665 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of June 24, 1879, 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 in Room 216, Joe Foss Building, 523 East Capitol, Pierre SD at 10:30 am, March 2, 1988.

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 February 19, 1988. 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.

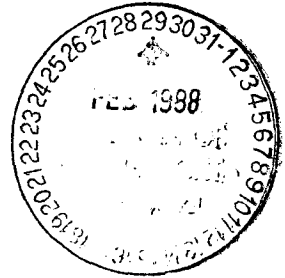
This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-4-30.4, 46-5-31, 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 applica-

tion 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 February 19, 1988.

Jan 5, 12



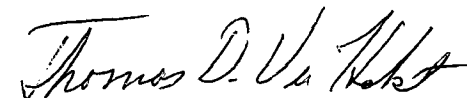
Subject: Concordia Ditch Sharp-Crested Weir Date: 2/26/88

To: John Hatch, Chief Engineer File Code: 210
Department Water and Natural Resources
Joe Foss Bldg.
Pierre, SD 57501

Enclosed is the proposed plan for converting an existing concrete check in Concordia Ditch to a flow measuring device. The proposed type of measuring device is a sharp-crested weir.

The purpose of submitting this plan is in response to requests made by Concordia Ditch Association for technical assistance concerning matters associated with validation of their vested right to appropriate water.

If there are any questions concerning the enclosed plan contact Thomas D. Ver Helst, Soil Conservation Service, HCR 30 Box 34, Belle Fourche, S.D., 572-4315.

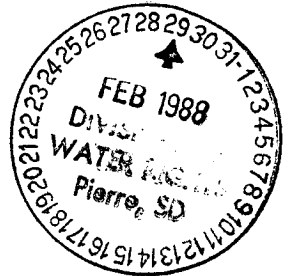

Thomas D. Ver Helst
Ag-Engineer, SCS

cc: Ralph Crago, Pres. Concordia Ditch Assoc.
Rodney D. Baumberger, Acting AC, SCS

St. Onge, S.D.

February 25, 1988

Mr Ron Duvall
Natural Resources Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57502



Re: Vested Rights Application # 1395-1
Hearing-March 2, 1988, 10:30 a.m. Water Board Meeting
Concordia Ditch Association
Ralph Crago, President Box 52 St. Onge, S.D. 57779

Dear Mr. Duvall:

We respectfully request that the Water Board defer hearing of the above referenced application until the end of the 1988 irrigation season, that we may measure the flow of our ditch during that period of time.

We agree to measure the flow of our ditch during that time using the weir established by the Butte Conservation District engineer Mr Tom VerHelst on the Leland Johnson farm agreeable to a schedule of time to be worked out with your office.

Mr. VerHelst has sent the specifications that are needed to modify the existing check there, to your office. During a telephone conversation between Mr Widdoss and yourself, on Feb. 25th you said that the location and Mr. VerHelst's plans to modify the concrete check to make a measuring weir was acceptable to the Water Resources Engineers.

The Concordia Ditch Association agrees that the hearing before the Water Board shall be rescheduled to the time the Cook-Burns Ditch hearing is scheduled this coming fall of 1988.

It is our understanding that, based on these representations, you will recommend a continuance of the March 2, 1988 Water Board hearing on application 1395-1 until the fall meeting of the Water Board, and that this letter will be entered into the record of the March 2, 1988 Water Board meeting, thus making it unnecessary for representatives of the Concordia Ditch Association to appear at the Water Board meeting on March 2, 1988 in Pierre. (over)

Sincerely,

Ralph Crago President Concordia Ditch Assn.

Lon Widdoss Secretary

Hank Pepin

Leland Johnson

Janet Mackie

Helen Vincent

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

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

March 8, 1988

NOTICE

TO: Concordia Ditch, c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Consideration of Vested Right Application
No. 1395-1

The Water Management Board deferred Vested Right Application No. 1395-1 at the March 2 and 3, 1988 Board meeting in Pierre. The Board deferred consideration of the application to allow collection of flow data for Concordia Ditch during the 1988 irrigation season. Notice will be given when Application No. 1395-1 is rescheduled for hearing.

The Board included in the motion to defer, that a permanent flow measuring device is to be installed on Concordia Ditch at or near the point of diversion. Design is subject to approval by the Chief Engineer. The device is to be used for measuring ditch flows during the 1988 irrigation season. A measuring device design completed by Tom VerHelst with the SCS has been submitted to the Chief Engineer for review. After approval of the device design, a method of record-keeping will then be determined cooperatively between the Division of Water Rights and Concordia Ditch.

cc: Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General

CERTIFICATION

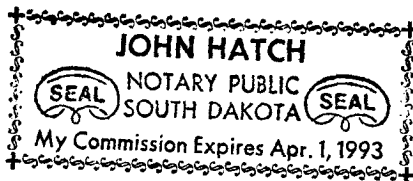
I hereby certify that on March 8, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Deferral of Consideration of Vested Right Application No. 1395-1 addressed as stated on the Parties of Record Sheet.

Haren Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 1988.



John H. Bates
Notary Public



Department of Water & Natural Resources

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

March 11, 1988

Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779

RE: Diversion Rate Records, Vested Water Right Application
No. 1395-1

Dear Mr. Crago:

I am writing to ask for your comments on the enclosed draft of a "Diversion Rate Record" form for recording your ditch flow measurements. The Water Management Board at the March 2 and 3, 1988, Board Meeting in Pierre, deferred your vested right claim until ditch flows could be measured during the 1988 irrigation season. The Board's motion required a permanent flow measuring device to be installed on the ditch at or near the point of diversion. The motion also stated that a method of record keeping will cooperatively be determined between the Division of Water Rights and the Ditch Company.

The flow measurements will need to be made when water is being diverted and on a daily basis. If the flow is to be recorded following opening or closing the headgate, the gauge reader will need to wait for the flow to stabilize before reading the gauge. The recording time and name of the gauge reader must be recorded. If possible, the number of acres being irrigated should be recorded. The "Remarks" column is provided for any comments you may have during data collection, i.e. "Rainy day, no diversion" etc.

The diversion rate records will need to be submitted to us at the end of each month. If you have any questions or comments regarding the "Diversion Rate Record" form or any suggested changes, please let us know.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

April 6, 1988

Concordia Ditch Association
c/o Ralph Crago, President
RR #1, Box 52B
St. Onge, S.D. 57779

RE: Approval of the Plans and Specifications for a measuring
Device.

Dear Mr. Crago:

We have reviewed plans and specifications for your measuring device, designed by the Soil Conservation Service, to be used to measure the flow in Concordia Ditch. The plan proposes to convert an existing structure to a sharp crested weir. According to the plan, the weir will have a width of 3 feet and 11 inches and will have the capacity of carrying the amount of water needed to irrigate the land under Concordia Ditch. The plans and specifications are approved as submitted.

If you have any questions, please contact us.

Very truly yours,

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

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

 **Department of
Water & Natural Resources**

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

November 30, 1988

Concordia Ditch Company
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

RE: Flow Data for Concordia Ditch

Dear Mr. Crago:

In accordance with your request, the Water Management Board, at the March 2 and 3, 1988 meeting, deferred validation of your vested right claim. The validation was deferred to allow collection of flow data for Concordia Ditch during the 1988 irrigation season. As of today, no flow measuring records for Concordia Ditch have been received by the Division of Water Rights. Please note that the flow data must be received by the Division of Water Rights no later than December 16, 1988. If the flow records are not received by this date, we propose to schedule the matter before the Water Management Board at the March, 1989 meeting. If you have any questions, please contact me.

Sincerely,



Rassool Ahadi
Natural Resources Engineer
605 773-3352

cc: Harold Deering, Assistant Attorney General





Department of Water & Natural Resources

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

December 21, 1988

Concordia Ditch Association
c/o Ralph Crago, President
RR 1, Box 52B
St. Onge, S.D. 57779

RE: Diversion Rate Records

Dear Mr. Crago:

On December 14, 1988, the diversion rate records for Concordia Ditch were received. The records show a maximum head of 2.05 ft. was measured by Concordia Ditch Association. On June 21, 1988, in your presence, I measured the flow head in the ditch. The head, at that time, was measured to be 1.0 ft. However, the head for the same day, recorded by Concordia Ditch Association is reported to be 1.85 ft. Please note that none of my four head measurements matches yours. One reason for the difference in readings might be the way that the gauge was measured. Please inform me if the head was measured from bottom of the ditch or from bottom of the gauge. If you have any questions, please contact me.

Sincerely,

RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

cc: Harold Deering, Assistant Attorney General



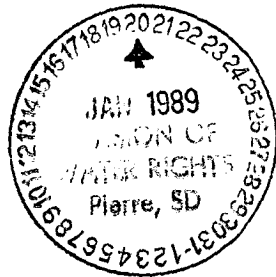
Jan 13, 89

Mr. Akagi

The diversion rate for the Concordia Ditch was read wrong it should have been 1.1 ft grix or take a little.

Ralph C. Inge





Jan. 13, 1989

John Hatch

S.O. Dept of Water & Natural Resources

Joe Loss Building

523 East Capital

Pierre S.D. 57501

Dear Mr. Hatch,

I am asking for a 1 year extension to collect flow data for Concordia Ditch Ass. because of the draught conditions last year.

Thank you,

Ralph Cingo

Concordia Ditch Ass.



Department of Water & Natural Resources

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

January 24, 1989

NOTICE

TO: Concordia Ditch, c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Reconsideration of Deferred Vested Right Application
No. 1395-1

The Water Management Board will reconsider Vested Right Application No. 1395-1 at 11:00 am, March 1, 1989 in the Roosevelt Room, Howard Johnson's, I-90 and La Crosse, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 11:00 am due to prior agenda items. The Board deferred Application No. 1395-1 for one year at the March 2 and 3, 1988 Board meeting to allow collection of flow data for the ditch during the 1988 irrigation season.

The Chief Engineer is recommending that Application No. 1395-1 remain in deferred status due to dry conditions in 1988 and allow collection of additional flow data for another irrigation season. Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and Queen City Mail will still apply at this hearing.

cc: Larry Donovan, Assistant Attorney General



CERTIFICATION

I hereby certify that on January 24, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Reconsideration of Deferred Vested Right Application No. 1395-1 addressed as shown on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of January, 1989.



John Hatch
Notary Public



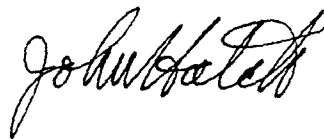
Department of Water & Natural Resources

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

March 8, 1989

NOTICE

TO: Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Vested Right Application No. 1395-1

On March 1, 1989, the Water Management Board allowed Application No. 1395-1 to remain in deferred status to allow collection of additional flow data during the 1989 irrigation season. Application No. 1395-1 will then be rescheduled for consideration by the Board after the 1989 irrigation season. Notice will be given of the time and place of hearing.

cc: Larry Donovan, Assistant Attorney General

CERTIFICATION

I hereby certify that on March 8, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Deferral of Vested Right Application No. 1395-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 1989.



John Galat
Notary Public

 **Department of
Water & Natural Resources**

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

May 4, 1989

Concordia Ditch

1395-1

Ralph Crago
RR1, Box 52B
St. Onge, SD 57779

Dear Ralph,

Enclosed you will find the diversion rate record forms you need to record the diversion rate for the Concordia Ditch. I have also sent you envelopes you could use to send us the records.

If you have any questions, please contact me.

Sincerely,

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer
(605) 773-3352





Department of Water & Natural Resources

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

August 11, 1989

Concordia Ditch Company
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

RE: Flow data for Concordia Ditch; the staff gauge.
Vested Right Claim No. 1395-1.

Dear Mr. Crago:

The Water Management Board, at the March 1, 1989 meeting, allowed Application No. 1395-1 to remain in deferred status to allow collection of additional flow data during the 1989 irrigation season. As of today, no flow data have been received in our office. Please note that the flow must be measured on a daily basis and the flow record sheet must be sent to this office at the end of every month. This matter was discussed with you in many occasions.

The other problem is the lack of a proper staff gauge for your measuring device. In accordance with the SCS recommendations and design criteria, a piece of a tape must be installed on the existing staff gauge for proper reading of the gauge. This matter was also discussed with you in many occasions.

The flow data for the months of May, June, and July must be in our office not later than August 24, 1989.

The measuring tape on the staff gauge must properly be installed not later than August 18, 1989. An inspection will be conducted on August 18, 1989, to confirm compliance with this requirement.

If the above mentioned problems are not resolved by the deadlines mentioned, we propose to schedule the matter before the Water Management Board at the September 1989 meeting in Pierre.

If you have any questions, please contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

cc: John Haak, Assistant Attorney General
Lon Widdoss, RR 1, St. Onge, SD 57779



2-21-90

We would like to continue
measuring the diversion rate for
1 more year.

President Concordia Ditch Co.
Ralph C. Cope





Department of Water & Natural Resources

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

February 26, 1990

NOTICE

TO: Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Reconsideration of Deferred Vested Right Application
No. 1395-1

The Water Management Board will reconsider Vested Water Right Application No. 1395-1 at 10:30 am, March 7, 1990, Roosevelt/Jefferson Room, Howard Johnson's, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be later than 10:30 am due to prior agenda items. The Board deferred Application No. 1395-1 for one year at the March 2 & 3, 1988 Board meeting to allow collection of flow data during the 1988 irrigation season.

The Chief Engineer is recommending that Application No. 1394-1 remain in deferred status due to dry conditions in 1988 and 1989 and allow collection of additional flow data for another irrigation season. Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and in the Queen City Mail will still apply at this hearing.

cc: John Haak, Assistant Attorney General

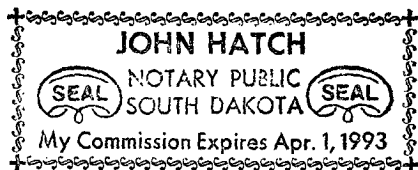
CERTIFICATION

I hereby certify that on February 26, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Reconsideration of Deferred Vested Right Application No. 1395-1 addressed as stated on the parties of record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of March, 1990.



John H. H. H.
Notary Public



Department of Water & Natural Resources

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

March 12, 1990

NOTICE

TO: Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Vested Right Application No. 1395-1

On March 7, 1990, the Water Management Board allowed Application No. 1395-1 to remain in deferred status to allow collection of additional flow data during the 1990 irrigation season. Application No. 1395-1 will then be rescheduled for consideration by the Board after the 1990 irrigation season. Notice will be given of the time and place of hearing.

cc: John Haak, Assistant Attorney General

CERTIFICATION

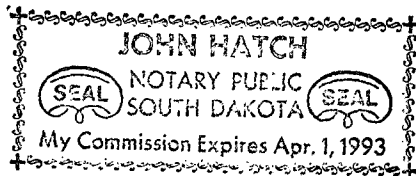
I hereby certify that on March 12, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Deferral of Vested Right Application No. 1395-1 addressed as stated on the parties of record sheet.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1990.



John Hatch
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 23, 1991

Concordia Ditch Company,
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779-9518

Dear Mr. Crago:

On February 21, 1990, The Division of Water Rights received a request from Concordia Ditch Company to continue collection of flow data for Concordia Ditch. If you believe that you need one more year to collect flow data (due to drought conditions, etc;) please send a letter to the Division requesting continuation of flow data collection. This request will then be brought up before the Water Management Board at the February 27 and 28 meeting.

If you have any questions or comments, please contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 8, 1991

Concordia Ditch Company
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

RE: Validation of Vested Right Claim No. 1395-1

Dear Mr. Crago:

As of today, no response has been received to my letter of January 23, 1991. If the ditch company wishes to continue collection of flow data, please notify us. If the company wishes to bring the claim before the Water Management Board for validation, please notify the Division. If we do not receive any notification regarding your decision by March 25, 1991, the matter will be brought before the Water Management Board at the May 1 and 2, 1991, Water Management Board meeting in Mitchell.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Phone: (605)773-3352

cc: Diane Best

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: Ralph Crago Concordia Ditch Company RR 1 - Box 52B St. Onge SD 57779	4. Article Number P 694 059 390 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Ralph Crago</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X <i>MAR 09 AM.</i>	
7. Date of Delivery	



RR 1, Box 52B
St. Onge, SD 57779

March 15, 1991

Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Ahadi:

In reply to your letter of March 8, 1991 to our Ditch President, Mr. Crago, the Concordia Ditch Association does not wish the validation claim brought before the Water Management Board at this time or at Mitchell, SD.

When the first hearing scheduled by the Department of Water & Natural Resources was to be held at Pierre, SD in March 1988, we wrote and explained that witnesses could not leave lambing and calving to journey two hundred miles unless it was absolutely necessary. The date you suggested in May seems to us to be without regard to our spring work or to the distance to be traveled. May we suggest that since both the Redwater Canal Company and the Concordia Ditch Association are in this area, it might be more convenient to schedule hearings for both at the same meeting of the Water Management Board and to meet in this area.

Sincerely,
Concordia Ditch Association
Ralph Crago, President

Lon Widdoss, Secretary
RR 1, Box 51
St. Onge, SD 57779



Mt. Rushmore - The Black Hills

Due to the river
being Low in 1990

We would like to
continue to collect
Flow data one more
year.

Concordia Ditch Co
Ralph Craig





DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 3, 1991

NOTICE

TO: Ralph Crago
Concordia Ditch
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Continuation of Deferred Status on Vested Right Application
No. 1395-1, Concordia Ditch

This notice is to inform you that the Water Management Board will consider continuation of the deferred status of Vested Right Application No. 1395-1 at 9:30 am, May 1, 1991 in the Meeting Room, Chef Louie's, 601 E. Havens, Mitchell, SD. The agenda time is an estimate. The actual time of the hearing may be later than 9:30 am due to prior agenda items. The Board deferred Application No. 1395-1 for an additional year at the March 7, 1990 Board meeting to allow collection of flow data during the 1990 irrigation season.

My recommendation to the Board is that Application No. 1395-1 remain in deferred status due to dry conditions in 1990 and to allow collection of additional flow data for another irrigation season. Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and in the Queen City Mail will still apply at this hearing.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 3, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Continuation of Deferred Status on Vested Right Application No. 1395-1, Concordia Ditch addressed as stated on the notice.

The following was hand delivered to:

Richard Beringson, Secretary
SD Dept. of Game, Fish & Parks
Foss Bldg, 523 E. Capitol
Pierre, SD 57501

Cheryl F. Frost

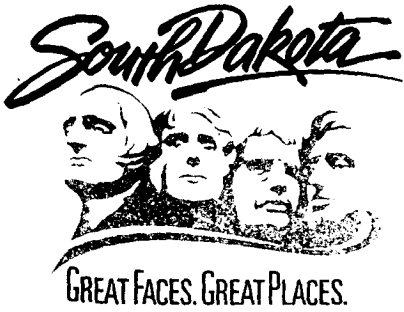
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 9th day of April, 1991.



Plumbatah
Notary Public



DEPARTMENT OF WATER & NATURAL RESOURCES

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

May 6, 1991

NOTICE

TO: Concordia Ditch
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Vested Right Application No. 1395-1

On May 1, 1991, the Water Management Board allowed Application No. 1395-1 to remain in deferred status to allow collection of additional flow data during the 1991 irrigation season. Application No. 1395-1 will then be rescheduled for consideration by the Board after the 1991 irrigation season. Notice will be given of the time and place of hearing.

cc: Diane Best, Assistant General
Tim Olson, GF&P Water Permit Coordinator

CERTIFICATION

I hereby certify that on May 6, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Deferral of Vested Right Application No. 1395-1 addressed Concordia Ditch, % Ralph Crago, RR 1, Box 52B, St. Onge, SD 57779, with copies to the Parties of Record as follows:

B.E. Martin, Regional Director, Bureau of Reclamation, P.O. Box 36900,
Billings, MT 59107-6900.

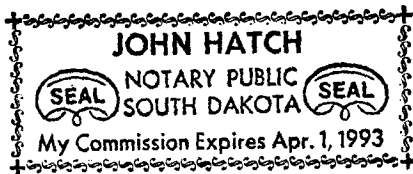
Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Newell, SD 57769.

Interoffice sent to Diane Best, Assistant General, Capitol Building.
Hand delivered to Tim Olson, GF&P Water Permit Coordinator, 3rd Floor
Foss Building.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 1991.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 19, 1991

Concordia Ditch Company
c/o Ralph Crago
RR 1, Box 52B
St. Onge, SD 57779

RE: Flow Data for Concordia Ditch- VRC# 1395-1

Dear Mr. Crago:

The validation of your Vested Right Claim was deferred at the May 1, 1991, Water Management Board meeting, to allow collection of flow data for Concordia Ditch during the 1991 irrigation season. As of today, no flow records for Concordia Ditch have been received by the Division of Water Rights. The flow records must be received by the Division of Water Rights no later than August 28, 1991. If the flow records are not received by this date, we propose to schedule the matter before the Water Management Board at the October 1991, meeting in Pierre.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "M. Rassool Ahadi".

M. Rassool Ahadi
Natural Resources Engineer
Water Rights Division
(605) 773-3352

cc: Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 22, 1991

Concordia Ditch Company
c/o Ralph Crago
RR 1
St Onge, SD 57779

RE: Diversion Rate for Vested Right Claim No. 1395-1

Dear Ralph:

We are planning to bring your vested right claim before the Water Management Board for validation at the March Board meeting. Per our phone conversation of today, I am planning to meet with you to discuss diversion rates for your claim. The meeting is tentatively set for Tuesday afternoon, December 10, 1991. I will contact you later to find out where we will be meeting.

Please let me know if this schedule does not work out for you.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
Phone: 773-3352

cc: Lon Widdoss



St. Onge, S.D.
Dec. 16, 1991.

State S.D. Dept Environment & Natural Resources
Division of Water Rights
Pierre, S.D.

Attn. Passool Ahadi

Dear Sir,

After talking with you Dec. 10th at the Pepin Ranch the shareholders of the Concordia Ditch Assn. decided to ask that scheduling of action on ~~action~~ diversion Rate for Vested Water Right Claim # 1395-1 be delayed for 1992, that we may measure the ditch flow for 1992.

We feel that the last four dry years have caused our flow measurements to be far below normal.

Sincerely yours,
Concordia Ditch Assn.
Middosa, Secy



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1991

Concordia Ditch Company
% Ralph Crago
RR1, Box 52B
St. Onge, SD 57779

Dear Mr. Crago:

I am writing in regard to Vested Water Right Claim No. 1395-1, the meeting of December 10, 1991, with Division of Water Rights Engineer, Rassool Ahadi, and your letter of December 16, 1991, requesting to continue diversion rate data collection for one more year.

We are willing to recommend continuation of diversion rate data collection for one more year subject to the following:

1. According to the original Water Management Board decision to defer action on Vested Water Right Claim No. 1395-1, diversion rates are to be accurate and recorded on a daily basis.
2. The flow records must be submitted no later than the 10th day of the month for the previous month. If we do not receive the flow data as required, the Board may reconsider its deferral motion.

If you do not want to comply with the above conditions, we can schedule the claim for a hearing before the Water Management Board for validation at the March 4 and 5, 1991, meeting in Pierre. I would recommend validation of the claim with a diversion rate of 17.03 cubic feet per second (cfs) to irrigate 596 acres. This is based on one (1) cfs for each thirty five (35) acres irrigated. I would also recommend that the following qualifications be added to the claim:

1. Flow must be bypassed for downstream senior water users.
2. Flow must be bypassed for downstream domestic uses (livestock water), as necessary.
3. The sharp crested weir on Concordia Ditch must be maintained and monitored as required by the Chief Engineer.

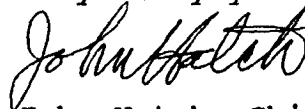
December 20, 1991
Concordia Ditch Company
Page 2

Diversion rate records, for the last four years, show a one time maximum diversion rate of 23.3 cfs on July 11, 1991. The most frequent maximum diversion rate was approximately 16.8 cfs.

The recommended priority date for the 17.03 cfs (851.5 miner's inches) will be June 24, 1879.

Please let us know regarding the above by January 15, 1992. If you have any questions, please contact Rassool Ahadi, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, 57501, phone: (605)773-3352.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

cc: Diane Best, Assistant Attorney General
Lon Widdoss, RR1, Box 51, St. Onge, SD 57779



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1992

NOTICE

TO: Ralph Crago
Concordia Ditch
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Continuation of Deferred Status of Vested Right Application
No. 1395-1, Concordia Ditch

This notice is to inform you that the Water Management Board will consider continuation of the deferred status of Vested Right Application No. 1395-1 at 9:30 am, March 5, 1992 in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD. The agenda time is an estimate. The actual time of the hearing may be delayed due to prior agenda items. The Board deferred Application No. 1395-1 for an additional year at their May 1, 1991 Board meeting to allow collection of flow data during the 1991 irrigation season.

My recommendation to the Board is that Application No. 1395-1 remain in deferred status to allow collection of additional flow data for another irrigation season subject to the following conditions:

1. According to the original Water Management Board decision to defer action on Vested Water Right Claim No. 1395-1, diversion rates are to be **accurate** and recorded on a **daily** basis.
2. The flow records must be submitted no later than the 10th day of the month for the previous month. If we do not receive the flow data as required, the Board may reconsider its deferral motion.

Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and in the Queen City Mail will still apply at this hearing.

cc: Diane Best, Assistant Attorney General
Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779

CERTIFICATION

I hereby certify that on February 3, 1992 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Continuation of Deferred Status of Vested Right Application No. 1395-1, Concordia Ditch addressed as stated below:

Ralph Crago, Concordia Ditch, RR 1, Box 52B, St. Onge, SD 57779.

Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779.

B. E. Martin, Regional Director, Bureau of Reclamation,
P.O. Box 36900, Billings, MT 59107-6900.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

Hand Delivered To:

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

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

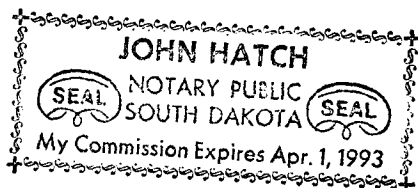
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of February, 1992.

John H. H. H.
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1992

NOTICE

TO: Ralph Crago
Concordia Ditch
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Deferral of Vested Right Application No. 1395-1, Concordia Ditch

On March 5, 1992, the Water Management Board allowed Application No. 1395-1 to remain in deferred status to allow collection of additional flow data for the 1992 irrigation season subject to the following conditions:

1. According to the original Water Management Board decision to defer action on Vested Water Right Claim No. 1395-1, diversion rates are to be **accurate** and recorded on a **daily** basis.
2. The flow records must be submitted no later than the 10th day of the month for the previous month. If we do not receive the flow data as required, the Board may reconsider its deferral motion.

Application No. 1395-1 will be rescheduled for consideration by the Board after the 1992 irrigation season. Notice will be given of the time and place of the hearing.

cc: Diane Best, Assistant Attorney General
Tim Olson, GF&P Water Permit Coordinator

CERTIFICATION

I hereby certify that on March 11, 1992 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice dated March 11, 1992, regarding Deferral of Vested Right Application No. 1395-1, Concordia Ditch addressed as stated below:

Ralph Crago, Concordia Ditch, RR 1, Box 52B, St. Onge, SD 57779.

B. E. Martin, Regional Director, Bureau of Reclamation,
P.O. Box 36900, Billings, MT 59107-6900.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

Hand Delivered To:

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

Tim Olson, GF&P Water Permit Coordinator, Joe Foss Building.

Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1992.

John H. Allen
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 1992

Ralph Crago, President
Concordia Ditch Company
RR1, Box 52B
St Onge, SD 57779

RE: Diversion Rate Records-1992 Irrigation Season

Dear Mr. Crago:

Enclosed, please find copies of Diversion Rate Record forms to record your diversion rate for the 1992 irrigation season.

In accordance with the Water Management Board's decision, diversion rates must be recorded accurately and on a daily bases, and must be submitted no later than the 10th day of the month for the previous month.

Please use the enclosed envelopes to submit the monthly records.

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

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer

enclosures

Concordia Ditch

Jan. 11, 1993

MONTH/YEAR	MAX	DIV. RATE	PERCENTAGE
MAY88	12.90	21.60	0.9%
JUNE88	14.80	17.80	1.0%
JULY88	12.90	17.00	0.7%
AUG88	16.80	16.80	12.4%
SEPT88	16.80	16.00	1.7%
MAY89	15.80	15.80	3.3%
JUNE89	6.10	14.80	8.6%
JULY89	6.10	13.80	1.0%
AUG89	7.60	12.90	12.4%
SEPT89	6.80	12.30	8.6%
OCT89	3.50	11.90	3.1%
MAY90	3.50	11.50	3.3%
JUNE90	4.70	11.00	5.7%
JULY90	5.20	10.20	0.5%
AUG90	5.20	10.00	1.0%
MAY91	16.80	9.80	0.9%
JUNE91	15.80	7.60	0.7%
JULY91	15.80	6.80	6.2%
AUG91	14.80	6.10	6.3%
MAY92	17.00	6.00	3.4%
JUNE92	16.50	5.50	0.2%
JULY92	12.20	4.70	1.4%
AUG92	21.60	4.50	2.5%

25.3% LESS THAN 4.5



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 12, 1993

Ralph Crago, President
Concordia Ditch Company
RR1, Box 52B
St. Onge, SD 57779

Dear Mr. Crago:

I am writing you in regard to your Vested Water Right Application No. 1395-1. We would like to bring Vested Water Right Application No. 1395-1 before the Water Management Board for validation at the March 3 and 4, 1993 meeting in Pierre.

My supervisor, Del Brosz, and myself would like to meet with you and other irrigators on the ditch (at your place or any other place) on February 17, 1993, in the afternoon, to discuss our recommendations to the Board. Please let me know by February 5, 1993, if this date would work out for you.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer
(605) 773-3352

cc: Lon Widdoss, RR1, Box 51, St. Onge, SD 57779



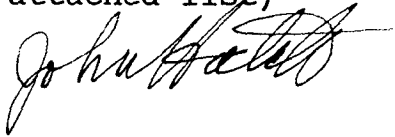
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 23, 1993

NOTICE

TO: Ralph Crago, President
Concordia Ditch Company
RR1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

RE: Vested Water Right Claim No. 1395-1, Concordia Ditch

Vested Water Right Claim Application No. 1395-1, for 60.0 cubic feet of water per second, was submitted on December 22, 1986. The Water Management Board deferred validation of the claim to allow collection of flow data. The flow measurement of the last five years indicates that the actual maximum diversion rate required for irrigation of 596.0 acres is 17.0 cfs. This diversion rate is consistent with diversions validated for other ditches in your area. My recommendation to the Water Management Board will be to validate the claim for 17.0 cfs.

The Water Management Board will reconsider your claim at 10:30 am, May 5, 1993, in the Floyd Matthew Training Center in Pierre. The hearing time is an estimate. The actual time of the hearing may be later than 10:30 am due to prior agenda items. Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and in the Queen City Mail will still apply at this hearing.

cc: Diane Best, Assistant Attorney General
Lon Widdoss, RR1, Box 51, St Onge, SD 57779
Tim Olson, GF&P Water Permit Coordinator

CERTIFICATION

I hereby certify that on March 23, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 23, 1993, regarding the Water Management Board's deferral of Validation of Vested Water Right Claim No. 1395-1, Concordia Ditch, along with a copy of the Parties of Record addressed as stated below:

Ralph Crago, President, Concordia Ditch Company, RR 1, Box 52, St. Onge, SD 57779.

Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779.

B. E. Martin, Regional Director, Bureau of Reclamation,
P.O. Box 36900, Billings, MT 59107-6900.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226,
Newell, SD 57760.

Copies Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Tim Olson, GF&P Water Permit Coordinator, Department of GF&P,
Joe Foss Building.

Richard Beringson, Secretary, Department of GF&P, Joe Foss Building.

Cheryl A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 24th day of March, 1993.



John Hales
Notary Public

File No. 1395-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Concordia Ditch Association

ADDRESS: RR 1, Box 51, St. Onge COUNTY: Butte

DATE: 4-1-93

TELEPHONE:

RE: Validation of Vested Water Right Application No. 1395-1

COMMENTS: Mr. Widdoss, Treasurer, with the Concordia Ditch Association, called to inform me that the Association did not agree with our recommendation of 17.0 cfs. He stated that he believed that they were in drought conditions and they could not divert water as much as they needed. Mr. Widdoss also stated that the Association is planning to install a new headgate so that they would be capable of diverting more water. He also stated that they will install a new measuring device closer to the headgate. I told Mr. Widdoss that historically the old headgate has been used and I did not believe that installing a new headgate is a good idea. Mr. Widdoss stated that in the '60s, flows in the ditch were measured by the USGS. He said that they had drought conditions in the '60s, yet they diverted 23 cfs. I told Mr. Widdoss that if the Association does not agree with our recommendation, he should send us a letter stating their concerns.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

Mr. John Hatch
Pierre, S.D.



St. Angelo, S.D.
April 1, 1993

Dear Sir; -

I am writing you to ask that the Water Right Application Hearing for the Concordia Ditch Association (1395-1) be postponed for a year. We would like to measure the flow in the ditch for another year. We feel the river has been abnormally low - due to the drought here in the last five years. We are sure that we are around the corner of this dry time, now that we have had at least some good moisture this past winter, and that measurement, taken with a near normal flow will show the diversion rate in a much different amount.

We hope we may hear from you in favor of this proposal in the near future.

Sincerely yours
Lon Hall, Secy.
Concordia Ditch Assn.

Concordia Ditch Assn.
RR 1 Box 51
St. Angelo, S.D. 57779

**Revised Report on Vested Water Right Application No. 1395-1
Concordia Ditch Association
April 12, 1993**

Background

The Water Management Board, at the March 2 and 3, 1988 Board meeting in Pierre deferred consideration of Application No. 1395-1 to allow collection of flow data by Concordia Ditch Association during the 1988 irrigation season. The Division of Water Rights had recommended a diversion rate of 18.8 cfs for irrigation of 660.6 acres. The Association, however, was not satisfied with the Division's recommendation and requested time to collect flow data to establish a diversion rate base for actual water use. Because of low flow conditions, the Association requested that collection of flow data be continued during the 1989, 1990, 1991, and 1992 irrigation seasons.

The present headgate has a capacity of about 59.0 cfs. The box culvert (4.2 ft. wide by 3.2 ft. high), underneath US HWY 85, where Concordia Ditch flows through, has a capacity of about 70.0 cfs when the flow is 2.15 feet deep.

Under the original claim, 64.7 acres of the 660.6 acres have been transferred to the Lower Power Canal, Vested Water Right No.1402-1. Transfer of the 64.7 acres is authorized under Water Permit Nos. 1467-1 and 1485-1, for Leland Johnson.

Discussion

The original recommended 18.8 cfs for irrigation of 660.6 acres was based on 1.0 cfs for irrigation of each 35 acres as was allowed for similar claims in the area.

The maximum diversion rate recorded during the last five irrigation seasons was 21.6 cfs for a short period of time during August of 1992. Only 2.6% of the time have diversion rates been more than 17.0 cfs with diversions below 17.0 cfs 97.4% of the time. The diversion rate of 17.0 cfs is the actual required diversion rate for irrigation of 595.9 acres. The 17.0 cfs diversion rate is approximately 1.0 cfs for irrigation of each 35 acres as originally recommended by the Chief Engineer.

Conclusions

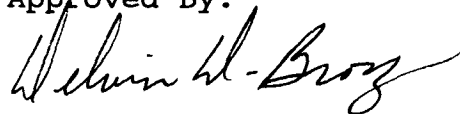
1. The frequency of a diversion rate of 17.0 cfs during the last five irrigation seasons shows that this rate is the actual required diversion rate.
2. The headgate should be controlled in such a manner that the diversion rate does not exceed the recommended rate.

3. Concordia Ditch Association is responsible for maintaining the ditch in its entirety and improvement of the irrigation system so that water losses are kept minimal.
4. The flow measuring device on Concordia Ditch should be continually maintained and monitored as required by the Chief Engineer. Any changes in the flow measuring device or installation of a new measuring device must be approved by the Chief Engineer prior to installation.
5. Vested Water Right Application No. 1395-1 should be validated for a diversion rate of 17.0 cfs for irrigation of 595.9 acres, as described in Application No. 1395-1, with a priority date of June 24, 1879.



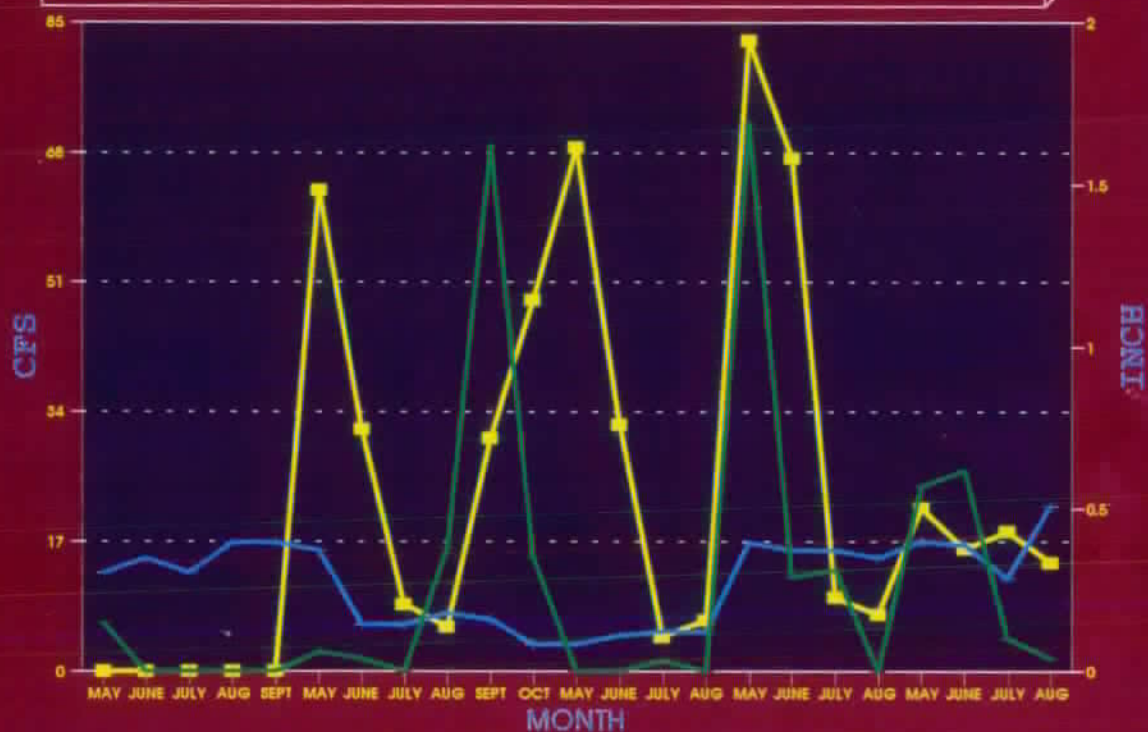
M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

CONCORDIA DITCH 1988 THROUGH 1992 IRRIGATION SEASONS



■ FLOW-SPCBSP
 — MAX DIV. RATE
 — MAX. PRECIP.

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED
WATER RIGHT APPLICATION NO. 1395-1, Concordia Ditch Association

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1395-1, Concordia Ditch Association, c/o Ralph Crago, RR 1, Box 52B, St. Onge, SD 57779.

The Chief Engineer is recommending VALIDATION of Application No. 1395-1 for 17.0 cfs for irrigation of 595.9 acres and that the applicable portions of Location Certificates No. 12479 and No. 49665 be incorporated into No. 1395-1 and that the abandoned or forfeited portions of No. 12479 and No. 49665 be cancelled because 1) water has been appropriated as described for irrigation use with a priority date of June 24, 1879, 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. Validation of No. 1395-1 is subject to the following qualifications:

1. That Vested Water Right No. 1395-1 is subject to domestic use rights. Diversions of water under Vested Water Right No. 1395-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Concordia Ditch continue to be maintained and records of diversions be kept as directed by the Chief Engineer and reported to the Chief Engineer annually.
3. That applicable portions of Location Certificate No. 12479 and No. 49665 have been incorporated into No. 1395-1 and the abandoned or forfeited portions of No. 12479 and No. 49665 have been cancelled.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 9, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1993

NOTICE

TO: Ralph Crago, President
Concordia Ditch Association
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Hearing on Validation of Vested Water Right Application
No. 1395-1, Concordia Ditch Association

This Notice is in response to the request made by Lon Widdoss, Secretary of the Concordia Ditch Association, that validation of Vested Water Right Application No. 1395-1 be deferred for another year. Mr. Widdoss's request is to allow collection of flow measurement data for another year.

The deferral request will be considered by the Water Management Board at the hearing on May 5. My recommendation for validation of Application No. 1395-1 for 17.0 cubic feet of water per second (cfs) from Redwater River for irrigation of 595.9 acres via Concordia Ditch with a priority date of June 24, 1879 will also be considered by the Board on May 5. The recommendation for validation at 17.0 cfs is based upon actual flow measurements for Concordia Ditch over the past five irrigation seasons. I believe that flow records from the past five years are representative of Concordia Ditch's historical water use during the irrigation season. Enclosed is a copy of the report and recommendation that will be presented to the Board at the May 5, 1993 hearing.

Although the recommendation for validation at 17.0 cfs is based upon Concordia Ditch flow data, this diversion rate is also consistent with diversions validated for other ditches in the area. The following table shows the number of irrigated acres per cubic feet of water per second as validated for five ditches and the recommended validation of Concordia Ditch.

Ralph Crago
Page 2

<u>Ditch Association</u>	<u>Acres Irrigated</u>	<u>Diversion Rate</u>	<u>Acres/cfs</u>
Bowman	215.8 acres	8.0 cfs	27
Cook-Burns	621.8 acres	17.8 cfs	35
Kemper	544.7 acres	24.0 cfs	23
Thompson	725.6 acres	20.7 cfs	35
Redwater	5304.0 acres	151.2 cfs	35
Concordia	595.9 acres	17.0 cfs	35

The Water Management Board will consider validation of Vested Water Right Application No. 1395-1 at 10:30 am, May 5, 1993, in the Floyd Matthew Training Center in Pierre, SD. The hearing time is an estimate and may be later than 10:30 am due to prior agenda items.

This hearing is an adversary proceeding. The applicant or any parties of record have the right to be present or to be represent 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.

Applicable provisions of the Notice of Hearing published on January 5 and 12, 1988 in the Belle Fourche Daily Post and in the Queen City Mail will still apply at this hearing.

If you have any questions regarding the scheduling of the hearing before the Water Management Board, please contact Eric Gronlund at (605) 773-3352.

enclosure

cc: Diane Best, Assistant Attorney General
Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779
Tim Olson, GF&P Water Permit Coordinator

CERTIFICATION

I hereby certify that on April 14, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 12, 1993, regarding Hearing on Validation of Vested Water Right Application No. 1395-1, Concordia Ditch Association, along with a copy of the Revised Recommendation of Chief Engineer for Validation of this Vested Water Right, and a copy of the Parties of Record addressed as stated below:

Ralph Crago, President, Concordia Ditch Association, RR 1, Box 52B,
St. Onge, SD 57779.

Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779.

B. E. Martin, Regional Director, Bureau of Reclamation,
P.O. Box 36900, Billings, MT 59107-6900.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

Copies Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Tim Olson, Department of Game, Fish & Parks, Joe Foss Building.

Richard Beringson, Secretary, S.D. Department of Game, Fish & Parks,
Joe Foss building.

Cheryl A. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of April, 1993.



John H. H. H.
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

CERTIFICATION

I hereby certify that on April 20, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 20, 1993, regarding Revised Report for Vested Water Right Application No. 1395-1, Concordia Ditch Association, along with a copy of the Revised Report and the Parties of Record addressed as stated below and on the attached list:

Ralph Crago, President, Concordia Ditch Association, RR 1, Box 52B,
St. Onge, SD 57779.

Lon Widdoss, RR 1, Box 51, St. Onge, SD 57779.

Copies Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Tim Olson, GF&P Water Permit Coordinator, Joe Foss Building.

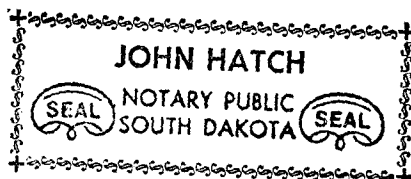
Richard Beringson, Secretary, SD Dept. of Game, Fish & Parks,
Joe Foss Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of April, 1993.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



IN REPLY
REFER TO:

WTR 4.10
BF-430

United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226

TAKE
PRIDE IN
AMERICA

APR 30 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Application No. 1395-1, Concordia Ditch (Water Rights)

Dear Mr. Hatch:

We have reviewed the report for the Vested Water Right Application No. 1395-1 for Concordia Ditch. We support the recommendation of the Chief Engineer dated April 9, 1993, for validation of the water right. We agree that the investigation of the historical use of the water right and the diversion rates measured over the last five years are adequate to support the recommendation. We oppose further deferral of the water right for additional data collection because the data available is adequate for validation of the right.

If you have any questions, please contact Craig Kjar at (605) 456-2695.

Sincerely,

FOR
Bruce M. Laymon
Project Manager

cc: Ralph Crago
Concordia Ditch
RR 1 Box 52B
St. Onge SD 57779

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1993

NOTICE

TO: Ralph Crago, President
Concordia Ditch Association
RR 1 Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJ: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on Validation of Vested Water Right Application No. 1395-1, Concordia Ditch Association. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, July 7, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record (copy enclosed) by June 17, 1993. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney, and all Parties of Record by June 25, 1993.

The public hearing was completed on May 5, 1993. No additional testimony will be received on July 7, 1993.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Lon Widdoss, Secretary, Concordia Ditch Association

CERTIFICATION

I hereby certify that on May 7, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated May 7, 1993, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision (Validation of Vested Water Right No. 1395-1, Concordia Ditch) addressed to:

Ralph Crago, President
Concordia Ditch Association
RR 1 Box 52B
St. Onge, SD 57779
and Parties of Record (as shown on the attached list)

A copy of the Notice was hand-carried to:

Richard Beringson, Secretary, SD Dept of Game, Fish & Parks

A copy of the Notice was sent by Inter-Office to:

John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

A copy of the Notice was also personally deposited with the United States Mail at Pierre, SD, First Class postage addressed to:

Lon Widdoss, Secretary
Concordia Ditch Association
RR 1 Box 52B
St. Onge, SD 57779

Jaci R Konop
JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 1993.



John Hatch
Notary Public
JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

STATE OF SOUTH DAKOTA

SOUTH DAKOTA WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR VESTED	)	FINDINGS OF FACT,
RIGHT NO. 1395-1;	)	CONCLUSIONS OF LAW
CONCORDIA DITCH ASSOCIATION	)	AND FINAL DECISION

FINDINGS OF FACT

1. This is an application to validate a vested water right claim for 60 cfs (3000 miner's inches) to irrigate 660.6 acres. The priority date claimed is June 24, 1879.

2. Of the original claim of 660.6 acres, 64.7 acres have been transferred under Water Permits Nos. 1467-1 and 1485-1 to Leland Johnson. This acreage is no longer appropriately part of the Concordia Ditch Association claim and therefore the acreage at issue is 595.9 acres.

3. The remaining 595.9 acres of the Concordia Ditch Association claim have been continuously irrigated since the claimed priority date.

4. At a hearing in 1988, the Division of Water Rights recommended qualifications of the vested rights of over 20 of South Dakota's oldest irrigation rights. All but six of the controversies were settled at that time. The remainder of the vested right claimants requested additional time to gather information on the actual and historical rate of water use. After one or more years of additional water use were quantified, the validations were made final by this Board. Concordia Ditch has requested an additional year to gather information for each of the last five years.

5. Concordia Ditch has again requested an additional year for the gathering of additional water use information. The Association asserts that it has been unable in the past five years to use the amount of water that it has historically used because there has been insufficient water available to it in each of the last five years. Concordia Ditch's May 5, 1993, request to gather additional water use information for one year was based on its assertion that flow data for the 1993 irrigation season would be useful in the validation process. Concordia Ditch did not, however, allege that the requested one-year period would enable it to obtain any new historical data regarding the historic rate of water use.

6. The Board finds, to the contrary of the Association's claim, that water has been available for Concordia Ditch to make applications at a higher rate than the Association actually has made during the past five years. The Board refers specifically to the information received by way of a graph entitled "Concordia Ditch-1988 through 1992 Irrigation Seasons."

7. The Board finds that the information included on the graph is accurate. The Board, in so finding, recognizes that adjustments were made in the statistics to account for the placement of the structure but finds, furthermore, that the adjustments were accurately and properly made.

8. The Board finds that the data has been sufficient over the last five years to show historical flow.

9. The division has demonstrated, to the satisfaction of the Board, that a diversion rate of 17.0 cfs is justified for irrigation under the Association claim. The Board finds that water was diverted at the 17.0 cfs as a maximum diversion on a more frequent basis than any other maximum diversion. The Board finds that a higher rate was diverted only during a single period during the entire five-year testing. Based upon this information, the Board finds that 17.0 cfs is the actual historical use by the Association.

10. The Boards finds, furthermore, that the diversion rate allowed, which calculates to 1 cfs per 35 acres, is reasonable given the Board's determinations with regard to similar vested right applications by similar appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter.
2. The amount of water provided for in the Final Decision has been appropriated for irrigation use since the claimed priority date.
3. The use has been developed without unlawful impairment of existing rights.
4. The use for irrigation is and has been a beneficial use.
5. The use is in the public interest as qualified in the Final Decision.

FINAL DECISION

The application for validation of Application No. 1395-1 is granted for 17 cfs of irrigation of 595.9 acres. Applicable portions of Location Certificate No. 12479 and No. 4966 are incorporated in No. 1395-1 and the abandoned or forfeited portions of No. 12479 and No. 49665 are cancelled. This permit is subject to the following qualifications:

1. That Vested Water Right No. 1395-1 is subject to domestic use rights. Diversions of water under Vested Water Right No. 1395-1 is contingent upon supplies being available first to domestic users.
2. That the flow measuring device on Concordia Ditch continue to be maintained and records of diversions be kept as directed by the Chief Engineer and reported to the Chief Engineer annually.
3. That applicable portions of Location Certificate No. 12479 and No. 49665 have been incorporated into No. 1395-1 and the abandoned or forfeited portions of No. 12479 and No. 49665 have been cancelled.

Dated this 26th day of July, 1993.

BY THE BOARD:



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 3, 1993

NOTICE

TO: Ralph Crago, President
Concordia Ditch Association
RR 1, Box 52B
St. Onge, SD 57779
and Parties of Record (see attached list)

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

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact and Conclusions of Law, was adopted by the Water Management Board for Vested Water Right Application No. 1395-1 at the July 7, 1993, meeting.

A copy of the signed final Decision, Findings and Conclusions is enclosed for the applicant. Copies will be furnished to anyone else upon request. South Dakota Statutes provide that decisions of the Board may be appealed to the Courts.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 3, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 3, 1993, regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision for Vested Water Right Application No. 1395-1, along with a copy of the Parties of Record and a copy of the Findings of Fact, Conclusions of Law and Final Decision addressed as stated below:

Ralph Crago, President, Concordia Ditch Association, RR 1, Box 52B, St. Onge, SD 57779.

B. E. Martin, Regional Director, Bureau of Reclamation, P.O. Box 36900, Billings, MT 59107-6900.

Bruce Laymon, U.S. Bureau of Reclamation, P.O. Box 226, Newell, SD 57760.

Copy Sent Inter-office To:

John Guhin, Deputy Attorney General, Capitol Building.

Diane Best, Assistant Attorney General, Capitol Building.

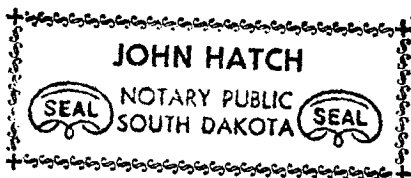
Richard Beringson, Secretary, SD Dept. of Game, Fish & Parks, Foss Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 1993.



John Hatch

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

1395-1

Ralph Crago
Concordia Ditch
RR 1 Box 52B
St. Onge, SD 57779

Dear Mr. Crago:

Enclosed are your Validated Vested Water Right and Water License No. 1395-1. 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

enclosures