

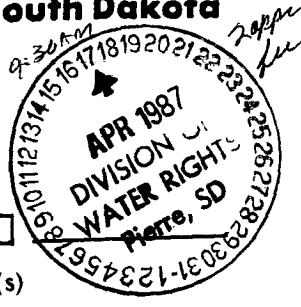
Type of Map plat 7 aerial photo PREPARED BY Rasool Ahadi Reviewed and the Number
assigned on October 2, 1987 By Ron Duval

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 1403-1 Hydrologic Unit 10120203
Map No. same Basin Belle Fourche R
Newspaper Queen City Mail, Box 7, Spearfish (Wed)
Belle Fourche Daily Post, 1004 5th 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 Ramsdell Ditch/Robert Haag, President Phone No. 642-5849
Post Office Address 1421 5th Street, Spearfish, South Dakota State 57783
(Street, RR or Box) City Zip Code
2. Amount of water claimed (c.f.s.) 2 Total acres irrigated 70
3. Source of Water supply Spearfish Creek
4. Location of point of diversion approximately 1780 ft. S, 2000 ft. E of NW Corner Section 15,
T6N-R2E. County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used May 1 Sept. 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T6N-R2E	33 ~~32.8~~
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T6N-R2E	15 ~~13.3~~
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T6N-R2E	~~1.8~~
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T6N-R2E	~~1.6~~

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, T6N-R2E	15 ~~14.2~~
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T6N-R2E	5 ~~4.6~~
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T6N-R2E	1 ~~.9~~
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 15, T6N-R2E	1 ~~.8~~

Attach sheet if more space is needed

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

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

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

STATE OF SOUTH DAKOTA)
County of Lawrence)^{ss}

I, Robert Haag President 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.

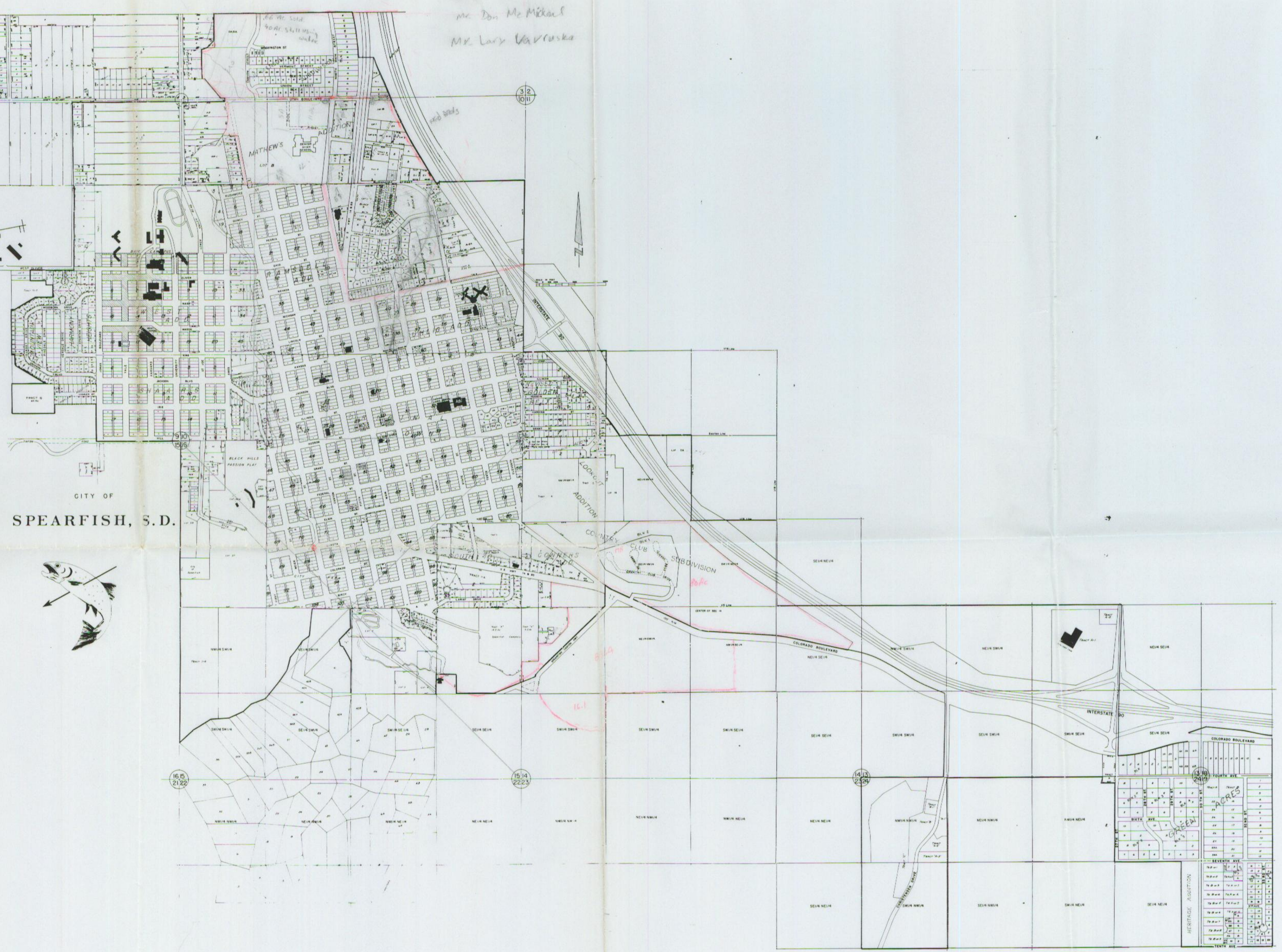
Signed Robert Haag

Subscribed and sworn to before me this 15 day of April 1987

Shoria J. Harr
Notary Public (or other qualified officer)

1-5041

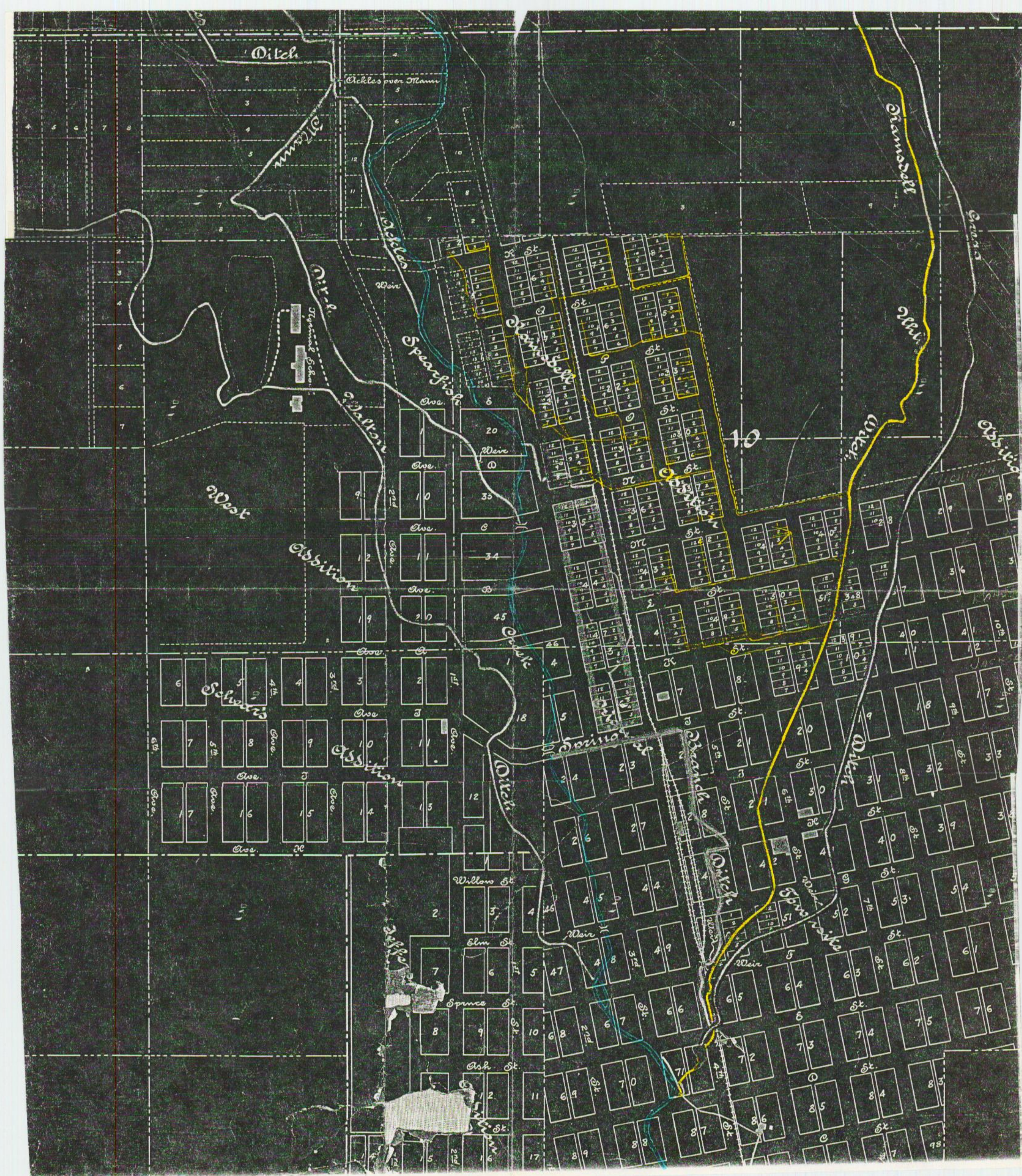
Maxim Anderson
Mr. Don McMichael
Mr. Larry Kuvraska

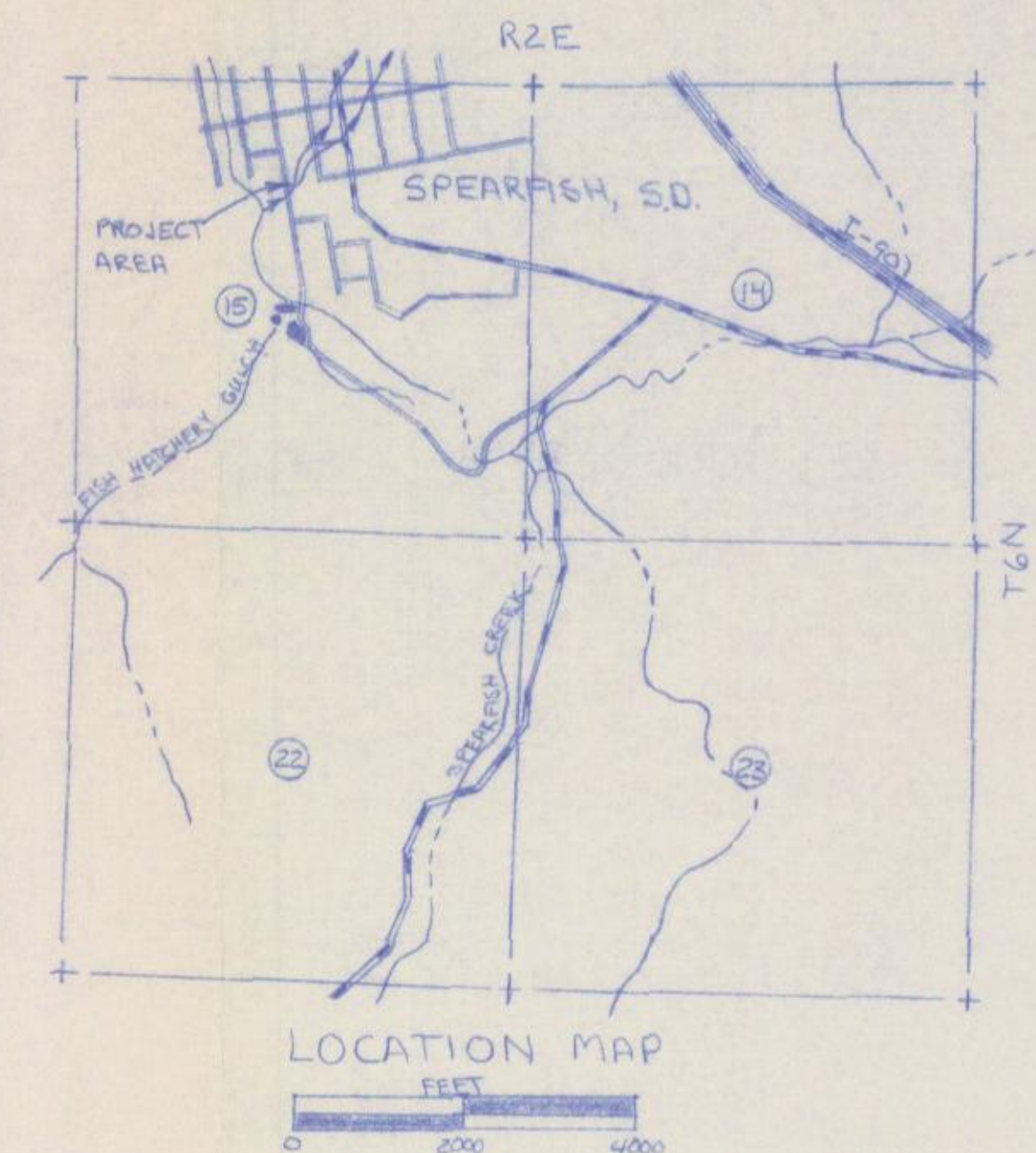
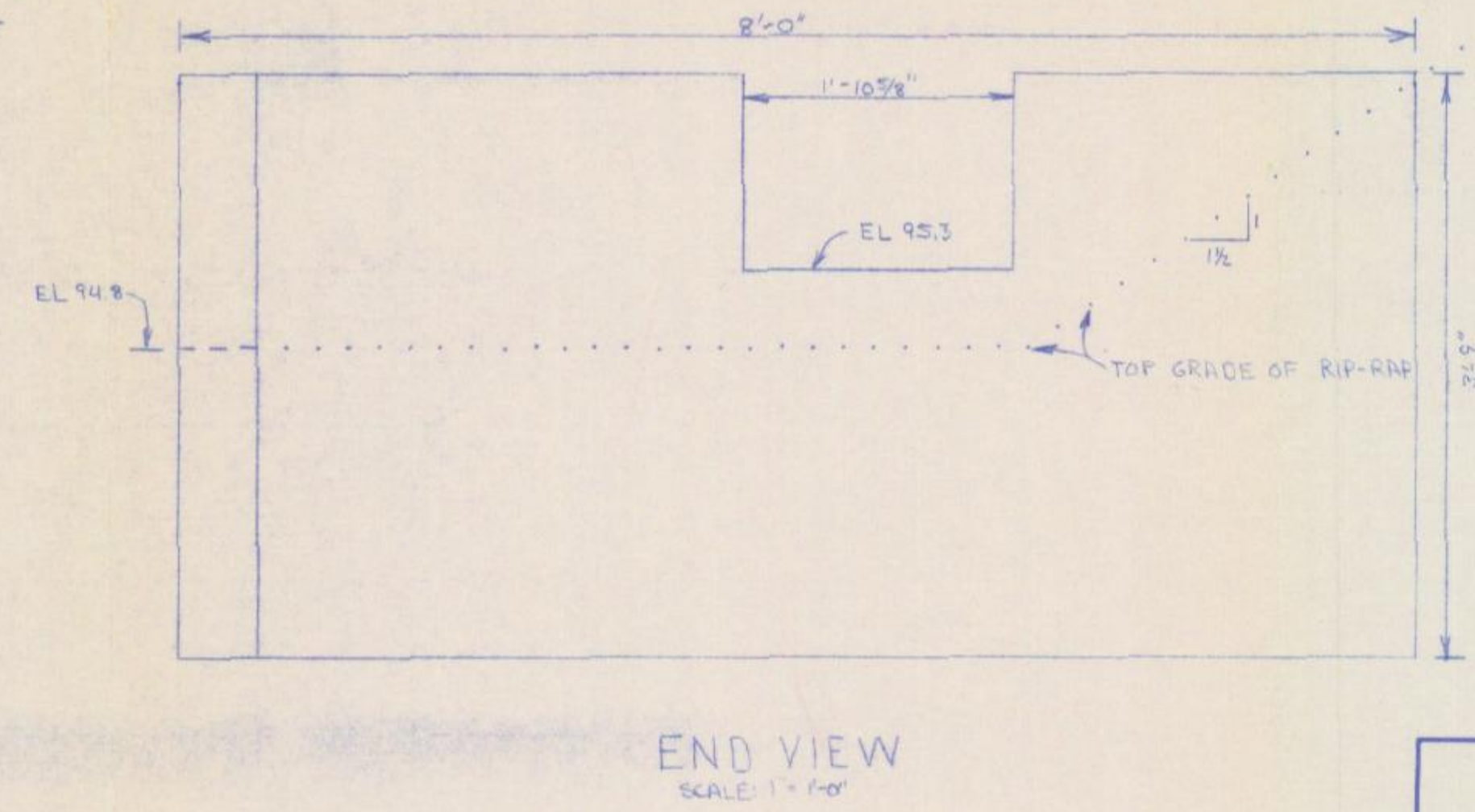
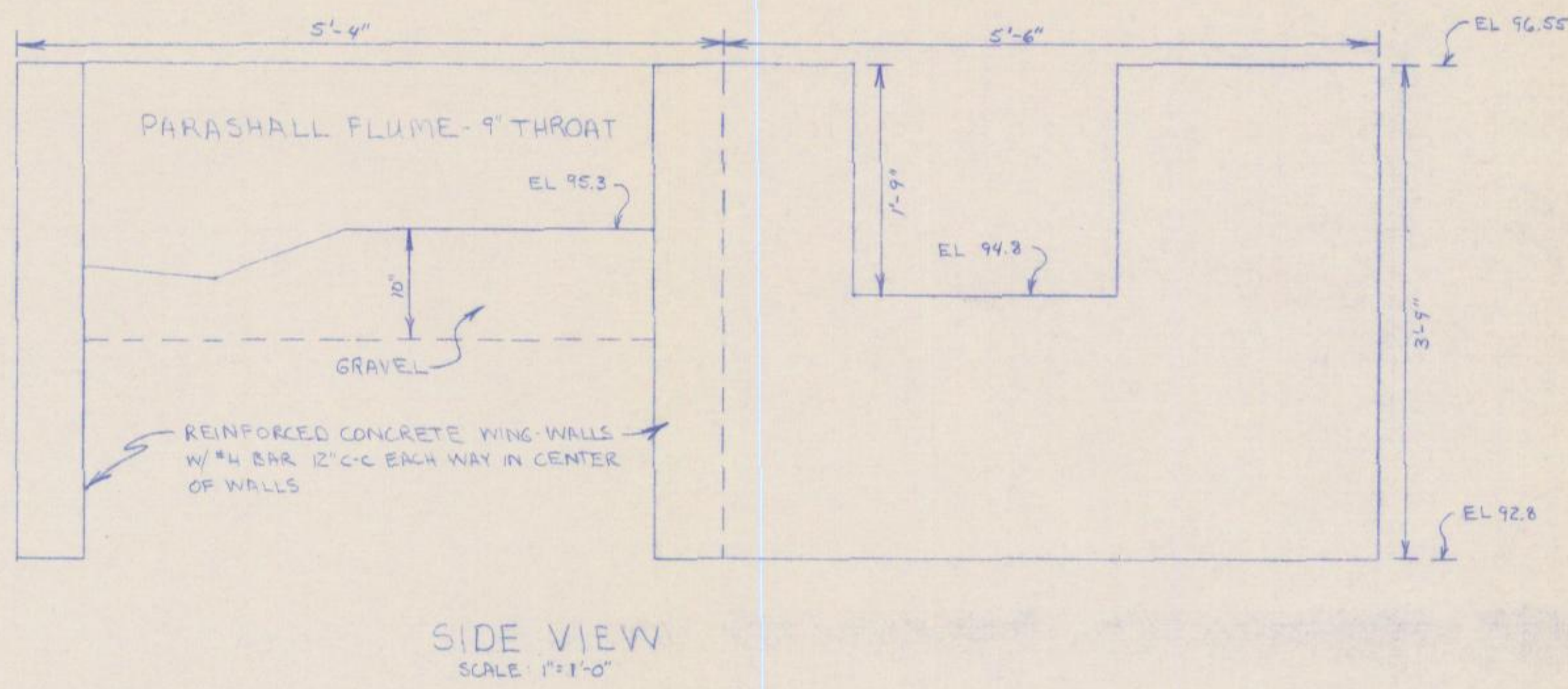
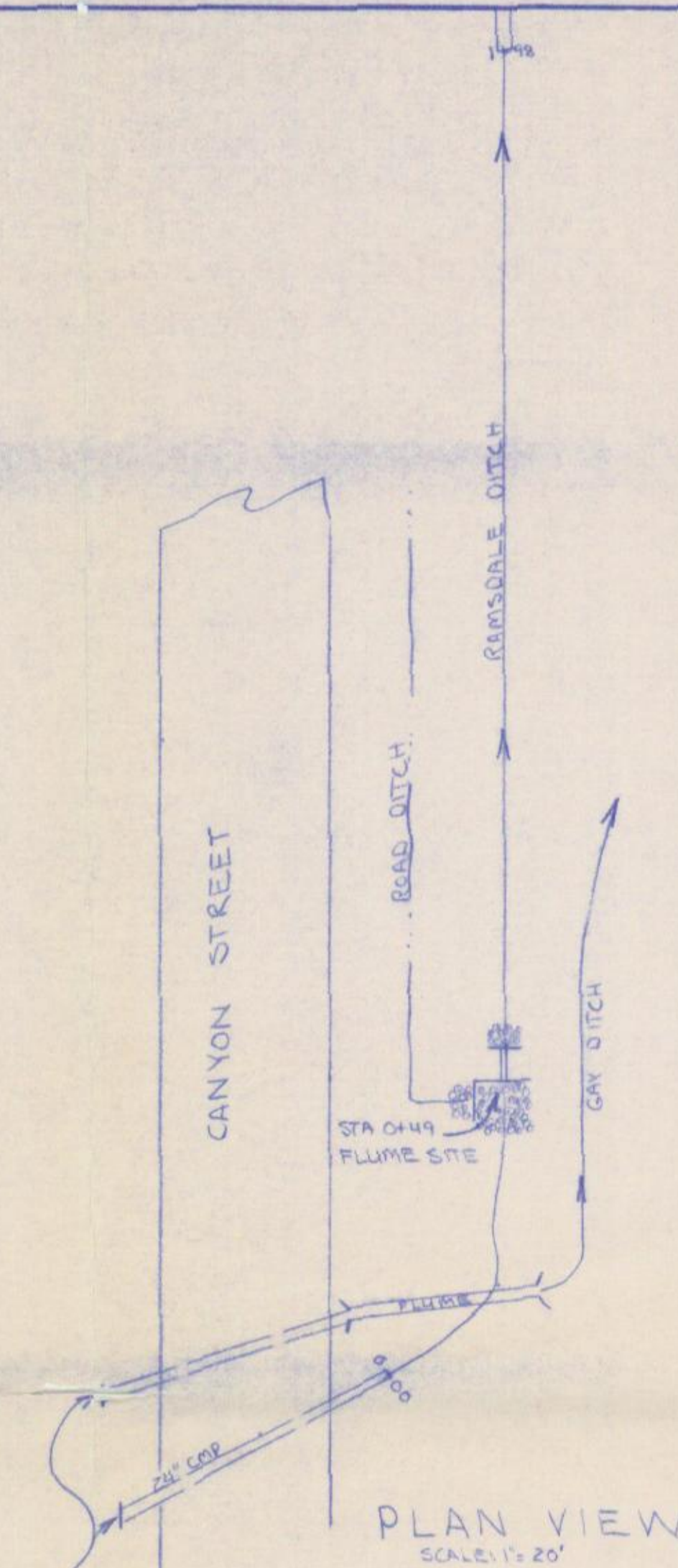
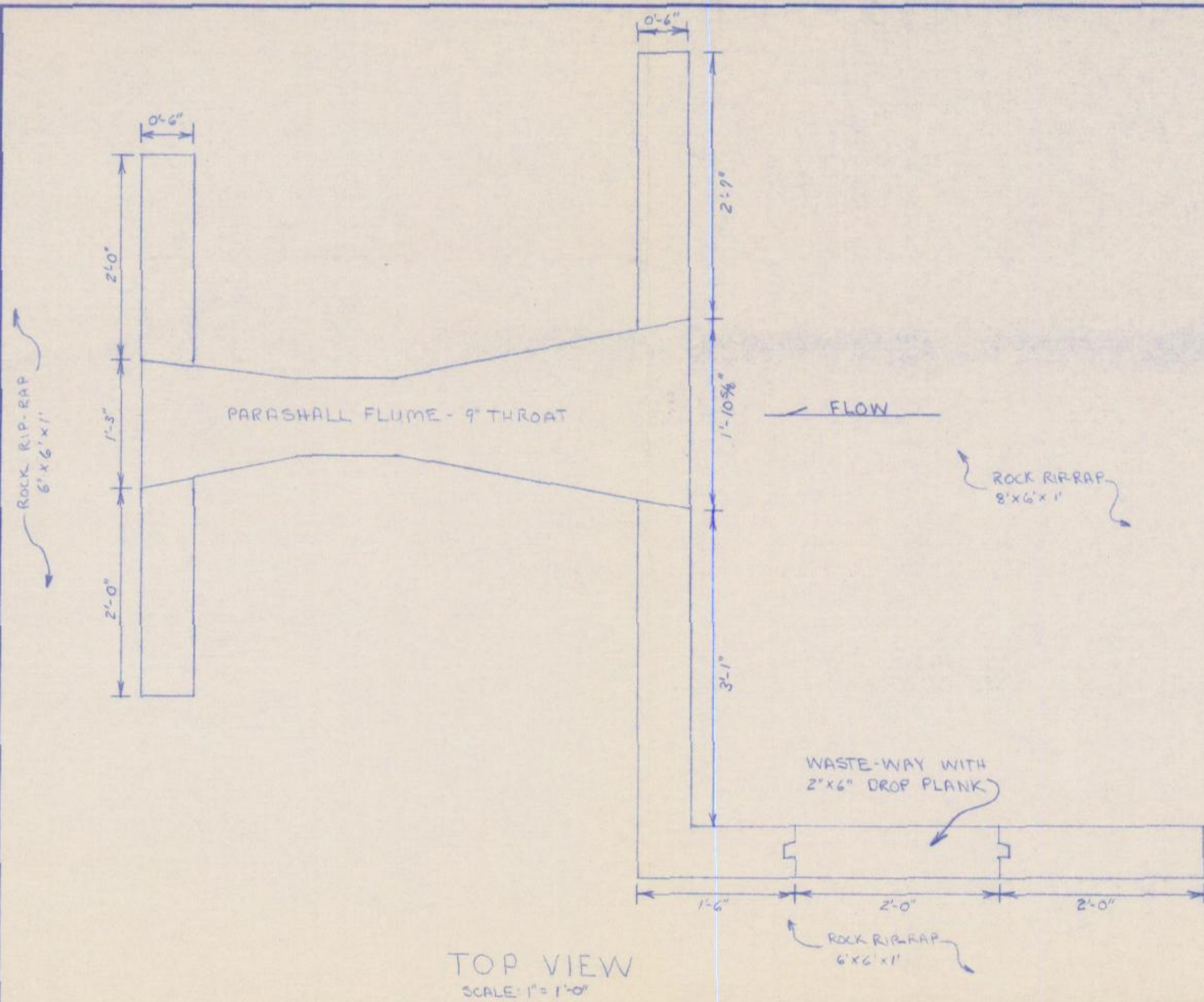


CITY OF
SPEARFISH, S.D.



SCA





ITEM NO.	ITEM	UNIT	QUANTITY	AS BUILT
1	PARASHALL FLUME - 9" THROAT/15' HIGH	EA	1	
2	REINFORCED CONCRETE	CY	1.2	
3	ROCK RIP-RAP	CY	4.5	
4	GRAVEL	CY	1.25	

NOTE: 1) INLET & OUTLET OF PARASHALL FLUME & WASTE-WAY MUST BE LINED W/ ROCK TO PREVENT UNDER MINING OF STRUCTURE. USE A 1" THICK LAYER OF ROCK RIP-RAP W/ ROCK GRADED FROM 1" DIA MAX SIZE DOWN TO 3" MIN SIZE.
2) CLAIMED WATER DIVERTED IS 2.0 CFS. PARASHALL FLUME READING OF 0.96' YIELDS 2.02 CFS

HEAD (FOOT)	FLOW (CFS)
0.1	0.09
0.2	0.26
0.3	0.49
0.4	0.76
0.5	1.06
0.6	1.40
0.7	1.78
0.8	2.18
0.9	2.61
1.0	3.07

PARASHALL FLUME - (9" THROAT)
RAMSDALE DITCH
SEC 15, T6N-R2E, LAWRENCE CO

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed: J. VERHELST
Drawn: J. VERHELST
Traced: _____
Checked: _____

Date: 1/89
Approved by: [Signature]
Title: [Signature]
Title: _____
Sheet: _____
Drawing No.: 1403-1

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1403-1

Ramsdell Ditch
(applicant)

1421 5th Street, Spearfish
(post office address)

SD
(state)

57783
(zip code)

Date of receipt of Application April 17, 1987.

Validated December 2, 1987.

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

1. The date from which the applicant may claim right is October 1, 1876.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed _____
2.00 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 May 1 - Sept. 30.

Vested Water Right No. 1403-1 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatch
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

APR 29 1988

, 19__.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1403-1 FOR IRRIGATION

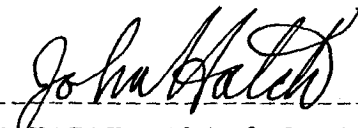
(1) Ramsdell Ditch - Robert Haag, President
of 1421 5th Street, Spearfish, South Dakota 57783
made Application No. 1403-1, April 17, 1987
for validation of a vested right claim to appropriate 2.00
cubic feet of water per second from Spearfish Creek,
Lawrence County, South Dakota for irrigation purposes.
Vested Water Right No. 1403-1 was validated December 2, 1987
with a priority date of October 1, 1876. Construction of the
described water supply system and application of water to
beneficial use has been completed and complies with applicable
provisions of South Dakota State Law.

(2) The applicant is entitled to divert 2.00 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: approximately 1780 feet South and 2000 feet east
of the NW Corner, Section 15, T6N, R2E (SE1/4NW1/4)

The location of the irrigated acreage is: _____

T6N, R2E Section 10	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 Acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	15 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	15 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5 Acres
Section 15	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1 Acre
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	1 Acre
TOTAL		70 ACRES

(3) Pursuant to Section 46-5-30.1 Ramsdell Ditch- Robert Haag, President
of 1421 5th Street, Spearfish, South Dakota 57783
the holder(s) and/or owner(s) of Vested Water Right No. 1403-1
is issued a license to appropriate 2.00 cubic feet of
water per second from Spearfish Creek with a
priority date of October 1, 1876 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.
1403-1 and subject to South Dakota State Law.



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

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) Ramsdell Ditch/Robert Haag

Post Office Address 1421 5th Street Spearfish South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation June 1, 1876 Date of Posting _____

Date of recording June 15, 1879 Recording date Court Case Cook v Evans
Where Book Page

B. Date of start of construction of water supply system 1876C. Date that water was first applied to beneficial use October 1876D. Name of owner of original water supply system Joseph RamsdellE. Amount of water originally applied to beneficial use 229 Miners InchesF. Present Use of Water - Amount of water now being used Irrigation, domestic - 2 cfsDate that this water was first used October 1876 Cook v EvansG. Chronological History of Water Use See Attached Page

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

State of South Dakota)

County of Lawrence) ^{ss}

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

Signed Robert Haag PresidentSubscribed and sworn to before me April 16, 1987

Dan Kelly Mayes
 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.

BERNARD L HANSON 1987
(Print name)

CLAYTON FUMMEL 1987
(Print name)

Chronological History for Water use
for Ramsdell Irrigation Assoc.

Water Rights to the present Ramsdell Irrigation Assoc. was located and appropriated June 1st, 1876. Water Rights were refiled on Feb. 19, 1880 after the September 26, 1879 fire in Deadwood S.D.

See (Number Index, Lands & Misc., Book 5, Page 1201-under Spearfish Irrigations-Ramsdell Water Rights- Book 8, Pages 423 & 424). Copy's attached.

Priority date was listed as October 1876 in court case - Cook v. Evans. No records available to us until Ramsdell Irrigation Association was formed. No date on By-Laws but the envelope date was June 9, 1952. Assessment record are available listing water users from 1952-1986.

Historically the water in this ditch has been used for truck farms, orchards, grain fields, hay, and pasture land.

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Historicaly the water in this ditch has been used for truck farms, orchards, grain fields, hay, and pasture land.

In witness whereof I have hereunto set my hand
and seal the Twentieth day of January one thousand
Eight Hundred and Eighty

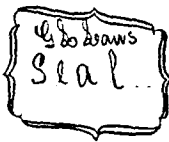
Thos. Sheffer

Sealed and delivered

in presence of
G. L. Laws
L. C. Martin

State of Nebraska } ss
Harlan County }

On this Twentieth day of January A.D. 1880
before me the undersigned a Notary Public duly appointed
for and residing in said County personally appeared
Thomas Sheffer to me known to be the identical person who
subscribed said power of Attorney as principal and he
acknowledged the said instrument to be his free and voluntary
act - In testimony whereof I have hereunto set my hand
and Notarial Seal at Orleans in said County
the day and year last above written -



G. L. Laws.

Notary Public

Harlan County Neb

N^o 3673

Ramsdell Water Right
Spearfish Creek

Joseph Ramsdell

Filed Feb 19 1880

2nd October P. M.

C. H. McKim

Register of Deeds

By W. D. Hughendall

Deputy

Know all men by these presents, that I the
undersigned a citizen of the United States and
resident of the County of Lawrence and Territory
of Dakota claim by right of Location and
appropriation all the water of Spearfish Creek
to be known as the "Ramsdell Water Right"
for mining milling for Manufacturing domestic
culinary irrigation or any other useful or
beneficial purposes which said waters can
be applied to be taken out of said creek at a point

near the North line of Spearfish Reserve - I also claim the right to
divert and convey said water by ditch pipe or flume to any
point where it can be used for any of the purposes above
mentioned said water was located and appropriated June 1st 1876

Joseph Ramsdell

2³⁵ O'clock P. M.

C. H. McKinnis

Register of Deeds

Per W. D. Kykendall

Deputy

described piece or parcel of land for building purposes to-wit commencing at the Northeast corner stake of Henry Jo Dallaker's lot and running East One Hundred and eight (108) feet to stake No 2 thence South One hundred (100) feet to stake No 3 thence West One Hundred

and Eight (08) feet to stake No 4 thence North One Hundred (100) feet to stake No 1 or place of beginning The above described piece or parcel of land is situated on South side of Whitewood Gulch opposite Chinatown or lower Deadwood City County of Lawrence Territory of Dakota

Lyman O. Simmons
David Hagerly

No 3575

Agricultural Water Right

Spring Branch of Spearfish

Joseph Ramsdell

Filed for record Feb 19. 1880

2³⁵ O'clock P. M.

C. H. McKinnis

Register of Deeds

Know all men by these presents that I the undersigned a citizen of the United States and resident of the County of Lawrence and Territory of Dakota claim by right of Location and Appropriation all the waters of the Spring Branch of Spearfish Creek for Mining Milling agricultural Domestic Culinary Ice Manufacturing or any other useful or Beneficial purpose to which said waters can be applied To be taken out of said Creek near

the Miners Hotel in the Town of Spearfish I also claim the right to divert and convey said waters by ditch pipe or flume to any point where they can be used for any of the purposes above mentioned. This Certificate is filed in lieu of the original Certificate filed for record in the office of Register of Deeds of said County on or about the 15th day of June 1879 which said Certificate together with the record thereof was destroyed by fire in Deadwood September 26. 1879 said Water Right shall be known as the Agricultural Water Right and was located and Appropriated December 15 1876

Joseph Ramsdell

No 3574

Location Certificate

Lot of Land near Chinatown

Gusman O. Simmons & Co

Filed Feb 19. 1880

2³⁰ O'clock P. M.

W. A. McKinnis

Register of Deeds

Per W. D. Hughes & Co

Deputy

Location Certificate

We the undersigned hereby give notice that we have on this ^{19th} day of February 1880 located and do hereby claim the following described piece or parcel of land for building purposes to-wit commencing at the Northeast corner stake of Henry Jo Dallaker's lot and running East One Hundred and eight (108) feet to stake No 2 thence South One hundred (100) feet to stake No 3 thence West One Hundred

and Eight (108) feet to stake No 4 thence North One Hundred (100) feet to stake No 1 or place of beginning The above described piece or parcel of land is situated on South side of Whitewood Gulch opposite Chinatown or lower Deadwood City County of Lawrence Territory of Dakota

Gusman O. Simmons
David H. Hagerly

Agricultural Water Right

Spring Branch of Spearfish

Joseph Ramsdell

Filed for record Feb 19. 1880

2³⁰ O'clock P. M.

W. A. McKinnis

Know all men by these presents that I the undersigned a Citizen of the United States and resident of the County of Lawrence and Territory of Dakota claim by right of Location and appropriation all the waters

No 3575

ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

OFFICE

DISPOSABLE REVENUE FUND



OFFICE

ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

DENVER, COLORADO

JANUARY, 1975

1 WEIR DIMENSIONS

Discharge gallons/day	Depth (max) (H) (ft.)	(A) (ft.)	(K) (ft.)	(B) (ft.)	(E) (ft.)	(D) (ft.)	(F) (ft.)	(L) (ft.)	(C) (ft.)
0 to 1,610,000	1.0	6	2	5	3	1.5	4	3	1
1,291,000 to 2,800,000	1.25	6.5	3	6.5	3.25	1.5	5	3.5	1.5

FIGURE
1

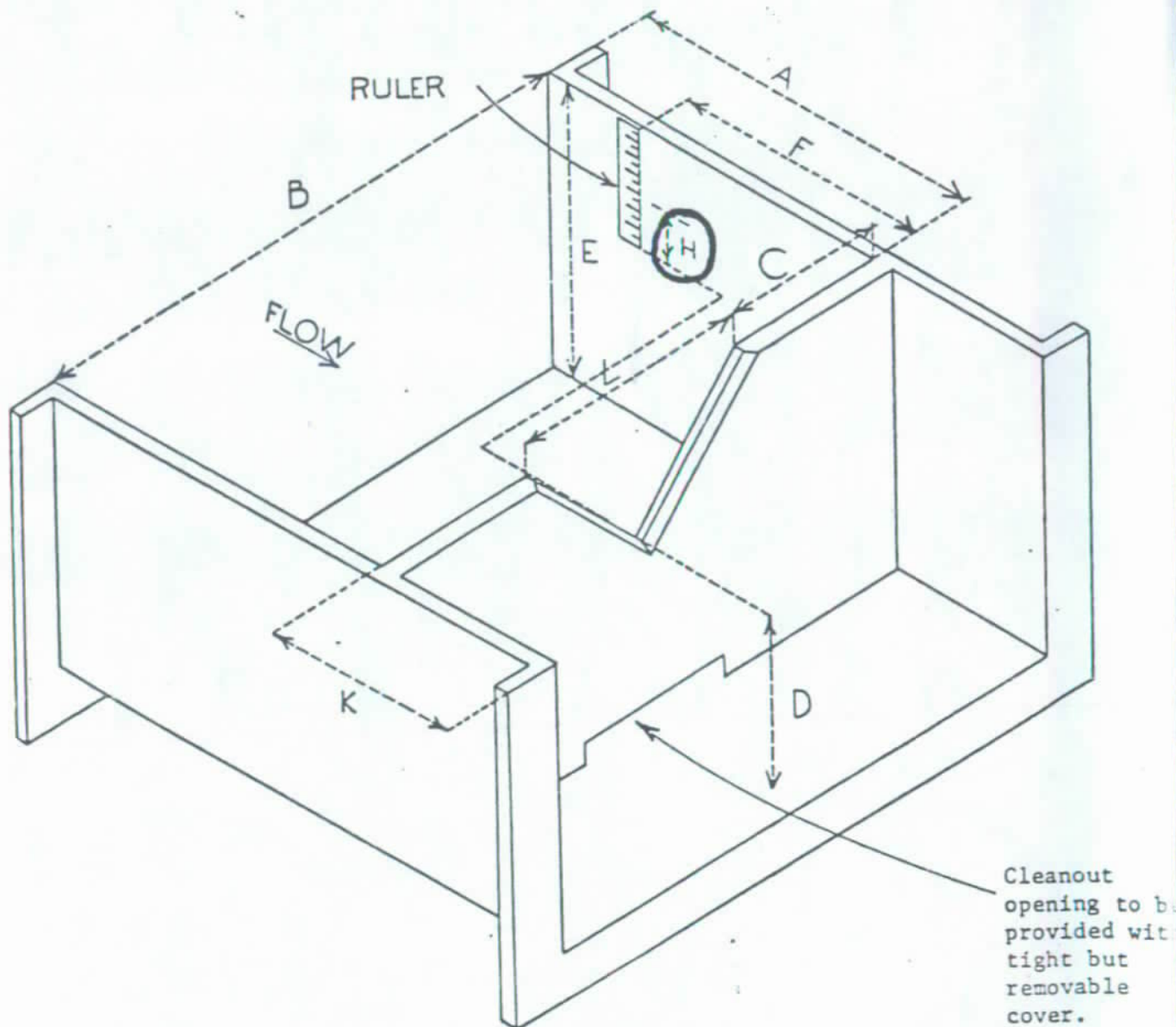
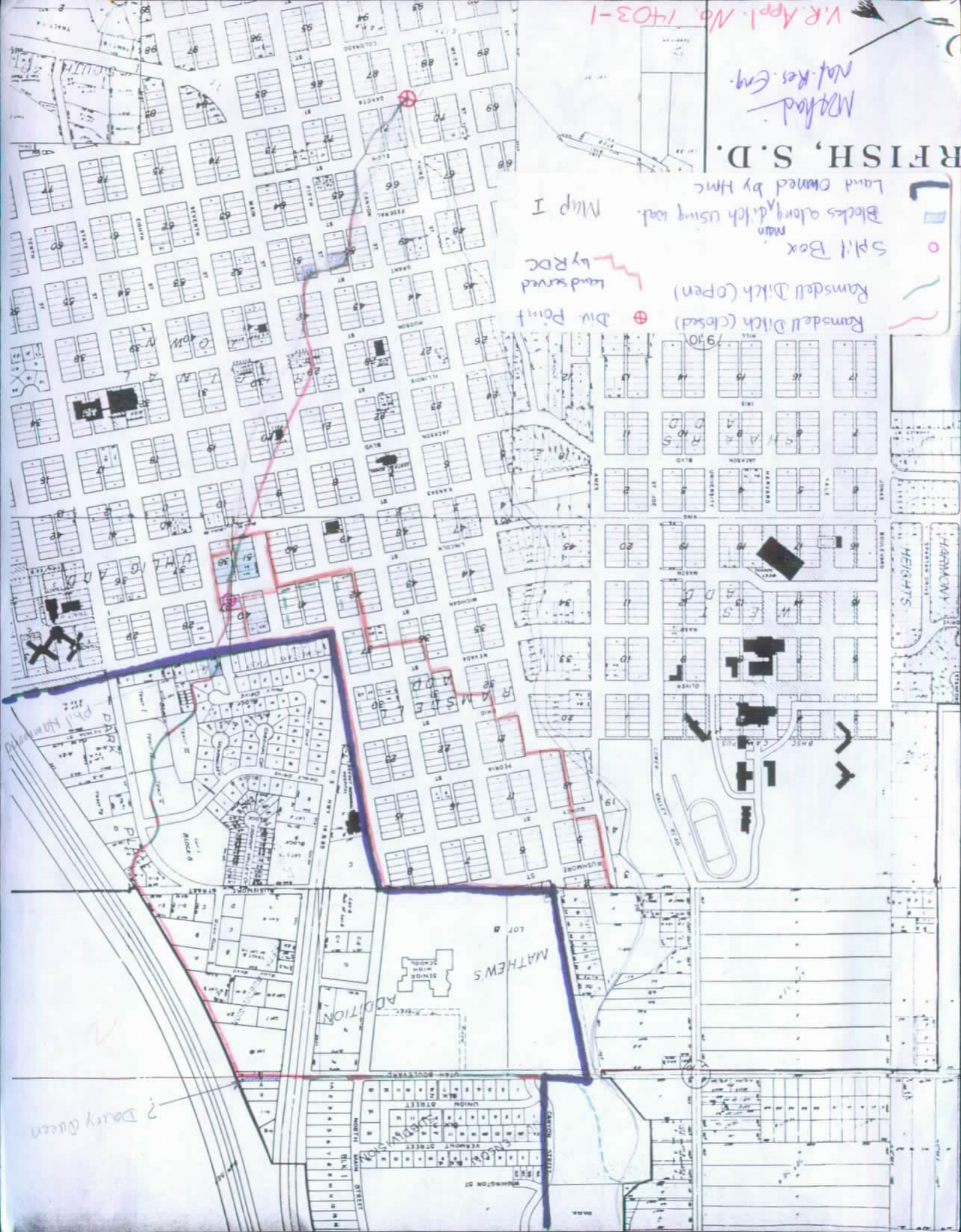


TABLE
II
READINGS-EQUIVALENT FLOW

Readings* (H) in Inches	Flow gals/day	Readings* (H) in Inches	Flow gals/day
2.00	18,915	7.25	461,194
2.25	25,331	7.50	501,646
2.50	32,895	7.75	544,143
2.75	41,667	8.00	588,719
3.00	51,702	8.25	635,405
3.25	63,054	8.50	684,233
3.50	75,776	8.75	735,233
3.75	89,917	9.00	788,436
4.00	105,524	9.25	843,872
4.25	122,645	9.50	901,571
4.50	141,323	9.75	961,560
4.75	161,601	10.00	1,023,871
5.00	183,523	10.25	1,088,530
5.25	207,129	10.50	1,155,566
5.50	232,458	10.75	1,225,006
5.75	259,550	11.00	1,296,878
6.00	288,443	11.25	1,371,208
6.25	319,174	11.50	1,448,024
6.50	351,779	11.75	1,527,354
6.75	386,295	12.00	1,609,217
7.00	422,755		

*Notes - Before taking reading remember these items:

1. For best accuracy the average of at least three or four readings per day is best. These readings should ideally be made at 10:00 a.m., 2:00 p.m., 8:00 p.m., and 12:00 midnight.
2. Be sure the V-notch weir plate is clean.
3. Clean the weir box weekly.
4. Readings (H) less than 2.5" become inaccurate.



RRISH, S.D.

Map
Nat. Res. Eng.

V.R. Appl. No. 1403-1

Land owned by HMC
Blocks along ditch using road
Main
Split Box

Land served
by RDC
Div. Point

Ramsdell Ditch (open)
Ramsdell Ditch (closed)

HEIGHTS

MATHews

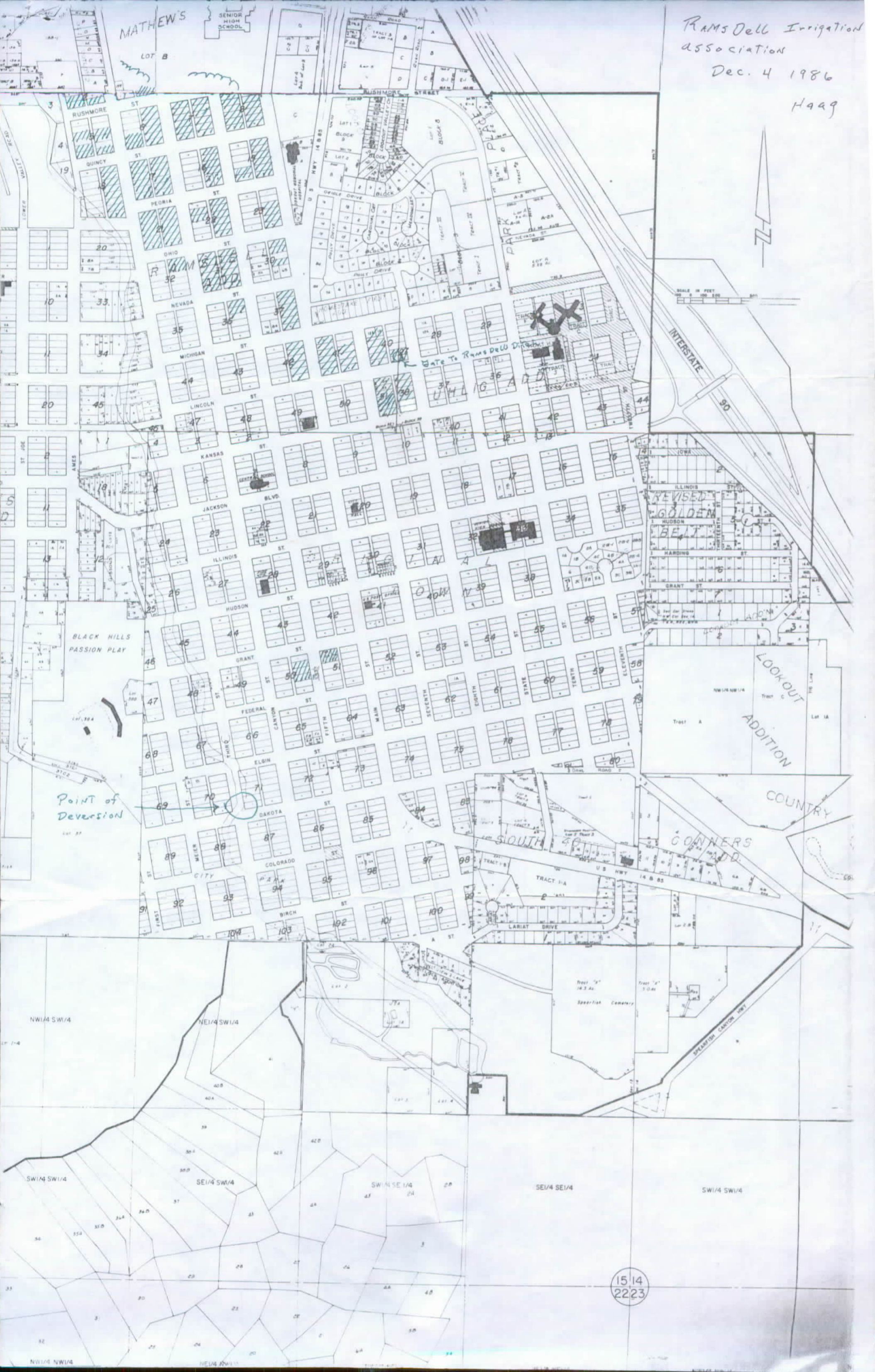
ADDITION

Dairy Queen

association

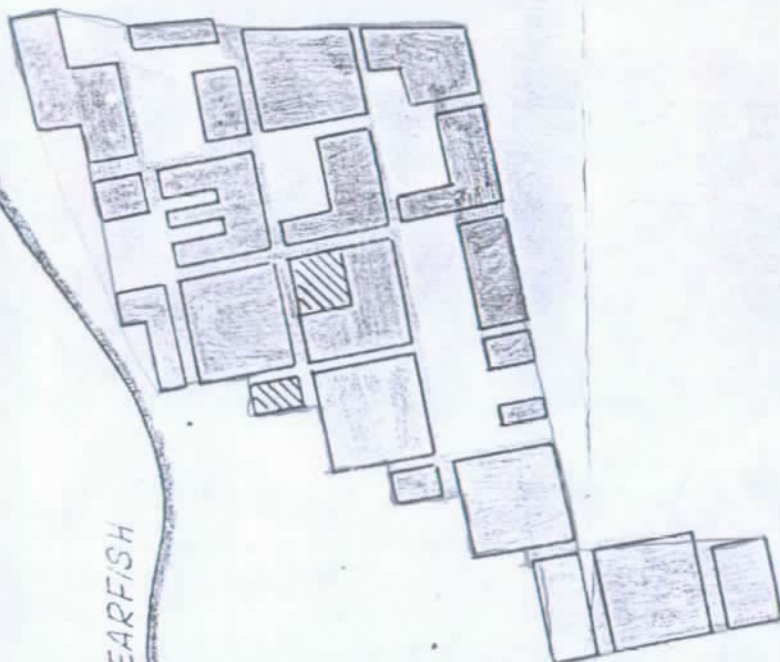
Dec. 4 1986

1449



CREEK

SPEARFISH



DITCH

RAMSDELL



$$\begin{array}{r} 9 \overline{) 1516} \\ 90 \\ \hline 616 \\ 54 \\ \hline 76 \end{array}$$

October 31, 1962

Mr. T. H. Young, Chairman
Ramsdell Irrigation Association
Spearfish, South Dakota

Dear Mr. Young:

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

Recently the land irrigated by the Ramsdell Irrigation Association was mapped. The acreage of this irrigated land was measured as containing 45.2 acres as shown by the attached map section.

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

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

The Court specified that the Ramsdell water right was second in priority of those water rights adjudicated, with a priority date of October, 1876, and was entitled to use not to exceed 229 miner's inches of water to be taken through the Ramsdell Ditch. The Court further stated that 52.7 miners inches of the 229 miners inches of water was for land then in platted town lots.

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

Sincerely,

J. W. CRIMES

JWC:ls
cc: Clarence Crawford, Spearfish, S.D.

IT IS HEREBY CERTIFIED THAT THE PHOTODUPLICATION PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM RECORDS.
SECTION 25 ROLL NO. 1
DATE MICROFILMED 5-4-82
BY SPANISH SPEAR

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

December 14, 1961

Homestake Mining Company
Legal Department
Lead, S. Dak.

Re: Ramsdell Ditch

Gentlemen:

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

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

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

The Court specified that the Ramsdell water right was second in priority of those water rights adjudicated, with a priority date of October, 1876, and was entitled to use not to exceed 229 miner's inches of water to be taken through the Ramsdell Ditch.

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

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

Sincerely,

Encls: Map and List

CC: Homestake Mining Co.
Engineering Dep't.
Lead, S. Dak.

Mrs. Eugene Ryan
Spearfish, S. Dak.

J. W. GRIMES
Executive Officer and
Chief Engineer

December 14, 1961

Homestake Mining Company
Legal Department
Lead, S. Dak.

Re: Ramsdell Ditch

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The Court specified that the Ramsdell water right was second in priority of those water rights adjudicated, with a priority date of October, 1876, and was entitled to use not to exceed 229 miner's inches of water to be taken through the Ramsdell Ditch.

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

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

Sincerely,

Encls: Map and List

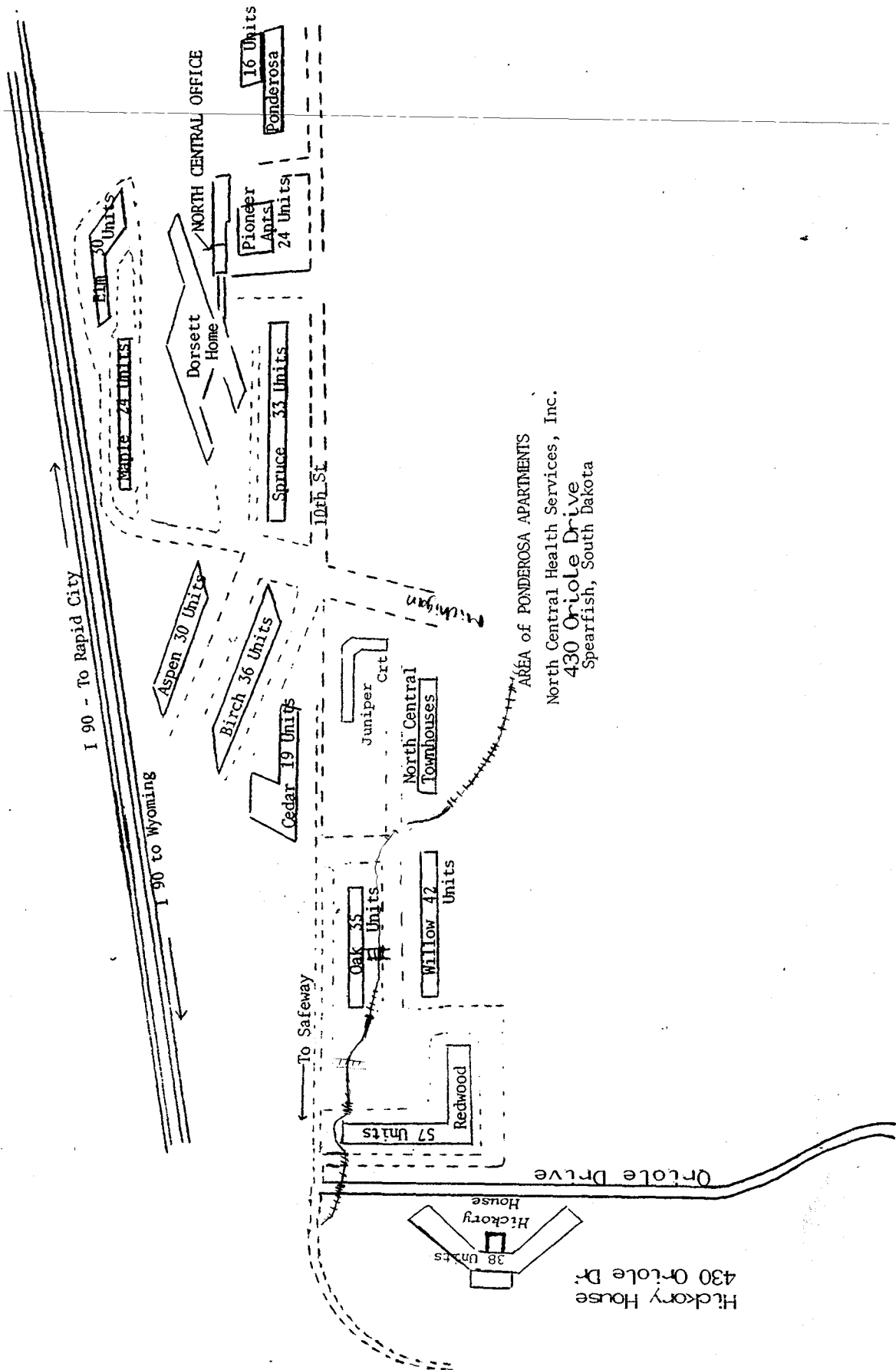
CC: Homestake Mining Co.
Engineering Dep't.
Lead, S. Dak.

J. W. GRIMES
Executive Officer and
Chief Engineer

Mrs. Eugene Ryan
Spearfish, S. Dak.

OPENING DATES FOR SPEARFISH APARTMENTS

Pioneer Apartments	Jan, 1967
Ponderosa	Jul, 1972
Aspen	Feb. 1974
Birch	Dec. 1975
Cedar	Oct. 1976
Maple	Jul. 1977
Elm	Aug. 1977
Spruce	Jul. 1978
Oak	Nov. 1979
Willow	May, 1980
Redwood	Oct. 1982
Redwood, Phase II	Jun. 1983
Hickory House	Sep. 1985



Ramsdell Ditch

229 miners inches

40 MI = 1 cubic foot

229 MI = 5.725 cfs = 2576.25 gpm

③ Ramsdell Addn

56.8 Acres

② Jorgensen

40.

① Golf Course

85.4 + 36.8 = 122.2

④ Beets Addition

10

229.0 Ac.

Water to areas ①, ②, ③ = 106.8 miners inches
= 1201.5 gpm

Water to area ④ = 122.2 miners inches
= 1374.8 gpm

Bob Haag Pres

Lenora Haag Tres

Bernard Hanson Secy

John Deibert Dir.

Clayton Pummel Dir.

Dir.

197
 1-2-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
 IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROFILM RECORDS.
 SECTION 25 ROLL NO. 1
 DATE MICROFILMED 5-4-82
 BY [Signature]

RAMSDELL DITCH

<u>Name</u>	<u>Field</u>	<u>Acreage</u>	<u>Total</u>
Homestead	A	68.4	172.2
	B	103.8	
Residential Area	C	56.8 F.S. 2	56.8 F.S. 2
DITCH TOTAL			229.0 217.4

IRRIGATORS AND ACREAGES - PUMPING FROM
 SPEARFISH CREEK - ASSUMED TO BE UNDER
 RAMSDELL WATER RIGHT

Mark Johnson	33	14.6
Gust Wiczorek	37	
John Gallivan	45	
Earl E Reynolds	31	

Total Acreage under Ramsdell Water right 232.0

Number of Acres under Ramsdell Water right
 specifying in Cook vs Evans Court Case 229.0

4

WATER AGREEMENT



This Agreement is made and entered into this 1st day of January, 1987, by and between HOMESTAKE MINING COMPANY OF CALIFORNIA, a California corporation doing business in Lead, South Dakota, hereinafter "Homestake", and the CITY OF SPEARFISH, a municipal corporation, Lawrence County, South Dakota, hereinafter "City".

1. Definitions: The following terms when used in this agreement shall have the following meanings:

"Agreement" shall mean this Water Agreement

"Points of Delivery" shall include those places where Homestake delivers water to the City, as shown on Exhibit 1 which is by reference incorporated herein.

1.2 Recitals: The parties desire to enter into this agreement to set forth all of the understandings and agreements between the parties pertaining to the furnishing of water by Homestake to City.

2. Water Service: During the term, Homestake shall furnish to City at Points of Delivery described herein, a maximum of 1,500 gallons of water per minute, from its water right number two (2) with a priority date of October, 1876.

It is specifically understood and agreed that the amount of water which can be furnished by this agreement depends on conditions over which Homestake has no actual control, and Homestake retains the right, under those circumstances, to impose water restrictions so that the amount of water supplied under this agreement in the event the water supply dictates the same be done, can be reduced upon notice to the City Public Works Administrator. Any such notice shall be given in writing at least forty-eight (48) hours prior to the imposition of the restrictions provided for herein. In the event Homestake is supplying any other third party the right to use or take water from this source during the term of

this agreement, Homestake agrees to restrict or discontinue the use of such third party prior to the imposition of restrictions of the water supply to the City pursuant to the terms and conditions of this agreement.

3. Maintenance of Water Facilities: During the term of this agreement, Homestake shall operate and maintain its water system to the Points of Delivery in a good state of repair, and City shall operate and maintain its water system from the Points of Delivery in a good state of repair.

4. Payment for Water:

4.1 Water from Homestake: As payment for all water received by City under this agreement, City shall pay Homestake 15¢ per 1,000 gallons of water received.

4.2 Adjusted Rate: The parties agree that every five (5) years, commencing January 1, 1992, and each five (5) years thereafter the rate in Section 4.1 shall be adjusted by the applicant according to the following formula:

$$AR = PR \frac{(1 + X - 315.5)}{315.5}$$

"AR" is the adjusted rate to be applied thereafter until adjusted again five (5) years hence;

"PR" is the current rate when payment for water from the system for the City is being adjusted; and

"X" is the Consumer Price Index -- All Urban, U.S. City Average, published by the Department of Labor, Bureau of Labor Statistics of the United States, or any successor equivalent publication should Department of Labor cease publication of such statistics, for the month of December prior to the date of the adjustment.

4.3 Invoice and Prepayment: Homestake shall invoice City monthly for payments due under this agreement and City shall pay each invoice within thirty (30) days of the receipt thereof. In the event the City shall fail to pay any invoice within thirty (30) days of receipt, Homestake shall give City written notice of the payment default and the City shall have thirty (30) days in which to cure the payment default before Homestake may terminate this agreement for non-payment.

5. Term: This agreement shall remain in force for a term of fifty (50) years from the date hereof.

In the event that Homestake shall elect to sell water from the hereinbefore described water right after the initial term of this agreement terminates, City shall be given the privilege of purchasing such water on such terms and conditions negotiated and agreed to by the parties at that time. In the event the parties do not negotiate an acceptable agreement, within the period of ninety (90) days after negotiations between the parties commence, this privilege shall be deemed null and void and all rights granted hereunder shall terminate as of that date. It being specifically understood and agreed that this privilege shall not be transferable or assigned by the City.

6. Metering: Homestake, at it's cost, shall install and maintain during the term of this agreement water metering equipment for the measurement of the quantity of water delivered to City by Homestake at point of delivery.

7. Disclaimer of Warranties and Indemnification: Homestake makes no warranty of any kind, express or implied, except that the water sold under this agreement shall be delivered from the water system owned and operated by Homestake in the City of Spearfish, and that Homestake has a valid water right therefor and the right to dispose of said water. City assumes all risks resulting in the use of the water whether used singularly or in combination with other water. Homestake neither assumes nor authorizes any person to assume for Homestake any other liability in connection with the water sold hereunder, except for Homestake's negligence, and there are no oral agreements or warranties collateral to or affecting this agreement, except as set forth in this paragraph.

8. Land for Treatment Facility: In the event that the City is required to filter or otherwise treat the water acquired under this agreement or in the

event such filtration or treatment shall be reasonably necessary, then and in that event Homestake shall provide sufficient space or land at a suitable point for the construction of the filtration or treatment facility. Homestake further agrees to provide to the City rights-of-way and easements for pipelines, roads, and additional storage facilities required for the use of the water supplied hereunder. These land provisions from Homestake shall be in the form of granted permanent easements. In the event of the terminations of the agreement, City shall have the right to remove from Homestake's real property all fixtures and personal property which City has erected or placed thereon, thereunder, or therein.

9. Termination: The City shall have the right to terminate this agreement and its obligations hereunder upon one (1) year written notice to Homestake. Homestake reserves the right to terminate this agreement upon one (1) year written notice to City in the event City does not use the water supplied pursuant to the terms and conditions of this agreement so that the water is not being put to a beneficial use pursuant to the statutory requirements of the State of South Dakota. Homestake agrees to provide City with copies of any notices received from the State of South Dakota regarding Homestake's Water Right described above.

Homestake shall have the right to terminate this agreement and its obligations hereunder upon two (2) years written notice to City. In the event Homestake elects to terminate this agreement as provided for in this paragraph, Homestake agrees to compensate the City at the time of termination for the construction of its water distribution system including but not limited to pipes, roads, treatment or filtration plants and related facilities constructed, acquired, or operated by the City up to the time of the effective date of termination. The amount of any liability under the provisions of this paragraph, shall in the event of the failure of the agreement of the parties in interest, be determined by arbitration before a panel of three members, one of whom shall be appointed by Homestake, another of whom shall be appointed by the City, a third who shall be appointed by

the other two, or, in the event of their failure to agree, by the presiding judicial officer of the federal judicial district of South Dakota or by his designee. The commencement or pendency of arbitration proceedings hereunder shall not serve to delay the exercise of any rights or privilege provided for under this paragraph.

Homestake and City specifically agree that this agreement shall automatically terminate in the event that any application required to be submitted to the State of South Dakota by Homestake for change of diversion point or change of use is not approved by such governing body determining.

10. Amendment: This agreement may be amended by the parties or their successors in interest provided that the alteration, modification, addition or amendment is agreeable to the mutual satisfaction of the parties or their successors in interest and the amendment is reduced to writing, signed by all parties and attached to this agreement.

11. Entire Agreement: The parties recognize that this agreement replaces and supersedes all prior agreements entered into by the parties.

The parties agree that they will execute any and all documents necessary to effectuate the terms of this agreement.

This agreement inures to and is binding upon the successors and assigns of the parties hereto. The parties have signed this agreement the date first above written.

HOMESTAKE MINING COMPANY OF CALIFORNIA

By: D. S. LeWinter
Its General Manager

CITY OF SPEARFISH

William S. Bratherton
Mayor

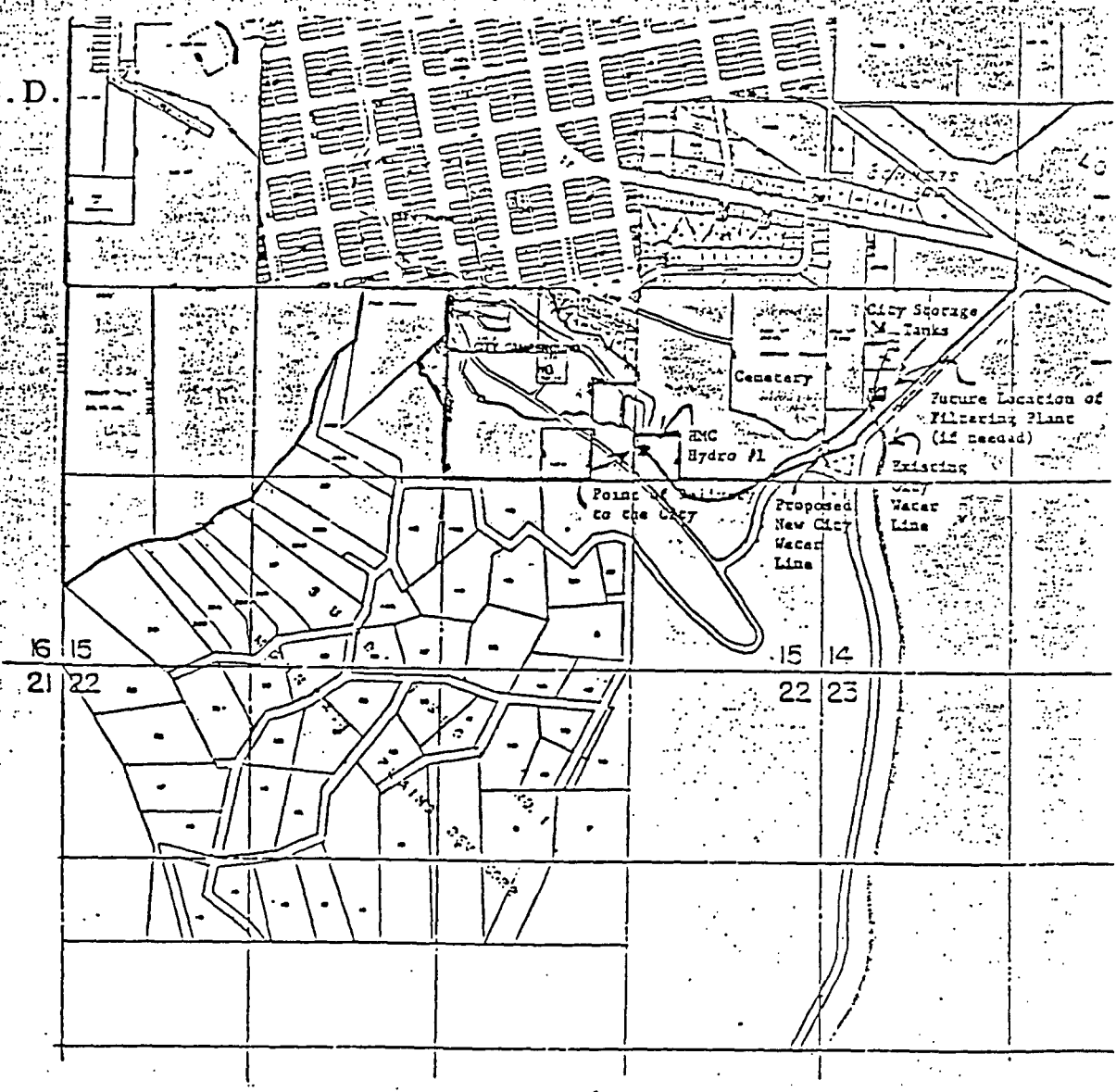
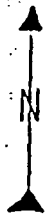
ATTEST:

Elizabeth A. Benning
Finance Officer

CITY OF
SPEARFISH, S.D.



Exhibit 117



Users	Time & Hours	
<u>Friday</u>		
Maltavorn, Richard	6:00-8:00	2
1330 Canyon/		
Batt, John	8:00-8:30	$\frac{1}{2}$
231 Nevada/7892		
LaLonde, Curtiss	8:30-10:00	$1\frac{1}{2}$
320 Nevada/		
Denzin	10:00-11:00	1
1230 Canyon/2065		
Lusk, Terry	11:00-1:00	2
1244 Canyon/7640		
Gate-		
Anderson, J.C.	1:00-3:00	2
1311 Canyon/2102		
Langum, Jerry	3:00-4:00	1
1341 Canyon/4904		
Toth, Edith	4:00-5:30	$1\frac{1}{2}$
1206 Canyon/2527		
Hanson, Bernard	5:30-7:30	2
1245 Canyon/5817		
Kirk, John	7:30-9:30	2
1145 Main/5191		

Saturday

Massey, Mafileda	6:00-7:00	1
316 Rushmore/	7:00-8:00	1
Dillavou, Ray	8:00-9:00	1
1545 Canyon/3422		
Winter, Julie	9:00-10:00	1
1529 Canyon/3750		
Fidler, Ray	10:00-11:00	1
1521 Canyon/2633		
Denke, Sharon	11:00-12:00	1
1545 Canyon/5879		
Finley, Derek	12:00-1:30	$1\frac{1}{2}$
1427 Canyon/7475		
Jelbert, James	1:30-2:30	1
1521 Canyon/2871		
Votroubek, Bruce	2:30-3:30	1
1304 3rd/4752		
Johnson, Harriet	3:30-4:30	1
1336 3rd/3398		
Mackie, Erin	4:30-5:30	1
1346 3rd/		

Johnson Harriet after 5:30

Users	Time & Hours	
<u>Sunday</u>		
Pummel, Steve	6:00-7:00	1
1404 3rd/		
Collins, John	7:00-8:00	1
1420 3rd/3675		
Gorham, Jay	8:00-9:00	1
1444 3rd/2876		
Guyer, Roland	9:00-10:00	1
1504 3rd/2008		
GATE-		
Deibert, John	10:00-11:00-	1
1437 3rd/2963		
Porter, Howard	11:00-12:00	1
1441 3rd/3443		
Schladweiler, Gary	2:00-3:00	1
1523 3rd/2595		
Nelson, Bob	12:00-2:00	2
Bousa, Delbert	3:00-5:00	2
~~1504 3rd/4088~~ 1504 3rd/4088		
Dower, Charlotte	5:00-6:00	1
1531 N. Ames/4824		
Weiers, Mike	6:00-7:00	1
1605 3rd/7635		
Clayton, Jerry	7:00-8:00	1

1986 SCHEDULE
RAMSDELL IRRIGATION ASSOCIATION

Caretaker - Merle Compton - 642-2870
 Haag - 642-5849. Weyrich - 642-8153.
 Pummel - 642-2787. Deibert - 642-2963

Users	Time & Hours	
<u>Monday</u>		
Holmlund, Marvin	6:00-7:00	1
1030 7th/2902		
Vic Weyrich	7:00-9:00	2
210 E. Lincoln/8153		
Burris, Mrs. Ben	9:00-10:30	1½
1011 Main/3350		
VanVactor, Orville	10:30-12:30	2
1105 7th/2559		
Abrahamson, Lee	12:30-1:30	1
1022 Main/5284		
Geis, Robert	1:30-2:30	1
1034 Main/4574		
Burrington, Vernon	2:30-3:30	1
1004 Main/		
Nelson, Jelmar	3:30-4:30	1
1021 Main/2056		
Tolo	4:30-5:30	1
1013 Main/5963		
Main, Earl	5:30-7:00	1½
1029 Main/2266		
Trier, Mrs. Glen	7:00-8:00	1
1025 7th/2506		
Loll, Joe	8:00-9:30	1½
1443 Canyon/5508		

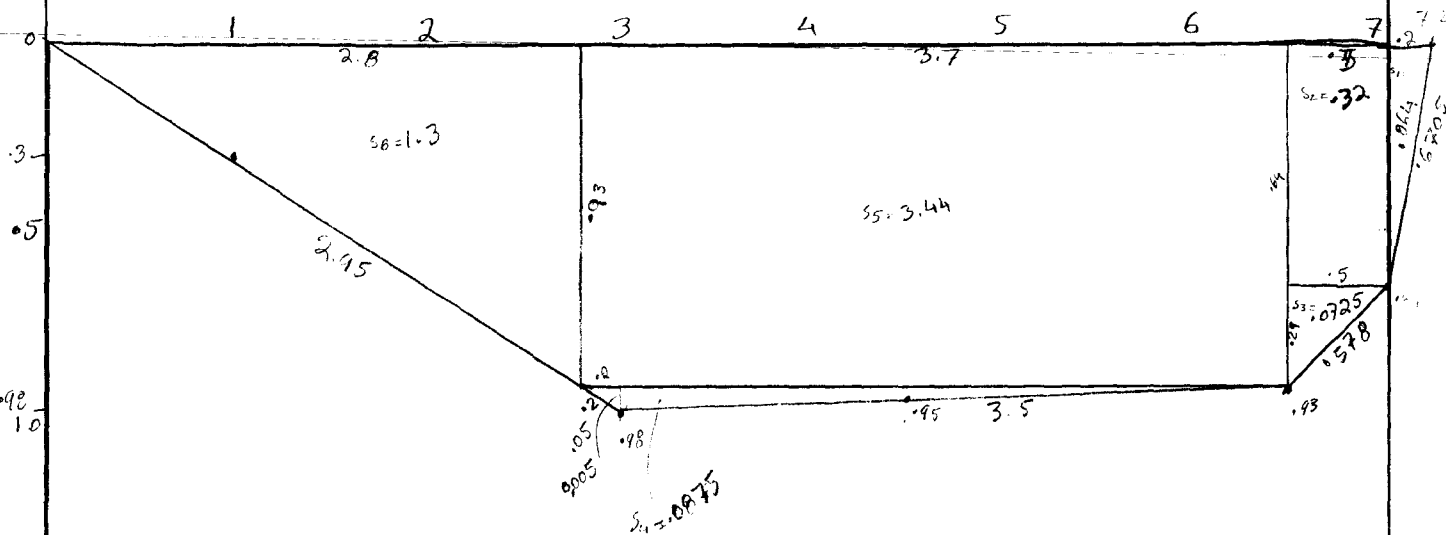
Users	Time & Hours	
<u>Tuesday</u>		
Herber, Martha	6:00-7:00	1
1121 Main/2864		
Fulmer	7:00-8:30	1½
1129 Main/		
Miles, Ted	8:30-9:30	1
1235 Main/2826		
Varland, Vearl	11:00-12:30	1½
1305 Main/3038		
Schuchart, Jim	12:30-1:30	1
1421 Main/3262		
Twombly, Glen	1:30-2:30	1
1325 Main/3379		
Hall, Doris	2:30-3:30	1
103 Quincy/3458		
Pummel, Blayne	3:30-5:00	1½
1515 Main/3876		
Flaagen, Forrest	5:00-6:00	1
1540 5th/5514		
Ross, Rodger	6:00-7:00	1
1313 Main/		
Yanzick, Robert	7:00-8:30	1½
1520 5th/2226		
Richards, Dave	8:30-9:30	1

Users	Time & Hours	
<u>Wednesday</u>		
Jensen, Gene	5:00-6:00	1
1445 Main/7377		
Erickson, R.N.	7:00-8:30	1½
1429 Main/2549		
Bickle, Mary	8:30-11:30	3
1520 Canyon/3062 3600		
Boehm, Bernard	11:30-1:00	1½
206 Quincy/4603		
Sutfin, Drew	1:00-2:30	1½
1515 5th/4116		
Sunding, Martin	3:00-4:00	1
1539 5th/3068		
Pummel, Clayton	4:00-5:00	1
1545 5th/2787		
Murrays, Richard	5:00-6:00	1
1415 Main/5035		
Clauser, John	6:00-7:00	1
130 Peoria/5463		
Dana, Michael	7:00-8:00	1
1414 5th		
Kyte, Michael	8:00-9:30	1½
VanVactor, Jerry	8:00-9:00	1
<u>Thursday</u>		

Luth, Royce	5:00-7:00	2
1407 5th		
Haag, Robert	7:00-8:00	1
1421 5th		
VanVactor, Jerry	8:00-9:00	1
1435 5th		
Holben, Lester	9:00-10:00	1
WATER TRANSFER	10:00-10:30	
Bell, Bertha	10:30-12:30	2
1205 5th/3645		
Warren, Lyle	12:30-2:30	2
1225 5th/3727		
Sleep, Ruth	2:30-4:30	2
1245 5th/2280		
Parker Lots	4:30-6:30	2
Bob Parker/3214		
Hood, Wendell	6:30-	3
1345 5th/4557		
Christensen, Dennis	(over)	2
145 5th St		

Owens - Gay & Ramsdell Combined

22-141 50 SHEETS
22-142 100 SHEETS
22-144 200 SHEETS



Ditch Capacity:

$$Q = V \cdot A$$

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

$$S = 0.0049$$

$$R = \frac{A}{wp} = \frac{5.1965 \text{ ft}^2}{7.8915 \text{ ft}} = 0.6579 \text{ ft}$$

$$V = 2.254 \text{ ft/s}$$

$$Q = V A = 2.351 \times 5.1965$$

$$\Rightarrow Q = 12.0 \text{ CFS}$$

$$Q = 12.0 \text{ CFS}$$

$$Q = 29.5 \text{ CFS}$$

$$Q = 9.8 \text{ CFS}$$

Gate Capacity:

$$Q = C_d (b - 2\eta H_1) \sqrt{g} H_1^{\frac{3}{2}}$$

$$H_1 = 2.8 \text{ ft}$$

$$b = 2.45 \text{ ft}$$

$$\eta = 0.1$$

$$C_d = 0.587$$

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

$$Q = 29.5 \text{ CFS}$$



BY-LAWS OF THE "RAMSDEL IRRIGATION DITCH ASSOCIATION"

ARTICLE I

NAME AND PURPOSE

The name of this organization shall be "RAMSDEL IRRIGATION ASSOCIATION", hereinafter referred to as the "Organization".

The purpose of this organization is to promote the better operation of the Ramsdel lateral to Ditch #2 for the benefit of all the owners thereof.

ARTICLE II

MEMBERSHIP

Members of this organization shall be all individuals owning property which entitles said owners to water rights on the Ramsdel lateral to Ditch #2, or in the absence of said owners, renters of any such property, provided said renters pay the annual assessment for the rented property.

ARTICLE III

MEETINGS

ARTICLE V

POWERS AND DUTIES OF OFFICERS

Section 1. It shall be the duty of the Board of Directors to take charge of the management and operation of the Ramsdel lateral to Irrigation Ditch #2.

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

(b) It may hire a ditch caretaker who shall be responsible to it for maintaining, operating and repairing said ditch.

(c) It shall be responsible directly, or through the caretaker for preparing and maintaining a schedule of irrigating times.

(d) The caretaker shall not have authority to shut off water from the property of any user on his scheduled time without the authority of the majority of the Board of Directors. The Board of Directors shall not have authority to shut off the water from any user on his scheduled time unless an emergency exists and the Board deems it absolutely necessary to shut off the water so needed repairs can be made.

(e) The Board of Directors shall prepare a suggested budget of the estimated costs of operating the ditch for each year. Said budget shall be presented to the members at the annual meeting. The paid-up members shall then determine the annual

City of Spearfish

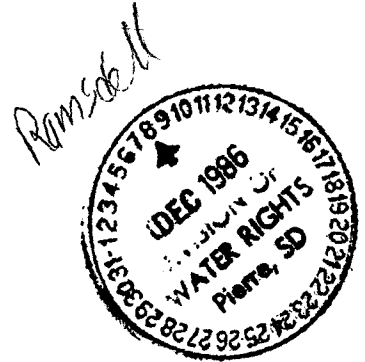
722 Main Street

South Dakota 57783

From Office Of

December 5, 1986

Dept. of Water & Natural Resources
Division of Water Rights
Joe Foss Building
Pierre, SD 57501
ATTN: R. Ahadi



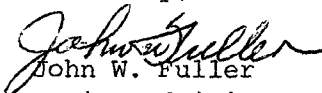
Dear Mr. Ahadi,

Per your request, I have listed below the Additions of the City of Spearfish and year of beginning development.

- 1) Jorgensen Subdivision - 1985
- 2) Mathews Addition - 1978
- 3) Beets Subdivision - 1975
- 4) Lookout Valley Subdivision - 1979
- 5) Park Place - 1979

If I can be of any further assistance, please contact me at the above address, or by calling 642-8277.

Sincerely,


John W. Fuller
Zoning Administrator
CITY OF SPEARFISH

JWF/slm

WATER RIGHTS DIVISION

(605) 773-3352

December 9, 1986

Robert Haag
1421 5th Street
Spearfish, South Dakota 57783

Dear Mr. Haag:

Enclosed you will find a copy of the court case Cook vs Evans as you requested. I hope it will help you to complete your files on Ramsdell Ditch.

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

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Department of Water & Natural Resources

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

February 3, 1987

Robert J Sliper
PO Box 875
Lead SD 57754

RE: Ramsdell Ditch Vested Right Claim

Dear Bob:

This letter is in regard to the land which used to be irrigated from the Ramsdell Ditch. The land is now a part of the City of Spearfish and is divided under the following additions:

1. Jorgenson Subdivision
2. Mathews Addition
3. Beets Subdivision
4. Lookout Valley Subdivision
5. Park Place

As I understand, the above mentioned lands have been sold by the Homestake Mining Company to developers, but the water rights for these lands have been kept by the company and not sold to the developers or the present landowners. To clarify the situation on Ramsdell Ditch and to prove that the Homestake Mining Company did not sell the water rights on Ramsdell Ditch, please send me a notarized copy of any deeds, documents or legal papers pertaining to the deed and sale of the above mentioned lands and their water rights.

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

Sincerely,

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

RASSOOL AHADI
Natural Resources Engineer

RA:ks

March 30, 1987

Robert Haag, President
Ramsdell Ditch Co.
1421 5th Str.
Spearfish S.D. 57783

Re: Ramsdell Ditch

Dear Bob:

Enclosed you will find the application forms to file the vested right claim for Ramsdell Ditch. As we discussed on March 16, 1987, I left Part 2 on the Form 2 blank. Part 7 on Form 2, "attached sheet" will be the acreage based on the map you submit. Blank is also second part of "F" on Form 2B.

As you know, the Ramsdell Ditch splits approximately at the corner of Lincoln St. and Eighth St. The map you submitted shows only the area being served by the branch of Ramsdell Ditch which flows to the northwest. The other blocks which are being served by the branch which flows to the northeast should also be shown on the map and must be included in the Ramsdell vested right claim.

Upon submission of the map, the acreage will be calculated and then field checked. The diversion rate will be determined based on the acreage served by the ditch.

Please complete the forms, sign in the presence of a notary, and return them to this office. The filing fee is \$15.00. If you have any questions, please do not hesitate to contact us.

Sincerely,



Rassool Ahadi
Natural Resources Engineer
605 773-3352

Encl: Map, Application Forms.

Conversation or File Documentation

NAME OF PERSON OR FILE: Ramsdell Ditch/HMCADDRESS: Lead & D COUNTY LaurenceDATE: 4/10/87 TELEPHONE 584-1020/321RE: Ramsdell DitchCOMMENTS: Called Bob Sliper from HMC to ask himabout the deeds on HMC's land sold to individual's &developers in Spanish. He said he gave the whole thing totheir attorney.

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.

RECEIPT

Division of Water Rights

410834

South Dakota Department of Water and Natural Resources

Pierre, _____ April 17 _____, 1987

RECEIVED OF Ramsdell Ditch/Robert Haag, 1421 5th St., Spearfish, SD 57783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1403-1</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)

Conversation or File Documentation

NAME OF PERSON OR FILE: Ramsdell DitchADDRESS: Spanish COUNTY LawrenceDATE: 4/1/87 TELEPHONE —RE: Application

COMMENTS:

Mrs Haag Sect. of the Ditch Co. Called to ask
about sending the application in. She asked about the other
branch of the ditch that I mentioned in my letter to
the Ditch Co. I also talked to Clayton Pammel Director
and explained to him that whoever is getting water
from the Ramsdell Ditch and has got the right to do so should
be considered. He said there was snow on the ground now
and he'd like to do it when the snow is gone. I said don't
send the application in until if you are sure about the
acreage and the amount of water being used.

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: MR Shad

Conversation or File Documentation

NAME OF PERSON OR FILE: Homestake Mining Co. / Ramsdell DitchADDRESS: Lead S.D. COUNTY LawrenceDATE: 10/7/86 TELEPHONE 584-1020RE: Ramsdell Ditch

COMMENTS:

Mr. Robert Sliper from Homestake was contacted in regard

to the diversion of a part of water which Homestake is entitled

to from Ramsdell Ditch to irrigate the golf course.

Mr. Sliper was asked if the amount of water (122 MT)

which would be transferred to the golf course had always

been used specially last 3 yrs? He said the water had

always been used in one way or the other. He also said

that last 2 yrs that he works for HMC, they ^{ive} never

sold the water rights.

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: Moshad

City of Spearfish

722 Main Street

South Dakota 57783

From Office Of

December 5, 1986

Dept. of Water & Natural Resources
Division of Water Rights
Joe Foss Building
Pierre, SD 57501
ATTN: R. Ahadi



Dear Mr. Ahadi,

Per your request, I have listed below the Additions of the City of Spearfish and year of beginning development.

- 1) Jorgensen Subdivision - 1985
- 2) Mathews Addition - 1978
- 3) Beets Subdivision - 1975
- 4) Lookout Valley Subdivision - 1979
- 5) Park Place - 1979

If I can be of any further assistance, please contact me at the above address, or by calling 642-8277.

Sincerely,

John W. Fuller
John W. Fuller
Zoning Administrator
CITY OF SPEARFISH

JWF/slm

SOUTH Dakota Department of
Water & Natural Resources

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

August 13, 1987

Ramsdell Ditch
c/o Robert Haag, President
1421 5th St
Spearfish SD 57783

Dear Mr. Haag:

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



RON DUVALL
Water Resources Engineer
605 773-3352

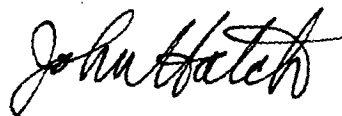
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1403-1, Ramsdell Ditch

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1403-1, Ramsdell Ditch, c/o Robert Haag, 1421 5th Street, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1403-1 for 2.0 cfs because 1) water has been appropriated as described for domestic use and irrigation use with a priority date of October 1, 1876, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1403-1 is subject to domestic use rights. Diversion of water under Water Right No. 1403-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Ramsdell Ditch within one year of validation of Vested Water Right No. 1403-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the chief engineer.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 16, 1987

Report on the Ramsdell Ditch (Spearfish Creek)
Vested Water Right Application No. 1403-1
September 8, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Ramsdell Ditch has filed an application to validate a vested right claim. The application claims 2.0 cfs of Spearfish Creek water to be used for irrigation and domestic use in Sections 10, and 15, T6N-R2E in Lawrence County. The diversion point is located in the SE1/4 NW1/4 Section 15, T6N-R2E.

Document Search

In the Cook vs Evans Court Case, dated January 30, 1918, the Ramsdell Ditch Water Right and a number of other water rights along Spearfish Creek were adjudicated. In this action, the court specified that the Ramsdell Ditch was second in priority of those water rights adjudicated with a priority date of October 1876.

Discussion

The investigations by the Water Resources Commission in the 1960's irrigation from the Ramsdell Ditch to be 56.8 acres of residential area, and 172.2 acres of land that belonged to the Homestake Mining Company. The number of acres served by Ramsdell Ditch specified in the Cook vs Evans Court Case was 229 acres. In the Cook vs Evans Court Case, the priority date was determined to be October 1876. Assigning October 1, 1876 as priority date for this claim would not have any affect on other water right holders in the area.

Recent investigations by Water Rights Division engineer have found that the water from Ramsdell Ditch is being used for domestic purposes and irrigation on approximately 70 acres of land. However, the described acreages within Spearfish City Limits includes houses, buildings, and roadways. Most of the water is used to water lawns and orchards. The Division did not attempt to separate houses, buildings, and streets out of acreage served because of impracticality of determining the amount of water actually being used for the lawn and garden watering within the developed areas. The ditch has a capacity of carrying 6.7 cfs and the headgate which also serves Owens-Gay Ditch is capable of diverting more water than the amount claimed by Owens-Gay and Ramsdell Ditches.

To determine the amount of water needed to irrigate 70 acres, two different methods were used:

- 1) State Law SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. Considering the loss of water due to the irrigation system, which according to SCS for this area is 50%, the total amount of water to irrigate 70 acres using a gravity system of irrigation will be 2.0 cfs.
- 2) Using the SCS, S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3 feet of water every irrigation season, a total of 210 acre-feet of water is needed for the season, from which 60.5 acre-feet or .98 cfs will be used in the Month of July. Considering a 50% loss due to the irrigation system, the total required diversion rate will be 1.97 cfs.

Conclusions and Recommendations

- 1) The headgate and the ditch are capable of diverting more water than the 2.0 cfs claimed.
- 2) Based upon the 1.0 cfs per 70 acres criteria plus a 50% loss calculation, the peak quantity of water needed to irrigate the land under Ramsdell Ditch would be 2.0 cfs. Comparing this to the SCS, South Dakota Irrigation Guide calculation, this quantity of water appears to be reasonable.
- 3) It is recommended that the Ramsdell Ditch Vested Water Right Claim be validated for a diversion rate of 2.0 cfs for domestic use and irrigation of 70 acres as described in Application No. 1403-1 with a priority date of October 1, 1876.

MR Ahadi

Rassool Ahadi
Natural Resources Engineer

ATTACHMENT A
VESTED WATER RIGHT NO. 1403-1

1. That Vested Water Right No. 1403-1 is subject to domestic use rights. Diversion of water under Water Right No. 1403-1 is contingent upon supplies being available first to domestic users.
2. That a flow measuring device be installed at or near the point of diversion for Ramsdell Ditch within one year of validation of Vested Water Right No. 1403-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.



Department of Water & Natural Resources

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

October 22, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1403-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Ramsdell Ditch, c/o Robert Haag, 1421 5th St, Spearfish SD 57783.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

October 22, 1987

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. 1403-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Ramsdell Ditch, c/o Robert Haag, 1421 5th St, 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

South Dakota Department of
Water & Natural Resources

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

October 22, 1987

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

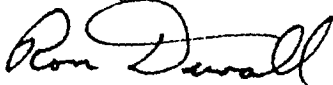
Ramsdell Ditch
c/o Robert Haag
1421 5th St
Spearfish SD 57783

Dear Mr. Haag:

Your Application No. 1403-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCHE DAILY POST printed at Belle Fourche. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

NOTICE OF HEARING To Validate
Vested Right Application No. 1403-1 to Appropriate Water

Notice is hereby given that Ramsdell Ditch, c/o Robert Haag whose mailing address is 1421 5th Street, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 2.0 cubic feet of water per second (cfs) from Spearfish Creek to irrigate 70 acres via the Ramsdell Ditch with a claimed priority date of October 1, 1876. The Spearfish Creek diversion point for the Ramsdell Ditch is located in the SE 1/4 NW 1/4 Section 15, T6N, R2E. The irrigated acreage is located in the S 1/2 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 10; NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 15; all in T6N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1403-1 for 2.0 cfs because 1) water has been appropriated as described for irrigation with a priority date of October 1, 1876, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

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

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

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

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucca hereby

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

Water was taken from the Belle Fourche Daily Post

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

city of Belle Fourche

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

October 28, 1987

November 3, 1987

Marion Lucca
(Signature)

Editor
(Title)

November 3, 1987
(Date Signed)

Cost of Printing: \$41.73

12 1/2 times

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1403-1
to Appropriate Water

Notice is hereby given that Ramsdell Ditch, c/o Robert Haag whose mailing address is 1421 5th Street, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 2.0 cubic feet of water per second (cfs) from Spearfish Creek to irrigate 70 acres via the Ramsdell Ditch with a claimed priority date of October, 1876. The Spearfish Creek diversion point for the Ramsdell Ditch is located in the SE 1/4 NW 1/4 Section 15, T6N, R2E. The irrigated acreage is located in the S 1/2 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 10; NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 15; all in T6N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1403-1 for 2.0 cfs because 1) water has been appropriated as described for irrigation with a priority date of October 1, 1876, 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, 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.

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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

extension must be filed with the Chief Engineer by November 20, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Queen City Mail

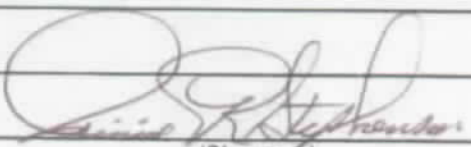
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Spearfish of _____

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

October 28th

November 4th


(Signature)

Publisher
(Title)

11-4-87
(Date Signed)

Cost of Printing: _____

108 x .2564 = 27.68

108 x .2051 = 22.15

Total = 49.84

NOTICE OF HEARING
TO VALIDATE VESTED
RIGHT APPLICATION
NO 1403-1 TO
APPROPRIATE WATER

Notice is hereby given that Ramsdell Ditch, c/o Robert Haag whose mailing address is 1421 5th Street, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 2.0 cubic feet of water per second (cfs) from Spearfish Creek to irrigate 70 acres via the Ramsdell Ditch with a claimed priority date of October 1876. The Spearfish Creek diversion point for the Ramsdell Ditch is located in the SE 1/4 NW 1/4 Section 15, T6N, R2E. The irrigated acreage is located in the S 1/2 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 10; NW 1/4 NE 1/4, NE 1/4 NW 1/4 Section 15; all in T6N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1403-1 for 2.0 cfs because 1) water has been appropriated as described for irrigation with a priority date of October 1, 1876, 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.

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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, 46-12-3.1, 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 46-5-13 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.

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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.

Oct 28 Nov 4

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

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

November 20, 1987

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



Dear Mr. Hatch:

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

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

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

Sincerely,

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

Ron Koth
Water Permits Coordinator

RK/ld

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No 1403-1, Ramsdell Ditch

For :

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

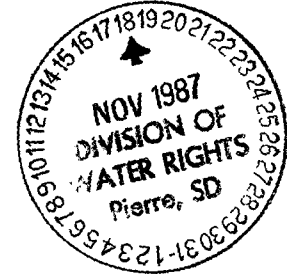
Interested :

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

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

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

November 16, 1987



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

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1403-1 on Spearfish Creek, Lawrence County.

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

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

Sincerely,

Richard J. Beringson
Secretary

RJB/ld

cc: Ramsdell Ditch % Robert Haag, President



Department of Water & Natural Resources

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

APR 29 1988

Ramsdell Ditch
c/o Robert Haag, President
1421 5th Street
Spearfish, South Dakota 57783

Dear Mr. Haag:

Enclosed are your Validated Vested Water Right and Water License No. 1403-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,

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

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

JH:MS

enclosures



Department of Water & Natural Resources

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

January 30, 1989

Ramsdell Ditch Company
c/o Robert Haag, President
1421 5th Street
Spearfish, S.D. 57783

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

Dear Mr. Haag:

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

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is fluid and cursive, with the first name "John" being more legible than the last name "Hatch".

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



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

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

October 25, 1988

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

RE: Measuring Device

Dear Mr. Haag:

In response to your inquiry regarding comments on your proposed measuring device, the following requirements are needed before the measuring device is installed:

1. A detailed drawing is required to show the dimensions of the measuring device you intend to install.
2. A map showing the location of the measuring device.
3. The location of the measuring device should be surveyed prior to the installation of the weir.
4. A weir discharge table should be developed showing the head and the corresponding flow in the weir.
5. Plans and specifications must be approved by the chief engineer prior to the installation of the measuring device.

As I mentioned before, Tom VerHelst from SCS office in Belle Fourche would be the person to contact, if you need any assistance.

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

Sincerely,



Rassool Ahadi
Natural Resources Engineer
(605)773-3352



WATER RIGHTS DIVISION
(605) 773-3352

October 30, 1987

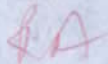
Richard W. Harr
Homestake Mining Company
P.O. Box 875
Lead, South Dakota 57754

Dear Mr. Harr:

Enclosed you will find copies of the reports and recommendations on Owens-Gay, Ramsdell, Walton-Schuler and Tonn-Evans Ditches you requested.

Please contact me if you have any questions.

Sincerely,



Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

1985

Users

Friday

Time & Hours

Warren, Lyle 1225 5th/3727	6:00-8:00	2
Batt, John 231 Nevada/7892	8:00-8:30	$\frac{1}{2}$
Rahn, Warren 320 Nevada/5294	8:30-10:00	$1\frac{1}{2}$
Denzin, Fred 1230 Canyon/2065	10:00-11:00	1
Lusk, Terry 1244 Canyon/7640	11:00-1:00	2
GATE-		
Anderson, J.C. 1311 Canyon/2102	1:00-3:00	2
✓ Langum, Jerry 1341 Canyon/4904	3:00-4:00	1
Toth, Edith 1206 Canyon/2527	4:00-5:00	1
	5:00-5:30	$\frac{1}{2}$
✓ Hanson, Bernard 1245 Canyon/5817	5:30-7:30	2
Kirk, John 1145 Main/5191	7:30-9:30	2

Saturday

Massey, 316 Rushmore/	6:00-7:00	1
✓ Dillavou, Ray 1545 Canyon/3422	7:00-8:00	1
Winter, Julie 1529 Canyon/3750	8:00-9:00	1
Fidler, Ray 1521 Canyon/	9:00-10:00	1
Denke, Sharon 1545 Canyon/5879	10:00-11:00	1
✓ Finley, Dirk 1427 Canyon/7475	11:00-12:00	1
Jelbert, James 1421 Canyon/2871	12:00-1:30	$1\frac{1}{2}$
Votroubek, Bruce 1304 3rd/4752	1:30-2:30	1
Johnson, Harriet 1336 3rd/3398	2:30-3:30	1
Martin, Tracy 1346 3rd/2427	3:30-4:30	1
	4:30-5:30	1

Users

Sunday

Time & Hours

Pummel, Steve 1404 3rd/	6:00-7:00	1
Collins, John 1420 3rd/3675	7:00-8:00	1
✓ Gorham, Jay 1444 3rd/2876	8:00-9:00	1
Guyer, Roland 1504 3rd/2008	9:00-10:00	1
GATE-		
Deibert, John 1437 3rd/2963	10:00-11:00	1
✓ Porter, Howard 1441 3rd/3443	11:00-12:00	1
Schledwiler, Gary 1523 3rd/	12:00-1:00	1
	1:00-2:00	1
✓ Nelson, Bob 1505 3rd/5291	2:00-4:00	2
Bousa, Delbert 1504 3rd/4088	4:00-6:00	2
Dower, Charlotte 1531 N. Ames/4824	6:00-7:00	1
	7:00-8:00	1
1605 3rd/		

1985 SCHEDULE
RAMSDELL IRRIGATION ASSOCIATION

Please use the water at the time allotted to you on this schedule. Turn water back into main ditch promptly when your time is up. _____; will act as caretaker. Call if service is required. Phone _____.

Users	Time & Hours		Users	Time & Hours	
<u>Monday</u>			<u>Wednesday</u>		
Hblmlund, Marvin	6:00-7:00	1	Erickson, R.N.	6:00-7:30	1½
1030 7th/2902			1429 Main/2549	7:30-9:00	1½
Lamb, John	7:00-9:00	2	Jensen, Gene	9:00-10:00	1
210 E. Lincoln/2256			1445 Main/		
Burris, Mrs. Ben	9:00-10:30	1½	Sickle, Mary	10:00-1:00	3
1011 Main/3350			1520 Canyon/3062		
VanVactor, Orville	10:30-12:30	2	Sutfin, Drew	1:00-2:30	1½
1105 7th/2559			1515 5th/4116		
Abrahamson, Lee	12:30-1:30	1	Boehm, Bernard	2:30-4:00	1½
1022 Main/5284			206 Quincy/4603		
Geis, Robert	1:30-2:30	1	Pummel, Clayton	4:00-5:00	1
1034 Main/4574			1545 5th/2787		
	2:30-3:30	1	Sunding, Martin	5:00-6:00	1
1004 Main/			1539 5th/3068		
Nelson, Jelmar	3:30-4:30	1	Murrays,	6:00-7:00	1
1021 Main/2056			1415 Main/		
	4:30-5:30	1	Clauser, John	7:00-8:00	1
1013 Main/			130 Peoria/5463		
Main, Earl	5:30-7:00	1½	Dana, Michael	8:00-9:00	1
1029 Main/2260			1414 5th/4529		
Trier, Mrs. Glen	7:00-8:00	1	Kyte, Michael	9:00-10:00	1
1025 7th/2506			1221 Main/4932		
Loll, Joe	8:00-9:30	1½			
1443 Canyon/5508					
<u>Tuesday</u>			<u>Thursday</u>		
Herber, Martha	6:00-7:00	1	Luth, Royce	5:00-7:00	2
1121 Main/ 2864			1407 5th/2330		
	7:00-8:30	1½	Haag, Robert	7:00-8:00	1
1129 Main/			1421 5th/5849		
Miles, Ted	8:30-9:30	1	VanVactor, Jerry	8:00-9:00	1
1235 Main/2826			1435 5th/3491		
	9:30-11:00	1½	Hobben, Lester	9:00-10:00	1
Varland, Vearl	11:00-12:30	1½	1439 5th/2122		
1305 Main/3038			WATER TRANSFER	10:00-10:30	
Schuchart, Jim	12:30-1:30	1	Bell, Bertha	10:30-12:30	2
1421 Main/3262			1205 5th/3645		
Twombly, Glen	1:30-2:30	1	Anderson, Philip	12:30-2:30	2
1325 Main/3379			1330 Canyon/		
Hall, Forrest	2:30-3:30	1	Sleep, Ruth	2:30-4:30	2
130 Quincy/3458			1245 5th/2280		
Pummel, Blayne	3:30-5:00	1½	Parker Lots	4:30-6:30	2
1515 Main/3876			Bob Parker/3214		
Flaagen, Forrest	5:00-6:00	1	Hood, Wendell	6:30-	3
1540 5th/5514			1345 5th/4557		
Ross, Rodger	6:00-7:00	1			
1313 Main /5927					
Yanzick, Robert	7:00-8:30	1½			
1520 5th/2226					
Richards, Dave	8:30-9:30	1			
1245 Main/3575					

(over)

RECORDS OF WATER RIGHTS

To The Surface Flows of Redwater River and Spearfish Creek, Including tributaries, in South Dakota

The State Water Resources Commission has been making a search of the records as they pertain to water rights in the Redwater River and Spearfish Creek Areas. A letter has been sent to representatives of each water-use organization or each water user, as applicable, listing those records that have been found, where the records are filed, and briefly what information is contained in these records. The State Water Resources Commission would appreciate being informed as to additional records that may exist.

From the records that have been located, the following water rights pertaining to surface flows in the Redwater River and Spearfish Creek Drainage Area in South Dakota have been listed in tentative order of priority. Also included in the list are the authorized or claimed diversion rates, name of source document or documents, and other information.

- (1) Tonn and Evans Ditch from Spearfish Creek.
Priority date - May 1876
Authorized diversion rate - $576\frac{1}{2}$ miner's inches. The Court specified 40 miner's inches equals one cubic foot per second. First in priority of those water rights adjudicated in the Cook v. Evans Court Case.
- (2) William Helmer Irrigation from Redwater Creek.
Priority date - May 28, 1876
Sufficient water to properly irrigate 200 acres of a specified 240 acres.
Specified in Redwater Land and Canal Co. v. John R. Jones Court Case. Priority based on settlement date of land.
Some question may exist as to whether or not the priority date applies to all of the land.
- X (3) Ramsdell Ditch from Spearfish Creek
Priority date - October 1876
Authorized diversion rate - 229 miner's inches. The Court specified 40 miner's inches equals one cubic foot per second. Second in priority of those water rights adjudicated in the Cook v. Evans Court Case.
- (4) Max Schuft Irrigation from upper Redwater River Power Canal.
Priority date - October 15, 1876
Sufficient water to properly irrigate in legally described lands.
Specified in Redwater Land and Canal Company v. Reed, Dorsett and Keets. Based on date of settlement of some of the land. First of four priorities that appear to apply to this irrigation.
Later Court case of Dorsett v. Black Hills Traction Co., allocates 125 miners inches total of water for the four priorities.

**Department of
Water & Natural Resources**

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

January 9, 1989

Ramsdell Ditch
c/o Robert Haag
1421 5th Street
Spearfish SD 57783

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1403-1

Dear Mr. Haag:

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

If you have any questions, please contact me.

Sincerely,



RASSOOL AHADI
Natural Resources Engineer
(605)773-3352



SOUTH Dakota Department of
Water & Natural Resources

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

June 28, 1989

Ramsdell Ditch
1421 5th St.
Spearfish, SD 57783

Att. Mr. Robert Haag

RE: Approval of Installation of a Measuring Device,
Vested Right No. 1403-1

Dear Haag:

On June 21, 1989, a visual inspection was conducted from the installation of your measuring device. The device, a Parshall Flume, is used to measure the flow in Ramsdell Ditch. The flume is located in the east side of Canyon Road. The flume appeared to have been installed properly and for all practical purposes it will perform its function to accurately measuring the flow in Ramsdell Ditch.

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

Sincerely,



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

July 12, 1989

Don Lerew
1005 7th Str.
Spearfish, SD 57783

Dear Mr. Lerew:

In response to your letter of July 3, 1989, the Water Management Board, in its March 2, 1988 meeting in Rapid City, approved Water Right Application No. 1385-1. The Water Permit No. 1385-1 authorizes the change in use of water from irrigation by the Homestake Mining Company to domestic use by the City of Spearfish. The permit was approved with four qualifications. Qualification No. 4 states "...Permit No. 1385-1 is subject to closure of Homestake branch of Ramsdell Ditch within 90 days of approval of Permit No. 1385-1".

The board's decisions are based on our recommendations and the testimonies presented to the board at the hearing. The hearing is open to all parties involved. If somebody from Ramsdell Ditch Company had thought about situations like the one you explained in your letter, and had brought it up at the hearing, the outcome might have been different.

In the past, any excess water in Ramsdell Ditch used to flow into the Homestake branch and eventually into Spearfish Creek. There was no real control over the amount of water being diverted into Ramsdell Ditch. Since closure of the Homestake branch, the excess water does not have any place to go except overflow the ditch. One way to remedy this problem is to control the diversion rate at the headgate.

The matter has been discussed with Mr. and Mrs. Haag in many occasions. Please note that managing water in the ditch is responsibility of the ditch company and not the state or the Division of Water Rights.

If you have any questions, please contact me.

Sincerely,

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



Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

The Haag Letter regarding the flooding problems they have had during 1989 on Ramsdell Ditch because of us requiring the Homestake Branch to be plugged, should be discussed with Rassool. They may want this to be considered at the March meeting, if the City of Spearfish request for a water right for nonconsumptive use through the Homestake Branch is denied. Could be considered as a request for a declaratory ruling, so the WMB can hear their concerns.

Rassool and I have come to the conclusion that if they manage their diversions properly, they do not need an overflow into the Homestake Branch of the ditch.

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

NAME: James Hinton

1421 Fifth Street
Spearfish, SD 57783
July 17, 1989



South Dakota Department of Water and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Attention: John Hatch

Dear Mr. Hatch:

Reference: Permit No. 1385-1 - Closure of the Homestake branch of the Ramsdell Ditch.

As president of the Ramsdell Ditch, I have several problems with the state-ordered plugging of the Homestake branch.

Ramsdell Ditch Water Permit No. 1385-1 Qualification No. 4 states: "....that Permit No. 1385-1 is subject to closure of the Homestake branch of Ramsdell Ditch within 90 days approval of Permit No. 1385-1." While this qualification sounds practical on paper, the actual implementation is proving to be very difficult. The first problem is that the point of the blockage is nearly one city block south of the Homestake property. The Homestake branch was blocked using 3 x 12 inch planking with a four inch PVC pipe installed through the bottom to provide access to the water for Dr. Linander. This installation was inspected by Mr. Ahadi on June 21, 1989 at which time we were told that the ditch was leaking too much.

On July 1, 1989, the plank plug was opened up and some leakage was found where the four inch PVC pipe went through the plank. One PVC joint was found to be cracked. At the same time, it was discovered that we did not have enough grade to provide water to Dr. Linander with this four inch pipe. It was, therefore, removed. A key has been provided for Dr. Linander to allow him access to the split box and to allow him to pump out of the box. However, this solution is not acceptable to Dr. Linander on a permanent basis. The ditch was completely sealed at the split box on July 1, 1989. A further problem is that blocking the ditch at this point does away with the natural path of the water in the event of an overflow situation. We have already had at least one instance where this has caused problems with flooding in a basement. (See attached letter.)

On July 2, the Gay ditch was opened up after repairs. At 1:15 p.m. Sunday, July 2, Mr. Lerew of 1005 7th Street reported flooding of his lawn and basement. We subsequently found water leaking from the Gay ditch running into the Ramsdell ditch at a point above the Pharrshall flume located just north of the Spearfish City park. Our only solution was to remove control boards at the flume to spill water from our ditch into the creek. This problem remains today. The net effect is that we have no control over the amount of water that can be spilled over into our ditch and due to the plugging of Homestake

branch, we have no way to prevent the subsequent flooding.

On July 4, 1989, an additional problem was encountered. When I drove past our flume north of the city park, I discovered that children had piled rocks in the flume and used plywood boards to make a dam out of the flume. At this time, I again spilled water back to the creek and removed the dam. If I had not gone past and noticed the problem, this dam could have given way and resulted in flooding again.

So, we are back with the same problem of the plugging of the Homestake Branch. We have no way of protecting ourselves from the acts of other people over whom we have no control.

I would like to suggest that the Water Management Board might want to send out an engineer to determine what would be a practical and sound engineering solution that would comply with the State order on plugging the Homestake Branch (re: James Winterton letter of 6/26/89.) This letter does not allow us any alternatives to the complete plugging of this ditch. We certainly hope that the water board is willing to assume financial liability for their order which does not allow for any alternatives.

Sincerely,

Robert Haag

Robert Haag
President, Ramsdell Ditch

 **Department of
Water & Natural Resources**

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

June 26, 1989

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

RE: Closure of the Homestake Branch of Ramsdell Ditch
Water Permit No. 1385-1.

Dear Mr. Sliper:

On March 2, 1988, the Water Management Board approved Water Permit Application No. 1385-1. The permit authorized a change of the use of 1.67 cubic feet of water per second from irrigation to municipal domestic use. The application was approved with four qualifications. Qualification No. 4 states: "...that Permit No. 1385-1 is subject to closure of the Homestake branch of Ramsdell Ditch within 90 days approval of Permit No. 1385-1".

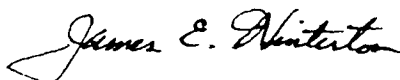
On June 20, 1989, Rassool Ahadi inspected the Homestake branch of Ramsdell Ditch. The Homestake branch was still flowing below the split box located in Dr. Charles Linander's yard, where the branch starts. The matter was discussed with you in a telephone conversation in June 21, 1989.

On the evening of June 21, accompanied by Mr. and Mrs. Robert Haag, Rassool Ahadi reinspected the split box. The outlet to the Homestake branch was temporarily plugged using a tarp and sand bags. The branch, however, was still flowing.

In accordance with the permit qualification, the Homestake branch of Ramsdell Ditch must permanently be plugged and the flow completely cut off from the Homestake branch of Ramsdell Ditch.

If you have any questions, please contact Jim Winterton (773-3352).

Very truly yours,



JAMES E WINTERTON
Natural Resources Engineer
For
JOHN HATCH, Chief Engineer
Water Rights Division

cc: Robert Haag, Ramsdell Ditch✓



July -3-89

To All Water Management Members

On Sunday July 2nd, 1989 we came home from Church and found our irrigation ditch over flowing with water all over sidewalk and backed into our yard to the point of which it was running into our basement.

On checking out to what was causing the problem, we found that there is no overflow in the system when a surplus of water is forced into the system.

As of June 17th the ditch that took the overflow surge back off by a canal from the state dam.

This is a very serious to our water from a 24" pipe to a 9" pipe to a open ditch.

We are in the 2nd block from the 24" pipe with a open ditch and the excess of water and pressure which ~~forces~~ enters our ditch causes it to overflow to the point of which it floods our yard and basement.

On the future if this happens we are going to hold the state at fault.

Your people do not listen to reason or take the time to check our the whole system.

If they would listen to the people who know what what this problem can be solved.

Don Jones

1045 7th St

Spokane, ID

577832

Phone #

415-642-5580



Department of Water & Natural Resources

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

November 2, 1990

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

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

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

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

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

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

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

SUBJECT: Diversions from Spearfish Creek

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

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

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

page 2

October 31, 1990

Diversion from Spearfish Creek

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

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

cc: Gene Johnson
Representative Harvey Krautschun



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 15, 1991

Ramsdell Ditch
c/o Lenore Haag
1421 5th Street
Spearfish, SD 57783

Dear Mrs. Haag:

Enclosed please find copies of application form, Affidavit of Water Use, and Water License No. 1403-1 as you requested.

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

Sincerely,

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

1403-1

May 6, 1991

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

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

SUBJECT: Diversions from Spearfish Creek

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

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

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

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

cc: Representative Harvey Krautschun

SPEARFISH CREEK WATER RIGHTS

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

* - Power Generation, non-consumptive

+ - Fish Hatcher in City of Spearfish

X - For municipal use, City of Spearfish

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



May 28, 2004

Jerry Frank, President
Ramsdell Irrigation Association
1539 5th Street
Spearfish SD 57783

Dear Mr. Frank:

Please find enclosed a copy of the Order to repair the illegal breach in Ramsdel Irrigation Association's ditch.

Note that 'Ramsdel' with one 'l' was on purpose because that is the spelling in the Association's by-laws.

Contact Garland Erbele or myself if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR.
(605) 773-3352

enclosure

RECEIVED

MAY 24 2004

WATER RIGHTS
PROGRAM

May 21, 2004

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Attn: Garland Erbele
Re: Ramsdell Irrigation Association Ditch Complaint

Garland,

This letter is to request your assistance in restoring our enclosed buried box culvert which Rand Williams removed. I contacted Rand on May 18, 2004 and informed him that our decision was for him to restore the box culvert. It is the Board's feeling that your intervention is needed to resolve this situation. We are looking at a June 1, 2004 date for starting our water flow.

Sincerely,



Jerry Frank
President
Ramsdell Irrigation Association
1539 5th Street
Spearfish, SD 57783
Phone 605-722-3409
Work 605-642-4716



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 28, 2004

NOTICE OF ORDER

TO: Mr. Rand Williams
742 State St
Spearfish, SD 57783-2157

FROM: *for* Garland Erbele, Chief Engineer *Eric Stromlund*
Water Rights Program
South Dakota Department of Environment and Natural Resources
(605) 773-3352

SUBJECT: **Order to Repair Illegal Breach of Ramsdel Irrigation Association Ditch**

On May 3, 2004, Don Stroup and I made a site investigation of a complaint that you excavated and removed a portion of the Ramsdel Irrigation Association ditch where it crosses your property. The location is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T6N-R2E, otherwise known as the old city hall property. I have since been notified by formal written complaint from the Ramsdel Irrigation Association that you have not rectified the situation and repaired the irrigation ditch.

You indicated that the reason for altering the ditch was to create a reflection pool for recreational and aesthetic purposes. The alteration to the ditch violates SDCL 46-7-12* which does not allow damaging, destroying, or otherwise interfering with any works used to place water to beneficial use.

Therefore, you are ordered to repair and return the ditch to pre-existing conditions pursuant to SDCL 46-2-18*. This order is based on the fact that you are not a member of the Ramsdel Irrigation Association, you have no legal right to the use of water from Ramsdel ditch, and the removal of the box culvert that forms the ditch across your property will impair the irrigation association's use of its water right. This order is to be complied with by June 8, 2004. Failure to comply with this order is a violation of SDCL 46-1-11* and will result in the referral of this matter to the Attorney General's office for further action. In addition, you may be subject to civil penalties of up to \$500 per day for each day of non-compliance.

* See attached statutes

South Dakota Codified Laws

- 46-1-11. Violations of water use laws as misdemeanors -- Civil fine in addition -- Each day as separate violation -- Exemption of board and commission actions. Unless otherwise provided in this title, any person, firm, or corporation violating any of the provisions of chapters 46-4 to 46-10, inclusive, is guilty of a Class 2 misdemeanor. In addition, a civil fine of not more than five hundred dollars may be imposed for the violation. Each day of noncompliance with the provisions of this title shall be deemed a separate violation. Administrative actions of the department or Board of Water and Natural Resources, the Water Management Board, or the conservation commission are exempt from this section.
- 46-2-18. Chief engineer's authority to order discontinuance of harmful illegal water use. The provisions of chapter 1-26 notwithstanding, the chief engineer may, after appropriate investigation, issue an order to any person to shut off or limit his use of surface or groundwater, or to plug or otherwise control a well. The order may be issued only to protect another user who has higher or earlier priority or to cause a user of water to discontinue the use of water to which he has no legal right. Upon a refusal to obey his order, the chief engineer may request a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of his order.
- 46-7-12. Willful damage, destruction, or interference with works prohibited. No person, for any purposes other than those contemplated by this title, may willfully damage, destroy, or otherwise interfere with any works for the application of water to beneficial use, for the apportionment or measurement of water or for any hydrographic study, nor may any person interfere with any person engaged in the discharge of any duties connected therewith.

CERTIFICATION

I hereby certify that on May 28, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 28, 2004 regarding Notice of Order to Repair Illegal Breach of Ramsdel Irrigation Association Ditch addressed as stated below:

Mr. Rand Williams
742 State St
Spearfish SD 57783-2157



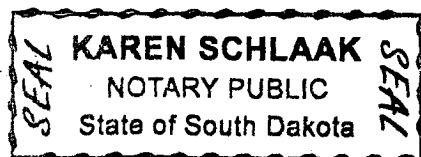
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of ~~May~~ June, 2004.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4708

Your item was delivered at 2:31 pm on May 29, 2004 in SPEARFISH, SD 57783. The item was signed for by L KOERNER.

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SIGNATURE CONFIRMATION NUMBER:
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Article Sent To: (To be completed by mailer)

Rand Williams

(Please Print Clearly)

Spearfish

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PS Form 153, February 2001

(See Reverse)

1403-1



Hood, Nies & Dardis, P.C.

ATTORNEYS AT LAW

E. James Hood
Lester Nies
Suzanne M. Dardis
Bruce L. Outka

Carol J. Vavruska, Paralegal
Kristin D. Nies, Secretary

P.O. Box 759, 109 Main Street Spearfish, SD 57783-0759

July 7, 2004

Rand Williams
742 State St.
Spearfish, SD 57783

RE: Ramsdel Irrigation Ditch Association By-Laws

Dear Rand:

You requested me to review the By-Laws of the "Ramsdel Irrigation Ditch Association" to determine two issues: (1) How is membership in the association determined in the By-Laws; and (2) How the right to appropriate water from the Ramsdel lateral is established in the By-Laws.

I first reviewed the S.D. Secretary of State website for corporation information under the name "Ramsdel Irrigation Ditch Association" but there is no listing. Thus, I assume this is an unincorporated association. General legal principals hold the bylaws of an unincorporated association are a contract among the members:

The constitution and bylaws of an unincorporated association constitute a contract between the association and its members, and are binding only on members who are shown to have assented to them. However, one who becomes a member of an association is deemed to have known and assented to its bylaws, and cannot be heard to object to the enforcement thereof. 6 Am. Jur. 2d Associations and Clubs § 5.

The only S.D. case located on this subject held that bylaws of an unincorporated association of physicians with staff privileges approved by a hospital were a binding contract in *ST. JOHN'S HOSPITAL MEDICAL STAFF v. ST. JOHN REGIONAL MEDICAL CENTER, INC.*, 90 S.D. 674, 245 N.W.2d 472, 474 (1976). Although that case is somewhat distinguishable due to involvement of a hospital corporation, I believe it is reasonable to assume the Ramsdel bylaws would also constitute a contract among its members under South Dakota law.

Under the *St. John's* case, the S.D. Supreme Court further held that the: ...principles which govern the construction of contracts also govern the construction and interpretation of corporate bylaws. One such construction principle is that: " * * * where the terms of a contract are plain and unambiguous, the duty of the court is to construe it as it stands, giving effect to the plain meaning of the language used * * * .", citations omitted. *Id.* at 475.

Membership. Reviewing the By-Laws as a contract and with the above in mind, Article II of the By-laws addresses membership: "Membership of this organ-

Page 2

ization shall be all individuals owning property which entitles said owners to water rights on the Ramsdel lateral to Ditch #2, or in the absence of said owners, renters of any such property, provided said renters pay the annual assessment for the rented property."

The language "all individuals owning property which entitles said owners to water rights" is of special importance here. The legal principal applicable to construing contract language is as follows:

When construing a contract, the court must ascertain and give effect to the intention of the parties. That intention is found in the contract language. Unless the language is ambiguous or a different intention is manifested, the language in a contract is to be given its plain and ordinary meaning.... *American State Bank v. Adkins*, 458 N.W.2d 807, 809 (S.D.1990), emphasis supplied.

The term "which" is defined in the Merriam-Webster online dictionary, <http://www.m-w.com/cgi-bin/dictionary>, to include the following...

§ -- used as a function word to introduce a relative clause; used in any grammatical relation except that of a possessive; used especially in reference to animals, inanimate objects, groups, or ideas <the bonds which represent the debt -- G. B. Robinson> <the Samnite tribes, which settled south and southeast of Rome -- Ernst Pulgram> -- used freely in reference to persons as recently as the 17th century <our Father which art in heaven -- Matthew 6:9 (Authorized Version)>,... usage See "THAT," emphasis supplied.

Based on the plain and ordinary meaning of "which," the quoted membership clause reads "all individuals owning property THAT entitles said owners to water rights...." The meaning of the sentence is the same as the example "the Samnite (tribes), which settled south...; referring to the (group); which likewise refers to the inanimate object (property): "...all individuals owning (property) which entitles said owners...."

Another contract interpretation rule applicable here is as follows:

In determining the proper construction of a contract, a court is to ascertain and give effect to the intention of the parties. All of the contract provisions must be given meaning if that can be consistently and reasonably done. *Kimball Investment Land, Ltd. v. Chmela*, 2000 SD 6, ¶ 14, 604 N.W.2d 289, 293, emphasis supplied.

Under Article I, Name and Purpose, the purpose of the organization is to "...promote the better operation of the Ramsdel lateral to Ditch #2 for the benefit of all the owners thereof" (emphasis added). Article V, Powers and Duties of Officers, Sec. (f) states, in relevant that this "...organization shall not have the right to deny the use of water to any property-owner who has a water right on the Ramsdel lateral to Ditch #2..."

Reviewing the entire By-Laws to determine *who* a member is, membership is consistently tied to *ownership of property*, or in the absence of owners, rental of such property. The focus is not on any "persons" but on the "*property*," since the renters can only be members if they are "renters of *such property*."

The By-Laws do not establish any stock, membership interests, nor any other indicia of ownership of membership apart from property ownership. Further, there is no provision in the By-Laws permitting or authorizing transfer of membership separate from the property ownership (or rental of "such property") *which* entitles the owner to water rights.

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Based on the above, it is my opinion the intention of the By-Laws is to benefit those individuals who own the ditch property and, by virtue of such ownership, are entitled to water rights on the Ramsdel lateral. The property owners who own the Ramsdel lateral property are the members, and the By-Laws are a contract between all such property owners.

Water Rights. The second issue for review is how the right to appropriate water from the Ramsdel lateral is established in the By-Laws. Applying the above contract interpretation rules, it is clear to me that the By-Laws do not provide for any means of obtaining water rights from the Ramsdel lateral except property ownership (or in the absence of owners, rental of such property).

As opposed to other irrigation companies which issue stock in the company accompanied by the right to use a stated volume of water, the Ramsdel Irrigation Ditch Association By-Laws do not establish any stock or other membership interest in the Association that can be separated from ownership of property and transferred as personal property.

A review of some of the older water cases is instructive. In *BUTTE COUNTY v. LOVINGER*, 64 S.D. 200, 266 N.W. 127 (1936), the Court discussed the history of water rights law in South Dakota concerning the Redwater Irrigating Association. Several water rights were established on Redwater creek between 1878 and 1889, and the Redwater Land & Canal Company (formed in 1889 as a corporation) purchased those rights. This corporation issued and sold stock providing the owner the following: "for each share of the capital stock one miner's inch of water or one-twenty-two hundredth (1-2200) part of the water passing the spill way about one-fourth of a mile below the headgate of said ditch."

The trial court in this case held the right to the use of the water represented by these shares of stock was not appurtenant to the land, and an appeal resulted. Relevant to this situation, the Court ruled as follows:

The question now arises whether or not under the plan of organization of the defendant Redwater Irrigating Association the right to the use of this water, represented by stock issued by the company, became appurtenant or attached to the land. We are convinced that it did not. It is generally held (even in Colorado), unless the by-laws or plan of organization of a water company expressly provide to the contrary, that water rights represented by shares of stock in a water company are personal property and may be sold and transferred independently of any land; and the water represented by such shares cannot be said to be appurtenant to the land on which it is used. *Id.* at 132. Emphasis added.

I think this case makes it clear that the by-laws are instrumental in defining the water right in an irrigation association.

In a second case involving the same ditch company, *O. A. JEWETT et al., v. REDWATER IRRIGATING ASSOCIATION*, 88 S.D. 390, 220 N.W.2d 834(1974), the trial court again ruled the irrigation rights were not appurtenant to the land. The Court reviewed provisions of the 1907 Act which established irrigation company rules.

The appellants favored one of the provisions from the 1907 Act: 'All water used in this state for irrigation purposes shall remain appurtenant to the land upon

Page 4

which it is used. * * *. The Court found that since the original water right was located prior to 1907, the Act did not affect the right. The Court held that the original locators of the water right, who then sold to the irrigation company, owned the water rights and they were not based on who used the water.

The current water rights statutes are found in SDCL 46-5. SDCL 46-5-34, based on the above cited 1907 Act provision, states in relevant part: All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used.... SDCL 46-5-34.1 provides, again in relevant part, that notwithstanding 46-5-34, "irrigation rights may be transferred apart from the land to which they are appurtenant ... Such irrigation rights may be transferred ...and may be acquired only through exercise of powers possessed independently of this section...."

Based upon this brief review of water cases and statutes, it is probable the Ramsdel Ditch water right dating to 10/1/1836 belonged to the original locator(s) of that right in the same manner as the Redwater water rights. I have no information on who the locator(s) were, or how these rights were transferred to the Ramsdel Irrigation Ditch Association, but can only assume the property rights would be similar to the Redwater situation described in the above cases.

However, this is where the similarity with the Redwater water rights ends, in my opinion, since the Redwater company is a corporation which issued stock separately granting water usage rights as personal property. This is not the case with the Ramsdel Irrigation Ditch Association.

As discussed above, in reviewing the By-Laws nothing is said about how a member obtains any water right on the Ramsdel lateral apart from *property ownership*. There is no stock, nor any established procedure to apply for a water right. The By-Laws only refer to water rights in relation to property ownership. Even though the Ramsdel Ditch water right pre-dates the 1907 Act and is more than likely owned by the Ramsdel Irrigation Ditch Association, the Association By-Laws did not separate that water right from the land as was done in the Redwater company. As indicated in the *LOVINGER* case, the by-laws govern water rights within a corporation and likewise these By-Laws only address with property ownership and never permit the separation of the water right from the land.

For these reasons, it appears to me the water right arising within the By-Laws is appurtenant to the land upon which the water is used. While SDCL 46-5-34 ("All water used in this state for irrigation purposes shall remain appurtenant to the land upon which it is used....") may not directly apply to the 1886 Ramsdel Ditch right owned by the Association (since it predates the 1907 Act), that statute is the general rule applicable to water rights not otherwise separated from the land (such as in 46-5-34.1 through other powers, like the Redwater company with separate stock sold as personal property apart from the land).

Based on the By-Laws, I think right to appropriate water from the Ramsdel lateral can only be established by ownership of the ditch property, and that the right is appurtenant to the land upon which the irrigation water is used. There is simply no other way a water right can be established in the By-Laws, and no member is empowered to sell any membership interest in the Association apart from the land.

Page 5

Instead of creating water rights that can be separated from the land, the By-Laws, under Article V (f) set out a system for the management of water among the members by using payment of assessments as the guide. No member (a "property-owner who has a water right") can be denied water, but if the member fails to pay the assessments, that member's voting rights are suspended. Further, those members not paying assessments use water at unscheduled times.

Conclusion. Reading the By-Laws as a whole, and in light of the Redwater company cases above, it is my opinion that membership in the Association is based solely on ownership of property on the ditch (or in the absence of owners, renters of such property). There is only one class of membership, and all members have a water right on the Ramsdel lateral by virtue of ownership of ditch property. Members cannot be denied water, but their right to vote and the timing of water use is dependent upon payment of assessments.

It further appears to me a property owner on the ditch has the legal right to pay assessments in arrears for the property in question and obtain both voting rights and be assigned a time for use. Nothing in the By-Laws provides a member (ie. property owner on the ditch, or renter in absence of an owner) can lose the membership right. In fact, Article V (f) expressly prohibits the denial of water to a property-owner who has a water right.

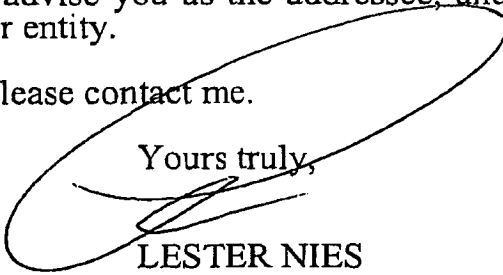
Finally, it is my understanding from reviewing correspondence from the S.D. Department of Natural Resources, that your particular lot is not included within the current irrigated acre designation of the Ramsdel Irrigation Ditch Association water permit. However, I have confirmed that the Ramsdel Ditch water right is for 70 irrigated acres, and that an existing water right permit may be amended to change the place of use of water. It appears doubtful that all of the land within the general boundaries of the current Ramsdel Ditch water permit are 100% irrigated.

For these reasons, the By-Laws appear to provide you the right to request the Association to amend its permit to include your lot as a member with a water right on the Ramsdel lateral, that you should be permitted to pay past assessments and obtain voting rights and an assigned time to use water, and that the Association should amend its permit to include your lot. Otherwise, the Association is denying you water in violation of its By-Laws for all the reasons stated above.

Please understand none of my opinions have been tested in Court and are based solely upon the cited sources and facts stated. A Court may come to a different conclusion, and there may be facts I am not aware of which would change my opinion. This letter is only intended to advise you as the addressee, and not to provide legal advice to any other person or entity.

If you have any further questions, please contact me.

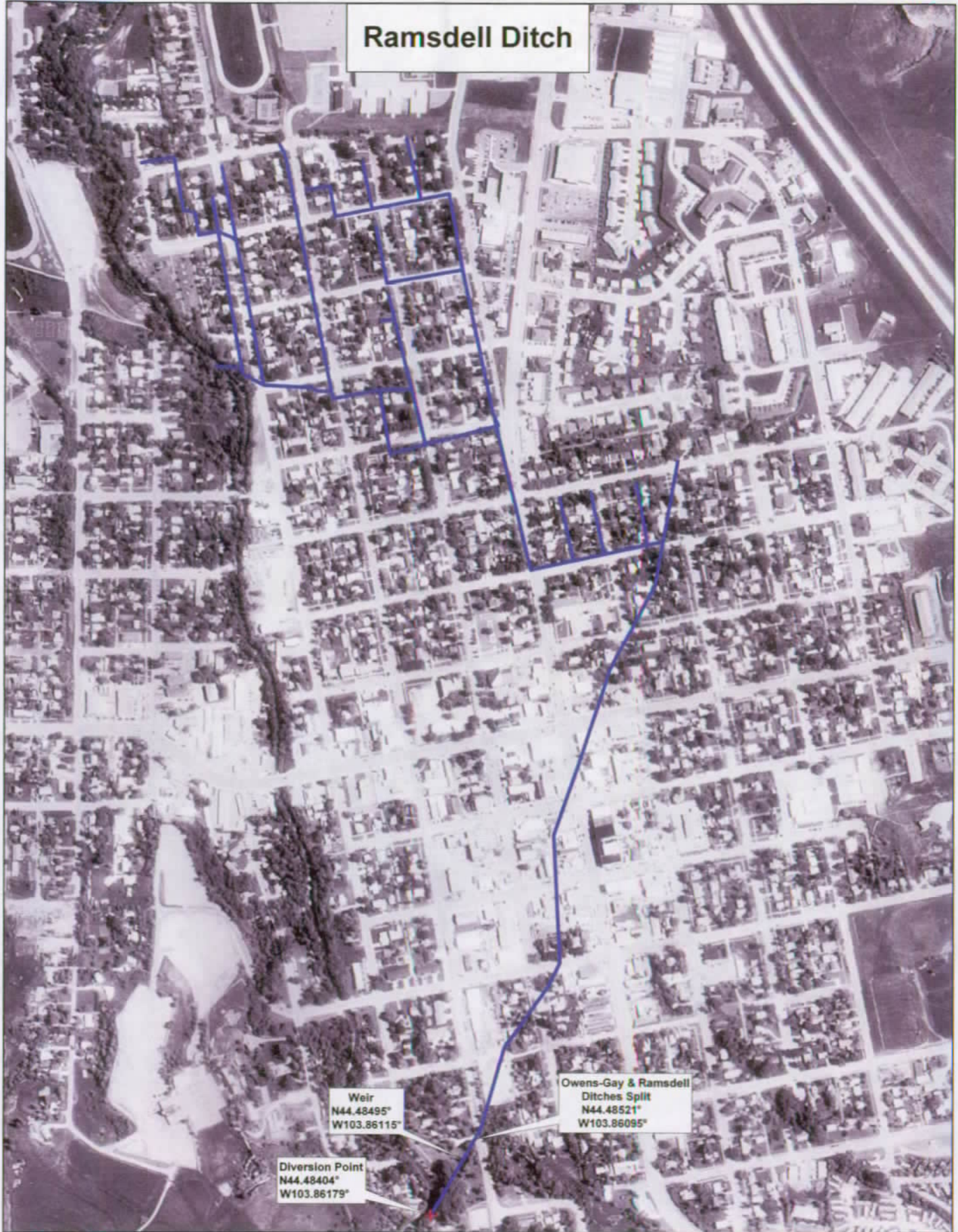
Yours truly,



LESTER NIES

Ramsdell Ditch

Don Stroup
60 DENR WR
K. malden C. Stroup
3/24/05





Ramsdell Ditch



Don Stroup
SD DENR WR
Ronald C. Stroup
3/24/05



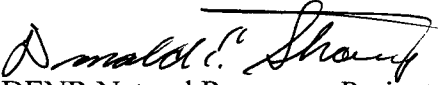
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 23, 2005

MEMO

To: File

From: 
Donald E. Stroup, DENR Natural Resources Project Engineer

Subject: Water Right # 1403-1, Ramsdell Ditch, Spearfish, SD

I spoke with Jerry Frank, President of the Ramsdell Ditch, concerning Rand Williams construction of a pool in front of the Spearfish old City Hall by breaching the ditch culvert. Jerry Frank stated that after the letter from Rand Williams' attorney, the Ramsdell Ditch Association decided that it would cost too much to contest Williams belonging to the association and constructing the pool at the old City Hall and therefore decided to allow him to proceed with the project.

Pictures Taken by Don Stroup on May 23, 2005 of Rand William's reflecting pond constructed into Ramsdell Ditch



SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 8, 2017

Mike Kyte
Ramsdell Ditch
1121 N. Main St
Spearfish, SD 57783

Ramsdell Ditch, Vested Water Right No. 1403-1

Dear Mr. Kyte:

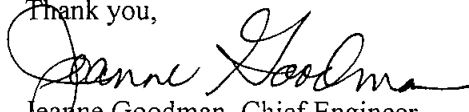
The hydroelectric facility that diverts Spearfish Creek flow near Maurice for power generation is undergoing construction activity. Specifically the city will be replacing the existing redwood penstock located above the hydro plant in the area between the forebay pond and the standpipe structure. This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

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

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

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

Thank you,


Jeanne Goodman, Chief Engineer
Water Rights Program

Water Rights Program - DENR

File Documentation

County: Lawrence

Name of Person: Lori McCarty (Ramsdell Irrigation Ditch)

File: 1403-1

Address: Spearfish SD

Phone: 605-645-9004

Date: 06-03-2020

RE: Flooded irrigation pipe inlet

Comments:

On May 20, 2020 the Water Rights Program received an email from Ms McCarty concerning their flooded ditch inlet pipe from Spearfish Creek. In the email she stated "The issue is that Indian Springs is having excessive run off and the city refuses to fix their plugged diversion pipe, therefore they have flooded out our weir for almost 4 weeks now and have told us it's not their problem while I have my phone ringing off the hook with folks wondering why they aren't getting their water."

Ramsdell Ditch diverts water from Spearfish Creek at a headgate into a ditch that flows through a city park, under a street and into a low area adjacent to the street. This low area also collects water from Indian Springs when they are running. There is a ditch inlet pipe that allows water to flow out of this low area through a berm to the Ramsdell Ditch control weir. Excess water in the low area drains to the creek via two culverts located under the street.

I called the Public Works Department for Spearfish and talked to Miles, the individual responsible for storm sewers and drainage for the City. Miles said with the excess moisture the area received over the past year, Indian Springs is running higher than normal, the water collects in a low area near where the Ramsdell Ditch diversion inlet pipe is located and the two culverts that drain excess water from this low area to Spearfish Creek are overwhelmed. He said he jetted the one culvert to make sure it was unplugged but did not do the second one, but he said the flow through it is also good, so he did not think it was plugged. Miles said he placed a balloon plug in the Ramsdell Ditch inlet pipe to stop water from flowing into the ditch which had been causing flooding further down the ditch. Miles said if the ditch company requested him to remove the plug he would.

Eric Gronlund and I called Ms. McCarty, we explained what was happening. She contended the City's drainage pipes leading from the low area to Spearfish Creek were still plugged. We told her we had no authority over City drainage. I did tell her the City indicated they would remove the temporary plug from the Ramsdell Ditch culvert. She said removal of the plug could cause their control weir to be overwhelmed causing downstream flooding. I suggested the Ramsdell Ditch could place a temporary partial plug in front of the Ramsdell Ditch culvert to limit the amount of flow that would get to the control weir. She indicated they couldn't do that. She said she would talk to her Board.



Mark D Rath
Natural Resources Engineer

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

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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