

Considered: _____

Vested Right Claim
WATER PERMIT NO. 1397-1

MAP No. same

Name of Applicant Roland Bryan

Post Office Address RR1, Spearfish, SD 57783

Amount of Water Claimed 0.2 cfs ^(storage) 4.2 ac-feet Total Acres 14.0

Source of Water Supply tributary to Chicken Creek

Water to be used for irrigation County Lawrence

About 5 1/2 miles NW of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received April 3, 1987 Fee \$15.00 Remarks _____

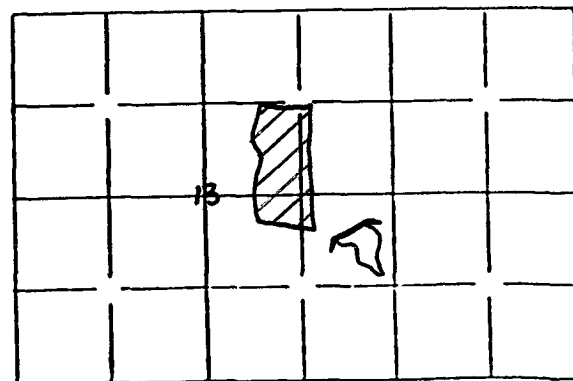
Corrected Application Received _____ Period of Annual Use July 1 - Aug 31

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

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

Diversion Point dam: NE 1/4 SE 1/4 section 13-T7N-R1E

Land to be Irrigated N 1/2 SE 1/4, S 1/2 NE 1/4 section 13-T7N-R1E



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 25, 1987 By Ron Duvall

No. 1397-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Queen City Mail, Box 7, Spearfish (Wed)

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

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

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Roland Bryan Phone No. 642-7064Post Office Address RR 1, Spearfish, South Dakota State 57783
(Street, RR or Box) City Zip Code2. Amount of water claimed (cfs) 4.2 af Total acres irrigated 14.03. Source of Water supply Stock Dam (tributary of Chicken Creek)4. Location of point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, T7N-T1ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used July 1 - August 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T7N-R1E	.7
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, T7N-R1E	2.8
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T7N-R1E	1.3
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T7N-R1E	9.2

Land Description	No. Acres Irr.

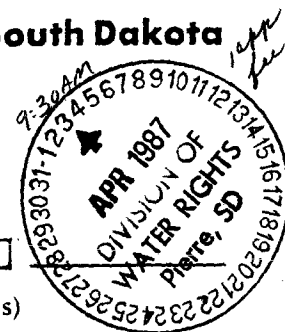
Attach sheet if more space is needed

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

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

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

STATE OF SOUTH DAKOTA

County of Lawrence ButteI, Roland P. Bryan 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 Roland P. BryanSubscribed and sworn to before me this 2nd day of March 1987Kimi A. Stabeck

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 1397-1.

Roland Bryan

(applicant)

RR1, Spearfish

(post office address)

South Dakota

(state)

57783

(zip code)

Date of receipt of Application April 3, 1987.

Validated December 2, 1987.

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

1. The date from which the applicant may claim right is January 1, 1949.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation and livestock watering.
4. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed 4.2

acre feet annually~~cubic feet per second~~; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period July 1 - August 31.

The applicable portions of Location Notice No. 42102 have been incorporated into No. 1397-1 and the abandoned portions of Location Notice No. 42102 have been cancelled.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer) **JOHN HATCH**

Division of Water Rights
Dept. of Water and Natural Resources

APR 29 1988

, 1988.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1397-1 FOR IRRIGATION

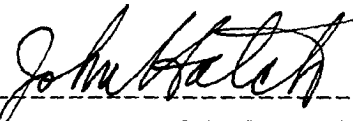
(1) Roland Bryan of RR #1, Box 187, Spearfish, SD 57783 made Application No. 1397-1, April 3, 1987 for validation of a vested right claim to store 4.2 acre feet of water annually in a stock dam (tributary of Chicken Creek), Lawrence County, South Dakota for irrigation and livestock watering purposes. Vested Water Right No. 1397-1 was validated December 2, 1987 with a priority date of January 1, 1949. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to store 4.2 acre feet of water annually for beneficial use. The location of the stock dam is:
NE 1/4 SE 1/4 Section 13, T7N, R1E

The location of the irrigated acreage is:

T7N, R1E Section 13	NE 1/4 SE 1/4	0.7 acres
	NW 1/4 SE 1/4	2.8 "
	SE 1/4 NE 1/4	1.3 "
	SW 1/4 NE 1/4	9.2 "
	TOTAL	----- 14.0 acres

(3) Pursuant to Section 46-5-30.1 Roland Bryan of RR #1, Box 187, Spearfish, SD 57783 the holder(s) and/or owner(s) of Vested Water Right No. 1397-1 is issued a license to store 4.2 acre feet of water annually in a stock dam (tributary to Chicken Creek) with a priority date of January 1, 1949 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation and livestock watering. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1397-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
APR 29 1988

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions 300' x 500' Depth 5'
- b) Depth to water (ground surface to water level) 1'

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Unknown
SCS

b) Freeboard 7'

c) Crest Width 18'

Crest Length 300'

d) Height 16'

e) Outlet Dimensions:
Pipe diameter 12" EMP

Spillway width 10' 15'

f) X & Y Slope
Upstream 6 to 1 1-3

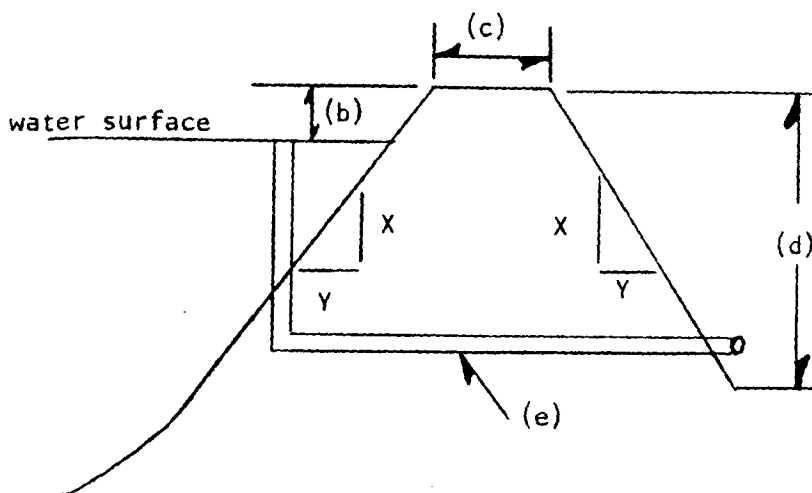
Downstream 6 to 1 1-2

Surface Area of Impoundment 3 2.1

Storage 7.3 4.2 acre feet

Drainage area above dam 200 acres

approx. 1500



Roland P. Bryan Jr.
Signature of Applicant

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) Roland Bryan

Post Office Address RR #1 Spearfish South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation NA Date of Posting NA

Date of recording NA Recording date NA
Where Book Page

B. Date of start of construction of water supply system 1949C. Date that water was first applied to beneficial use 1949D. Name of owner of original water supply system Roland P. BryanE. Amount of water originally applied to beneficial use 4.2 Ac FtF. Present Use of Water - Amount of water now being used irrigation - livestock 4.2 ac ftDate that this water was first used 1949

G. Chronological History of Water Use

To the best of my knowledge the water has always been used since the dam was constructed with no period of non-use.

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

State of South Dakota)

County of Lawrence Butte ^{SS}

I, Roland P. Bryan Jr. the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Roland P. Bryan Jr.Subscribed and sworn to before me March 2, 1987

KIM A. HABECK, Notary Public
 My Commission Expires 11-1-92

Kim A. Habeck
 Notary Public or other qualified officer

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

Karen Bryan 1987
(Print name)

(Print name) 19____

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410805

Pierre, April 3, 1987

RECEIVED OF Roland P. Bryan, JR #1, Box 187, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1397-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00 VR
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

JOHN HATCH

ms

Chicke Creek

WATER RIGHTS DIVISION
(605) 773-3352

January 30, 1987

Roland Bryan
RR 1
Spearfish, South Dakota 57783

RE: Filing of a Vested Right Claim - Dry Draw Dam No. 42102

Dear Mr. Bryan:

Enclosed you will find a set of application forms to file your vested right claim for the stockdam located in Section 13, T7N-R1E.

I completed the forms as much as I could. Please review them for accuracy and make any changes necessary to make them as accurate as possible, and return them to this office. Form 2a and 2B must be signed and notarized, Form 2A must just be signed. The filing fee is \$15.00.

Please do not hesitate to contact me if you have any questions.

Sincerely,

~~RA~~ssool Ahadi
Natural Resources Engineer

RA:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

April 28, 1987

Roland Bryan, Jr.
Rural Route 1
Spearfish, South Dakota 57783

RE: Vested Right Claim for Stock Dam

Dear Roland:

Enclosed you will find Form 2A completed with the information received from the SCS. Please sign the form and return it to our office in the enclosed envelope.

To complete the application to file your vested right claim for the stock dam, I also need the second copies of form 2 and 2B which were sent to you on January 30, 1987. These two forms must be signed in the presence of a notary.

If you have any questions, please contact me.

Sincerely,



Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

Enclosed herewith is one dollar (\$1.00). The Water Resources Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of _____ County and has been posted at the structure site in accordance with Section 61.0133 of the Water Laws.

Roland P. Bryan
Owner

by _____
Locator

STATE OF SOUTH DAKOTA }
County of Laporte }

On this 1st day of November, 1987, before me

Jane H. Mueller, a Notary Public
(Notary Public or other Official having a seal)

in and for the County and State aforesaid, personally appeared Roland P. Bryan
to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

(SEAL)

Jane H. Mueller
Name

Notary Public
Title

DRY DRAW FILING

Lawrence County

Belle Fourche River

NO. 29315	REV. NO. 1	SEC. 1	TOWNSHIP 1	RANGE 1
NAME OF APPLICANT				
LOCATION OF DAM				
DATE OF FILING				
ESTIMATED SURFACE AREA				
ESTIMATED DRAINAGE AREA				
REMARKS				

DRY DRAW FILING

Lawrence

Belle Fourche River

NO. 42102	REV. NO. 1	SEC. 1	TOWNSHIP 1	RANGE 1
NAME OF APPLICANT				
LOCATION OF DAM				
DATE OF FILING				
ESTIMATED SURFACE AREA				
ESTIMATED DRAINAGE AREA				
REMARKS				

19.1
1-8-67-543-1520

DRY DRAW FILING

Butte

Belle Fourche River

NO. 46622	REV. NO. 1	SEC. 1	TOWNSHIP 1	RANGE 1
NAME OF APPLICANT				
LOCATION OF DAM				
DATE OF FILING				

LOCATION NOTICE—DRY DRAW

Laurens
County

42102
Dry Draw No.

I, Island Bryan Name of

Address Spearfish Town Laurens County

Owner of the following described land, do hereby notify the Water Resources owner or operator

Commission of the State of South Dakota and all others concerned that I am exercising my right under Section 61.0138 of Chapter 430 of the Session Laws of 1955 for construction of a Dry Draw dam for the purpose of storing flood waters for (storing, diverting, or both)

livestock purposes (livestock, irrigation or both)

The following data is presented in compliance with Section 61.0138

(1) Dates of

(a) This application

(b) Posting at construction site

(2) Legal description of the land upon which the dam is located. 1/4 of the 1/4 of Section 1 Township 7 Range 1 The dam is located 1/4 rods 8 and 66 rods 8 of the 1/4 corner of said Section (N.S.E.W.) (N.S.E.W.) (NW,NE,SE,SW) in the County of Laurens

The owner of the land is Island Bryan Spearfish, S. Dak. 57706
Name Address

(3) Amount of water claimed for all purposes each year 7.5 acre feet.

(4) Storage capacity of reservoir 7.5 acre feet.

(5) Surface area of reservoir 1.5 acres.

(6) Size of watershed above dam 800 acres.

(Over)

Island Bryan
1

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 10, 1987

Roland Bryan
RR 1
Spearfish SD 57783

Dear Mr. Bryan:

This letter is to inform you that your vested right claim 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,



RON DUVALL
Water Resources Engineer
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1397-1, Roland Bryan

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1397-1, Roland Bryan, RR 1, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1397-1 for storage of 4.2 acre-feet in a dam and that the applicable portions of Location Notice No. 42102 have been incorporated into No. 1397-1 and the abandoned portions of Notice No. 42102 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1949, 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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 13, 1987

Report on Vested Water Right Application No. 1397-1
Roland P. Bryan Jr.
September 8, 1987

Background:

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Roland P. Bryan Jr. has filed an application to validate a vested right claim. The application claims storage of 4.2 acre-feet of water in an existing dam for livestock watering and irrigation of 14 acres of land in Section 13, T7N-R1E in Lawrence County. The dam is located in the NE1/4 SE1/4 Section 13, T7N-R1E, on a tributary of Chicken Creek.

Document Search:

The following document was found pertaining to Roland Bryan's Claim:

Location Notice No. 42102 was filed with the Water Resources Commission on November 1, 1967, under the name Roland P. Bryan. The legal description of the dam on the notice is not the same as claimed on Application No. 1397-1. However, Roland Bryan Jr. has stated that the only dam that his father ever built was the one constructed at the location described in Application No. 1397-1.

Although the dam was not filed on until November 1, 1967, it is believed that it was constructed in 1949.

Discussion:

The dam has a drainage area of 1500 acres. It can store 4.2 acre-feet of water and has a surface area of 2.1 acres. According to the applicant, the dam was built in 1949 and has always been used.

The recent investigation by Water Rights Division engineers found that 14 acres of land, as described on the application are being irrigated from the dam. The water is diverted from the dam with a pump and conveyed to the field through a 10 inch pipeline. The field is then flood irrigated.

Conclusions and Recommendations:

- 1) Due to the size of the dam there may be no need to investigate the dam safety requirements.
- 2) The drainage area above the dam is capable of providing the quantity of water necessary to serve the project.

- 3) Validation of this claim is in the public interest and constitutes beneficial use of the waters of the state.
- 4) It is recommended that the Vested Water Right Claim for Roland P. Bryan Jr. be validated for storage of 4.2 acre-feet in an existing dam for livestock watering and to irrigate 14 acres as described in Application No. 1397-1 with a priority date of January 1, 1949.
- 5) It is recommended that if Vested Water Right No. 1397-1 is validated, that the applicable portions of Location Notice No. 42102 be incorporated into No. 1397-1 and that the abandoned portions of Notice No. 42102 be cancelled.

RAhadi

Rassool Ahadi
Natural Resources Engineer



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. 1397-1. 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 Roland Bryon, RR 1, Spearfish SD.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

October 29, 1987

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

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1397-1. 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 Roland Bryon, RR 1, Spearfish SD.

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper

South Dakota Department of
Water & Natural Resources

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

October 29, 1987

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

Roland Bryon
RR 1
Spearfish SD 57783

Dear Mr. Bryan:

Your Application No. 1397-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCE DAILY POST printed at Belle Fourche SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

NOTICE OF HEARING To Validate
Vested Right Application No. 1397-1 to Appropriate Water

Notice is hereby given that Roland Bryan whose mailing address is RR 1, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate water for livestock watering and for storage of 4.2 acre-feet of water annually in a dam to irrigate 14 acres with a claimed priority date of 1949. The dam is located on a tributary of Chicken Creek in the NE 1/4 SE 1/4 Section 13 and the irrigated acreage is in the N 1/2 SE 1/4, S 1/2 NE 1/4 Section 13; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1397-1 for storage of 4.2 acre-feet in a dam and that the applicable portions of Location Notice No. 42102 be incorporated in No. 1397-1 and that the abandoned portions of Notice No. 42102 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of January 1, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

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

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

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

No. 1397-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stepehnson hereby

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

Water was taken from the Queen City Mail

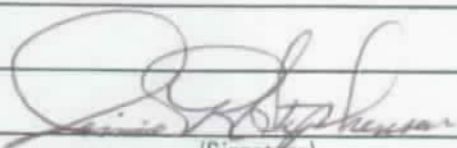
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Spearfish

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

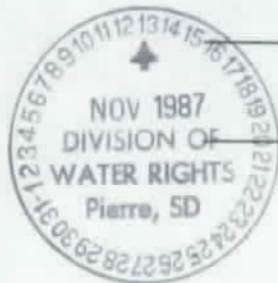
November 3rd, 1987

November 10th, 1987


(Signature)

Publisher
(Title)

11-10-87
(Date Signed)



Cost of Printing: 102 lines x .2564 = 26.15

102 lines x .2051 = 20.92

total = 47.07

NOTICE OF HEARING
To Validate Vested
Right Application No. 1397-1
To Appropriate Water

Notice is hereby given that Roland Bryon whose mailing address is RR 1, Spearfish, South Dakota, has filed an application to validate a vested right claim to appropriate water for live-stock watering and for storage of 4.2 acre-feet of water annually in a dam to irrigate 14 acres with a claimed property date of 1949. The dam is located on a tributary of Chicken Creek in the NE 1/4 SE 1/4 Section 13 and the irrigated acreage is in the N 1/2 SE 1/4, S 1/2 NE 1/4 Section 13; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1397-1 for storage of 4.2 acre-feet in a dam and that the applicable portions of Location Notice 42102 be incorporated in No. 1397-1 and that the abandoned portions of Notice No. 42102 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of January 1, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, 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, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74-02:01:01 thru 74-02:01:15 and 74-02:01:19 thru 74-02:01:22.

This hearing on 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 on or before 20, 1987.

Nov. 3, 10

No. 1397-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Sueca 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:

November 3, 1987

November 10, 1987

Marion Sueca
(Signature)

Editor
(Title)

November 10, 1987
(Date Signed)

Cost of Printing: \$42.08



Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1397-1
to Appropriate Water

Notice is hereby given that
Roland Bryan whose mailing
address is RR1, Spearfish,
South Dakota has filed an appli-
cation to validate a vested right
claim to appropriate water for
livestock watering and for stor-
age of 4.2 acre-feet of water
annually in a dam to irrigate 14
acres with a claimed priority
date of 1949. The dam is located
on a tributary of Chicken Creek
in the NE 1/4 SE 1/4 Section 13
and the irrigated acreage is in
the N 1/2 SE 1/4, S 1/2 NE 1/4
Section 13; all in T7N, R1E.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Division recommends
VALIDATION of Vested Water
Right Application No. 1397-1
for storage of 4.2 acre-feet in a
dam and that the applicable
portions of Location Notice No.
42102 be incorporated in No.
1397-1 and that the abandoned
portions of Notice No. 42102 be
cancelled because 1) water has
been appropriated as described
for irrigation with a priority
date of January 1, 1949, 2) the
use has been developed without
unlawful impairment of exist-
ing rights, 3) it is a beneficial
use of water and 4) it is in the
public interest.

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

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

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

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 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. An extension of the Chief Engineer by November 20, 1987.

**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,

Ron Koth
Water Permits Coordinator

RK/ld

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

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

WATER RIGHTS DIVISION
(605) 773-3352

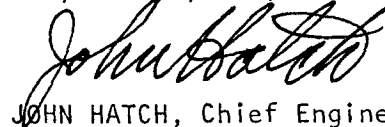
APR 29 1988

Roland Bryan
RR 1
Spearfish, South Dakota 57783

Dear Mr. Bryan:

Enclosed are your Validated Vested Water Right and Water License No. 1397-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,



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

JH:MS

enclosures