

Considered: _____

Vested Right Claim

WATER PERMIT NO. 1410-1

MAP No. same

Name of Applicant Richard Lausser

Post Office Address RR1, Box 195, Spearfish SD 57783

Amount of Water Claimed 1.62 cfs Total Acres 54

Source of Water Supply Lake Creek

Water to be used for irrigation County Lawrence

About 7 miles NW of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Feb. 23, 1987 Fee \$15.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

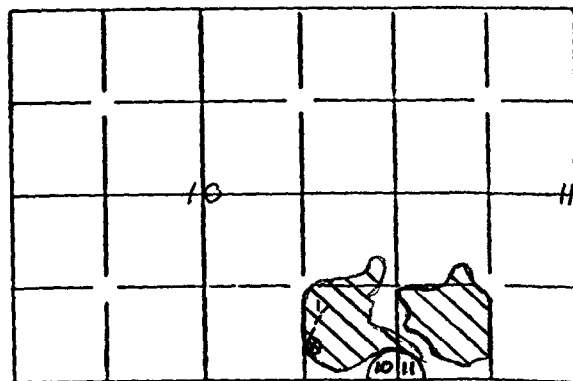
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Lake Creek: SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 10-

T7N-R1E

Land to be Irrigated E $\frac{1}{2}$ SE $\frac{1}{4}$ section 10; W $\frac{1}{2}$ SW $\frac{1}{4}$

section 11; all in T7N-R1E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Rassool Ahadi Reviewed and the Number

assigned on Sept. 24, 1987

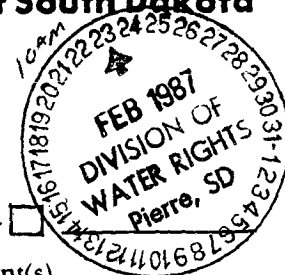
By

Ron Duvall

No. 1410-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Queen City Mail, Box 7, Spearfish (Wed)
Belle Fourche Daily Post, 1064 15th 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 Richard Lausser Phone No. 642-4109Post Office Address RR 1, Box 195 Spearfish, South Dakota State 57783
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s) 1.62 Total acres irrigated 54.03. Source of Water supply Lake Creek 13204. Location of point of diversion approximately 1330 ft W, 520 ft N from SE Corner Section 10,
T-7N, R-1ECounty Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used January 1 - December 31

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

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T7N-R1E	4.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T7N-R1E	27.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 T7N-R1E	3.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11 T7N-R1E	20.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

This is an application to license 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, Richard Lausser 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 Richard LausserEVERETT E. BURGESS, Notary Public
My Commission Expires
September 29, 1991Subscribed and sworn to before me this 20 day of February 1987Everett Burgess

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1410-1

Richard Lausser (applicant) RR1, Box 195, Spearfish (post office address)

SD (state) 57783 (zip code)

Date of receipt of Application February 23, 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 June 1, 1885.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed _____

1.54 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 Jan 1 - Dec 31.

The applicable portions of Location Certificate No. 32242 have been incorporated into No. 1410-1 and the abandoned portions of the Certificate No. 32242 have been cancelled.

Vested Water Right No. 1410-1 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatcher
(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. 1410-1 FOR IRRIGATION

(1) Richard Lausser
of RR 1, Box 195, Spearfish, South Dakota 57783
made Application No. 1410-1, February 23, 1987
for validation of a vested right claim to appropriate 1.62
cubic feet of water per second from Lake Creek,
Lawrence County, South Dakota for irrigation purposes.
Vested Water Right No. 1410-1 was validated December 2, 1987
with a priority date of June 1, 1885. Construction of the
described water supply system and application of water to
beneficial use has been completed and complies with applicable
provisions of South Dakota State Law.

(2) The applicant is entitled to divert 1.54 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: Approximately 1320 feet West and 520 feet North
of the SE Corner Section 10, T7N, R1E

The location of the irrigated acreage is: _____

T7N, R1E	Section 10	NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.0 Acres
		SE $\frac{1}{4}$ SE $\frac{1}{4}$	27.0 Acres
	Section 11	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0 Acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	20.0 Acres
		TOTAL	54.0 ACRES

(3) Pursuant to Section 46-5-30.1 Richard Lausser
of RR 1, Box 195, Spearfish, South Dakota 57783
the holder(s) and/or owner (s) of Vested Water Right No. 1410-1
is issued a license to appropriate 1.54 cubic feet of
water per second from Lake Creek with a
priority date of June 1, 1885 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.
1410-1 and subject to South Dakota State Law.



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

ATTACHMENT A
VESTED WATER RIGHT NO. 1410-1

1. That Vested Water Right No. 1410-1 is subject to domestic use rights. Diversion of water under Water Right No. 1410-1 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 The Richard Lausser Irrigation within one year of validation of Vested Water Right No. 1410-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) Richard Lausser
 Post Office Address Route 1, Box 195 Spearfish South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

 A. Notice of Appropriation June 1, 1885 Date of Posting June 1, 1885

 Date of recording October 2, 1886 Recording date Lawrence County 38 618
Where Book Page
B. Date of start of construction of water supply system 1885C. Date that water was first applied to beneficial use June 1, 1885D. Name of owner of original water supply system Mrs. Michael Lynch, D. T. ReedE. Amount of water originally applied to beneficial use 200 Miner's InchesF. Present Use of Water - Amount of water now being used Irrigation 81 miners inchesDate that this water was first used June 1, 1885

G. Chronological History of Water Use

To the best of my knowledge the ditch has always been in use since it was first constructed in 1885 with no period of non-use.

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

State of South Dakota)

County of Lawrence) ^{SS}
 I, Richard Lausser the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Richard LausserSubscribed and sworn to before me February 20, 1987
 EVERETT E. BURGESSON, Notary Public
 My Commission Expires September 29, 1991
Everett E. Burgessson
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.

(Print name) 19_________
(Print name) 19____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

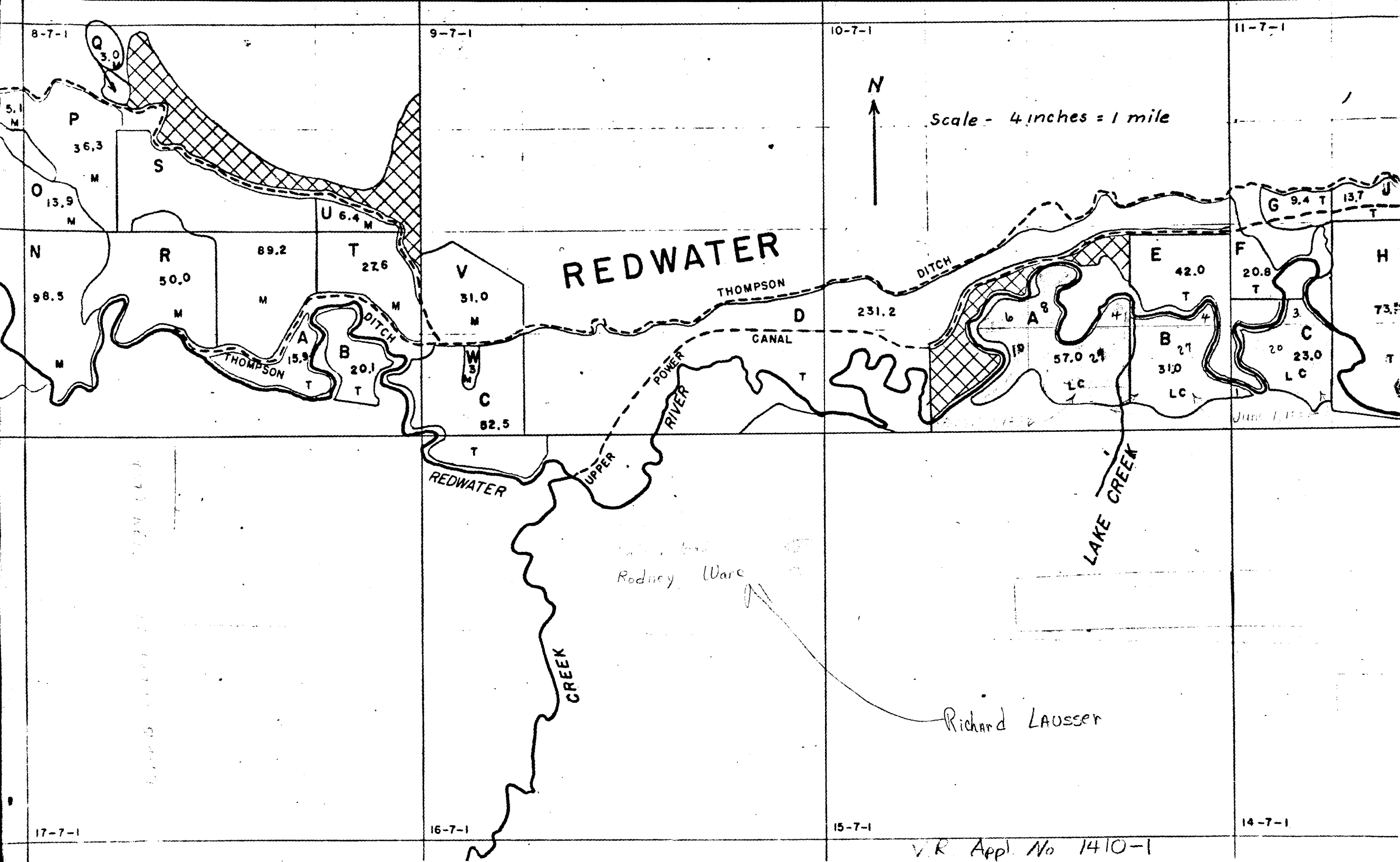
Pierre, February 23, 1987

RECEIVED OF Richard Lausser, RRI, Box 195, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1410-1</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)



Gate Capacity:

where: $b = 3.3'$

$$H_1 = 2.5 \text{ ft}$$

$$n = .1$$

$$C_d = .587$$

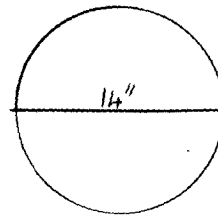
$$g = 32.2 \text{ ft/s}^2$$

$$Q = C_d (b - 2nH_1) \sqrt{g} H_1^{3/2}$$

$$Q = .587 (3.3 - .5) \sqrt{32.2} (2.5)^{3/2}$$

$$Q_{\text{Gate}} = 36.8 \text{ CFS}$$

Pipe Capacity:



$$Q_{\text{Pipe}} = 3.42 \text{ CFS}$$

$$Q = V \cdot A$$

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

$$S = .0014$$

$$n = 0.012$$

$$R = \frac{AR^2}{2\pi R} = \frac{R}{2} = .5833 \text{ ft}$$

$$V = \frac{1.49}{.012} (.5833)^{2/3} (.0014)^{1/2}$$

$$V = 3.2 \text{ fps}$$

$$Q = 3.2 \times 1.069 = 3.42 \text{ CFS}$$

John McAleer

Mrs. M. Lynch

D.T. Reed

Jim McAleer

#32242 - 200 miners

*
31719 - 400 miners
Inches - Aug 20, 1886

inches - June 1, 1885

?
?
.....

Bahn

?
?
.....

Lausser

COPY

Subscribed in my presence and in view of before me this 14th of August, A.D. 1886.

[Signature]

George W. Harce,
Notary Public etc.

#31615

Receivers Receipt
United States
To
John S. Webster
Filed August 18th 1886
at 8 o'clock A.M.
John Baker
Registered of Deeds
By J. O. Baker
Deputy.

My 1506. Receiver's Office at Deadwood.
August 13th 1886.
Received from John S. Webster of Lawrence
County, Dak. Ter., the sum of three hundred
Dollars and cents; being in full for the
North West quarter of section No eight (8)
in Township No three (3) North of Range
No eight (8) & B.M. containing One hundred
and sixty (160) acres, and hundredths
at \$1.25 per acre.

\$200⁰⁰ -
Bk. 38 P. 576

John S. Webster Received

#31719

Water Right
James McAlister
Filed August 20th 1886
at 2 o'clock P.M.
John Baker
Registered of Deeds
By J. O. Baker
Deputy.

I know and am now by these Presents, that the
undersigned, James McAlister, an citizen,
the United States, and Resident of Lawrence
County, Dakota Territory. Claims by right
of location and appropriation, for agricultural,
domestic and any other useful
and beneficial purposes for which it may
or can be applied, all the waters of Gale
Creek, being about four hundred inches. Miners Measure
said Gale Creek being a tributary of Red Water Creek. The place
where the water is to be diverted from said Gale Creek is on
the Rancho of said James McAlister, and about One hundred
(100) yards distant from and opposite to the dwelling house
thereon. I claim the right to divert and convey said water
of said Gale Creek, by means of ditches, pipes or flumes
to any point where it can be used for any of the purposes aforesaid
as well as to divert and use the same on any said Rancho
for any such purpose.

This location is made waiving all rights to said waters
and their use acquired by the diversion and use of the same
for agricultural and domestic purposes, now said Rancho
by myself and my predecessors in interest for many years
last past. Location date August 20th 1886

Witness

William R. Stetter

James McAlister

32224

Receivers Receipt
United States

John Johnson
Filed Sept 30th 1886
At 2:11 P.M.
John Baker
Register of Deeds
By J.E. Baker Deputy

No 1571. L.D.S. 313'6
Receivers Office at Deadwood
Sept 30th 1886
Received from John Johnson of Lawrence
County Dakota Territory the sum of Two
Hundred dollars and --- cents being
in full for the South East quarter of
Section No Ten (10) in Township No 10
(2) North of Range No Nine (9) E
B.H.M. Containing One hundred
+ Sixty (160) acres and --- hundredths at \$12.50 per acre.
\$200 00
John Lafabre
Receiver

Bk. 38 P. 618

32242

Location Certificate
Water Right
H.D. Red Bull Locators
Filed October 2nd 1886
at 10 O'clock A.M.
John Baker Register of Deeds
By J.E. Baker Deputy

Notice of Location
Know all men by these Presents
that We the undersigned
Messrs Michael Lynch and
H.D. Red Bull by right of
Location and appropriation
Two hundred (200) inches (Measure
measurements of the water of the
certain creek known as Rake Creek for Agricultural irrig
Domestic or any other useful purpose
Said water to be diverted from said creek at a point near
where it empties into the river and carried by ditch or
flume to the borders of the Locators.
Situated in Lawrence Co. D.T.
Date of Location June 1st 1885
Date of this Certificate Oct 2nd 1886.
Messrs Michael Lynch
H.D. Red Bull
Locators

certain creek known as Rake Creek for Agricultural irrig
Domestic or any other useful purpose
Said water to be diverted from said creek at a point near
where it empties into the river and carried by ditch or
flume to the borders of the Locators.
Situated in Lawrence Co. D.T.
Date of Location June 1st 1885
Date of this Certificate Oct 2nd 1886.

Location Certificate
 Water Right
 Slughter House Gulch
 John M. Allen
 Filed
 Nov 30th 1881. 12⁰⁰ PM
 Joseph O. Tracy
 Register of Deeds
 By Chas F. Tracy
 Deputy

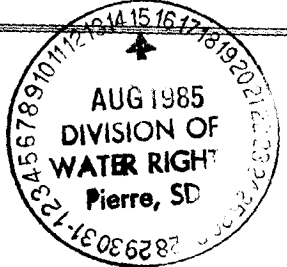
Headroom Nov. 30th 1881
 Notice is hereby given that
 I John M. Allen has this
 day recorded the following
 described Water Right viz:
 All the surface and subsoil
 water for domestic and other
 purposes, and termed the
 same according to law. Located
 in Slughter House Gulch East
 Placer Mining District, Lawrence County SD
 This Location Notice is recorded in Lieu of
 of one on the same water right recorded in
 Jan 1878 and also one recorded in July 1879
 both of which were destroyed by the fire of
 26th Sept 1879
 John M. Allen
 Locator

Stk 21 Page 187

Location Certificate
 Water Right, Lake Creek
 Peter Riley Esq
 Filed
 Dec 3^d 1881. 9³⁰ AM
 Joseph O. Tracy
 Register of Deeds
 By Chas F. Tracy
 Deputy

I know all men by these
 persons that are the un-
 dersigned citizens of the U. S
 and residents of the County
 of Lawrence and Territory of
 Dakota, claim by right of
 location and appropriation for
 agricultural, domestic or any
 other useful or beneficial pur-
 pose to which it may be

applied the following water right to wit:
 Two hundred and fifty (250) inches minors
 measurement, or one half the waters of Lake
 Creek, a tributary of Red Water, flowing into
 the same near Mike Lynch's residence. The
 point where this water right is located is about 200
 or 300 yards up said Lake Creek from its mouth
 We 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 aforesaid purposes
 Located during the month of July 1878



COPY

December 14, 1961

Mr. Rodney Ware
RFD 1
Spearfish, S. Dak.

Re: Lake Creek Irrigation

Dear Mr. Ware:

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

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

(1) A location Certificate for a water right signed by Peter Riley and P. C. Riley, filed December 3, 1881 claiming a location date of July 1878 and claiming 250 miner's inches or one-half of the waters of Lake Creek. This is recorded in Book 21, page 187 of the Register of Deeds office in Lawrence County, South Dakota.

(2) A location Certificate for a water right signed by Mrs. Michael Lynch and D. T. Reed filed October 2, 1886 claiming location date of June 1, 1885, and claiming 200 inches of the waters of Lake Creek. This is recorded in Book 21, page 187 of the Register of Deeds office in Lawrence County, South Dakota. This location, apparently, covers irrigation of the same lands as are covered by the Riley water right location.

No record was found wherein your water right on Lake Creek was interpreted, determined or established by Court action. The data collected, as outlined above, records your best water right on Lake Creek as being an appropriative water right claiming 250 miner's inches with a priority date of July 1878.

In an appropriative water right, the amount claimed, in your case 250 miner's inches, is not necessarily the amount of water which you are entitled to divert. You are entitled to divert that amount of water put to beneficial use, not exceeding 250 miner's inches, providing that amount is available after holders of prior water rights have obtained their allocation of the water.

Mr. Rodney Ware

December 14, 1961

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

A letter dated January 14, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. With your help these fields and acreages have been revised. Enclosed, for your information, is a copy of the revised map and the revised list of owners and acreages.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

DITCH DIVERSION SERVICE

DEC. 1964

Name of Ditch LAKE CREEK DIVERSIONS Stream LAKE CREEKAddress _____ Purpose IRRIGATIONLocation of Diversion Point SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T7N, R1E, B.H.M. - 1885
SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 10, T7N, R1E, B.H.M. - 1886

Maximum Diversion Rate _____.

Total Irrigated Acreage Served _____.

Description of Lands ServedAcreageOwner

T 7 N, R 1 E

Sec. 10

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

6

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

10

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

12

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

29

57

Ralph Baden
RR 1
SpearfishNE $\frac{1}{4}$, SE $\frac{1}{4}$

4

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

27

31

Sec. 11

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

3

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

20

23

54

Richard Lusser
RR 1
Spearfish

WATER RIGHTS DIVISION
(605) 773-3352

August 19, 1985

Ralph Bahn
RR 1
Spearfish, South Dakota 57783

Richard Lausser
RR 1
Spearfish, South Dakota 57783

Dear Sirs:

Enclosed is the agreement pertaining to the use of the irrigation water on Lake Creek. The agreement seems quite fair and equitable and I feel that it can work to the benefit of both parties. Please try to approach this agreement in a cooperative spirit.

If you need further assistance, please contact the Division of Water Rights.

Sincerely,

Gregory S. Powell
Natural Resources Engineer

GSP:ms
Enc.

Conversation or File Documentation

NAME OF PERSON OR FILE: Lake Creek Irrigation - Ralph Bahn Richard LausserADDRESS: Spearfish COUNTY LawrenceDATE: 8/9/85 TELEPHONE _____RE: Complaint about priority and water use

COMMENTS:

Richard Lausser called in on 8/6/85. He said that
Mr. Bahn would not give him any water. According to
our records, Lausser has a priority date of 1878 and
Bahn has a priority date of 1886.

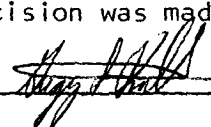
I contacted Mr. Bahn and he said about 1/2 of
the creek was going past his diversion point. He also
stated that Mr. Lausser had not irrigated from Lake
Creek for 3 or 4 years.

As of 8/9/85 I am still having the priority dates
researched and will continue to check on Lausser's
irrigation to see if it was abandoned.

On 8-16-85 I met with both parties. Mr. Lausser
has the earliest priority date that I could find on record.

An agreement was written and signed by both parties scheduling
the irrigation on a week by week basis (see attached
agreement).

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: 

The following parties, Richard Lausser and Ralph Bahn agree to schedule their irrigation on a week by week basis. The agreement will be as follows:

Ralph Bahn shall receive irrigation water on:

August 18-24

September 1-7

September 15-21

September 29 - October 5

October 13-19 1985

Richard Lausser shall receive irrigation water on:

August 25-31

September 8-14

September 22-28

October 6-12 1985

RB

With the irrigation time frame beginning 8AM Sunday and ending 8AM the following Sunday. (7 consecutive days).

Furthermore, when the irrigation needs of the party who is to be irrigating, have been met, the second party shall be entitled to divert water as is available as long as it does not infringe on the others needs. This agreement shall be filed and enforced by the Division of Water Rights.

Signed

Ralph Bahn

Witnessed

[Signature]

Dated

Richard Lausser

August 16, 1985

The following parties, Richard Lausser and Ralph Bahn agree to schedule their irrigation on a week by week basis. The agreement will be as follows:

Ralph Bahn shall receive irrigation water on:

August 18-24

September 1-7

September 15-21

September 29 - October 5

October 13 - 19

1985

Richard Lausser shall receive irrigation water on:

August 25-31

September 8-14

September 22-28

October 6-12

1985

RB

With the irrigation time frame beginning 8AM Sunday and ending 8AM the following Sunday. (7 consecutive days).

Furthermore, when the irrigation needs of the party who is to be irrigating, have been met, the second party shall be entitled to divert water as is available as long as it does not enfringe on the others needs. This agreement shall be filed and enforced by the Division of Water Rights.

Signed

Witnessed

Ralph Bahn
[Signature]

Dated

Richard Lausser
August 16, 1985

WATER RIGHTS DIVISION
(605) 773-3352

February 2, 1987

Richard Lausser
RR 1, Box 195
Spearfish, South Dakota 57783

RE: Lake Creek Ditch

Dear Richard:

Enclosed you will find the required application forms to file a vested right claim. Please review the forms for accuracy, sign and notarize and return them to this office with a \$15.00 filing fee.

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

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1410-1, Richard Lausser

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. 1410-1, Richard Lausser, RR 1, Box 105, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1410-1 for 1.54 cfs and that the applicable portions of Location Certificate No. 32242 have been incorporated into No. 1410-1 and the abandoned portions of Certificate No. 32242 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of June 1, 1885, 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. 1410-1 is subject to domestic use rights. Diversion of water under Water Right No. 1410-1 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 The Richard Lausser Irrigation within one year of validation of Vested Water Right No. 1410-1. 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 20, 1997

Report on the Richard Lausser's Claim (Lake Creek)
Vested Water Right Application No. 1410-1
October 16, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Richard Lausser has filed an application to validate a vested right claim. The application claims 1.62 cfs of Lake Creek water, a tributary of Redwater River, to irrigate 54 acres of land in Sections 10 and 11, T7N-R1E, in Lawrence County. The diversion point is located in the SE1/4 SE1/4 Section 10, T7N-R1E.

Document Search

The following document was found pertaining to Lausser's Claim:

- 1) Location Certificate No. 32242 was signed by Mrs. Micheal Lynch and D. T. Reed, filed October 2, 1886 and claimed a location date of June 1, 1885, and 200 miner's inches of Lake Creek water. This certificate is filed with the Register of Deeds, in Lawrence County and recorded in Book 38, Page 618.

Discussion

The Water Resources Commission investigated Lausser's Claim in the early 1960's. At that time, 54 acres were mapped as being irrigated from Lake Creek as is claimed.

Recent investigations by Water Rights Division engineers have found that 54 acres of land are being irrigated by Richard Lausser from the Lake Creek. The investigations also determined that the the ditch is capable of carrying 3.42 cfs. The headgate is capable of diverting the quantity of water claimed.

To determine the amount of water needed to irrigate 54 acres, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs is necessary to properly irrigate 70 acres, 0.77 cfs of water will be used to irrigate 54 acres. Considering the efficiency of flood irrigation in the area, which according to SCS is 50% for this area, the diversion rate required will be 1.54 cfs.
- 2) Using the SCS, S.D. Irrigation Guide, the peak water consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during Month of July. Assuming the crops need 3.0 feet of water every irrigation season, a total of 162 acre-feet is needed for the season, from which 46.6 acre-feet or .76 cfs will be used in the Month of July. Considering a 50% loss due to the system, the total diversion rate required will be 1.5 cfs.

Conclusions and Recommendations

- 1) The headgate and the ditch are capable of diverting and carrying more water than the amount claimed.
- 2) Based upon the 1.0 cfs per 70 acres criteria plus a 50% loss calculation, the peak quantity of water necessary to irrigate the land served by Lausser's Claim would be 1.54 cfs. Comparing this to the SCS, South Dakota Irrigation Guide calculations, this quantity of water appears to be reasonable. Although the amount of water claimed is very close to the amount of water calculated, the claim should be validated for 1.54 cfs.
- 3) It is recommended that the Richard Lausser Vested Water Right Claim be validated for a diversion rate of 1.54 cfs to irrigate 54 acres as described in Application No. 1410-1 with a priority date of June 1, 1885.
- 4) It is recommended that if Vested Water Right Application No. 1410-1 is validated, that the applicable portions of Location Certificate No. 32242 be incorporated into No. 1410-1, and that the abandoned portions of Location Certificate No. 32242 be cancelled.



Rassool Ahadi
Natural Resources Engineer

 **Department of
Water & Natural Resources**

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

October 29, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1410-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Richard Lausser, RR 1, Box 195, Spearfish SD.

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

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

October 29, 1987

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

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1410-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Richard Lausser, RR 1, Box 195, 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 29, 1987

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

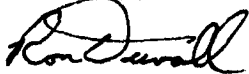
Richard Lausser
RR 1, Box 195
Spearfish SD 57783

Dear Mr. Lausser:

Your Application No. 1410-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCE DAILY POST printed at Belle Fourche SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

NOTICE OF HEARING To Validate
Vested Right Application No. 1410-1 to Appropriate Water

Notice is hereby given that Richard Lausser whose mailing address is RR 1, Box 195, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 1.62 cubic feet of water per second from Lake Creek to irrigate 54 acres with a claimed priority date of June 1, 1885. The point of diversion from Lake Creek is in the SE 1/4 SE 1/4 Section 10, T7N, R1E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 10; W 1/2 SW 1/4 Section 11; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1410-1 for 1.54 cfs and that the applicable portions of Location Certificate No. 32242 be incorporated into No. 1410-1 and that the abandoned portion of No. 32242 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of June 1, 1885, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

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

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

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

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

No. 1410-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Lawrence } ss.

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

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

City of Spearfish

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

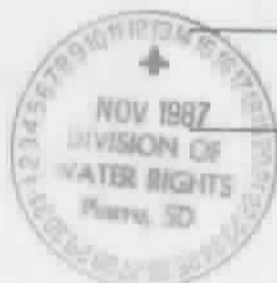
November 4th, 1987

November 11th, 1987


(Signature)

Publisher
(Title)

11-11-87
(Date Signed)



Cost of Printing: _____

106 lines x .2564 = 27.19

106 lines x .2081 = 22.04

Total = 49.23

NOTICE OF HEARING
To Validate Vested
Right Application
No. 1410-1 to
Appropriate Water

Notice is hereby given that Richard
Laumer whose mailing address is RR
1, Box 195, Spearfish, South Dakota
has filed an application to validate a
vested right claim to appropriate 1.62
cubic feet of water per second from
Lake Creek to irrigate 54 acres with a
claimed priority date of June 1, 1885.
The point of diversion from Lake
Creek is in the SE 1/4 SE 1/4 Section
10, T7N, R1E. The irrigated acreage
is located in the E 1/2 SE 1/4 Section
10, W 1/2 SW 1/4 Section 11 all in
T7N, R1E.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends VALIDATION
of Vested Water Right Application
No. 1410-1 for 1.54 cfs and that the
applicable portions of Location Cer-
tificate No. 32242 be incorporated
into No. 1410-1 and that the aban-
doned portion of No. 32242 be can-
celled because 1) water has been ap-
propriated as described for irrigation
with a priority date of June 1, 1885, 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 Manage-
ment Board at Howard Johnson's
Renaissance and Jefferson Rooms, 221
LaCrosse, Rapid City SD, December 2,
1987 at 1:00 pm.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is authorized
to 1) approve validation, 2) approve
the validation with qualifications, 3)
defer, or 4) deny validation of the
application after it reaches a conclu-
sion 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 pe-
titioner's interest in the application,
the reasons for the petitioner's
opposition to or support of the appli-
cation, and the signature and mailing
address of the petitioner or his legal
counsel if legal counsel is obtained.
The settlement must 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, [REDACTED], is represented by [REDACTED] 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.

Nov 4, 11

No. 1410-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss:

I, Marion Sueca hereby

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

Water was taken from the Belle Fourche Daily Post

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

City of Belle Fourche

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

November 4, 1987

November 11, 1987

Marion Sueca
(Signature)

Editor
(Title)

November 11, 1987
(Date Signed)

Cost of Printing: \$42.08

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1410-1
to Appropriate Water

Notice is hereby given that Richard Lausser whose mailing address is RR1, Box 195, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 1.62 cubic feet of water per second (cfs) from Lake Creek to irrigate 54 acres with a claimed priority date of June 1, 1885. The point of diversion from Lake Creek is in the SE 1/4 SE 1/4 Section 10, T7N, R1E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 10; W 1/2 SW 1/4 Section 11; all in T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1410-1 for 1.54 cfs and that the applicable portions of Location Certificate No. 32242 be incorporated into No. 1410-1 and that the abandoned portion of No. 32242 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of June 1, 1885, 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 application. The request for extension must be filed with the Chief Engineer by November 20, 1987.



Department of Water & Natural Resources

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

September 28, 1987

Richard Lausser
RR 1, Box 195
Spearfish SD 57783

Dear Mr. Lausser:

This letter is to inform you that your vested right claim has been reviewed. A report on the investigation of the vested right claim is being prepared. When the report is finalized your application will be complete pursuant to SDCL 46-2A-2. A recommendation will then be prepared and notice of hearing will be given stating the time and place the Water Management Board will consider the vested right claim. Tentatively, the hearing is to be scheduled for December 2 and 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,

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

RON DUVALL
Water Resources Engineer
605 773-3352



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



IN REPLY
REFER TO: MB-450
870.

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

NOV 19 1987

Dear Mr. Hatch:

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

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

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

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

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

Sincerely yours,


Donald R. Glaser

For B. E. Martin
Regional Director

Enclosure

Identical letters sent to attached listing

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

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

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

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

Mr. Albert Jeffery
RR 1
Spearfish, SD 57783

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

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

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

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

^e
Mr. James Chenowith
Box 248
Woodrow, CO 80757

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

Mr. Melvin Delzer
Box 1045
Spearfish, SD 57783

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

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

Mr. William Lambert
Box 335
Beulah, WY 82712

Mr. Josef Meier
421 Meier Street
Spearfish, SD 57783

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

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

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

November 20, 1987



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

Dear Mr. Hatch:

Pursuant to the 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 No. 1410-1 on Lake 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,

A handwritten signature in cursive script that reads "Richard J. Beringson".

Richard J. Beringson
Secretary

RJB/ld

cc: Richard Lausser

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

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

November 20, 1987

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



Dear Mr. Hatch:

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Koth".

Ron Koth
Water Permits Coordinator

RK/ld

November 25, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No 1410-1, Richard Lausser

For:

Richard Lausser
RR1, Box 195
Spearfish SD 57783

Interested:

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

Against:

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

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



Department of Water & Natural Resources

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

APR 29 1988

Richard Lausser
RR 1, Box 195
Spearfish, South Dakota 57783

Dear Mr. Lausser:

Enclosed are your Validated Vested Water Right and Water License No. 1410-1.
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 cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the typed name.

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 9, 1989

Lake Creek Ditches
R. Lausser
RR 1, Box 195
Spearfish SD 57783

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1410-1

Dear Mr. Lausser:

As a reminder, the Water Management Board, at the December 2 and 3, 1987 meeting, validated your vested right claim on Lake Creek Ditches. 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



March 31, 1989

Water & Natural Resources
Rassoul Ahadi Engineer
Joe Foss Building
Pierre, S.D.

Dear Ahadi:

Enclosed find two Photo-copies
of the Plan for my measuring
device on Lake Creek for
my vested water right claim
No. 1410-1.

Sincerely,
Richard Lasser

DIVERSION DITCH SERVICE

NAME OF THE DITCH: Lake Creek

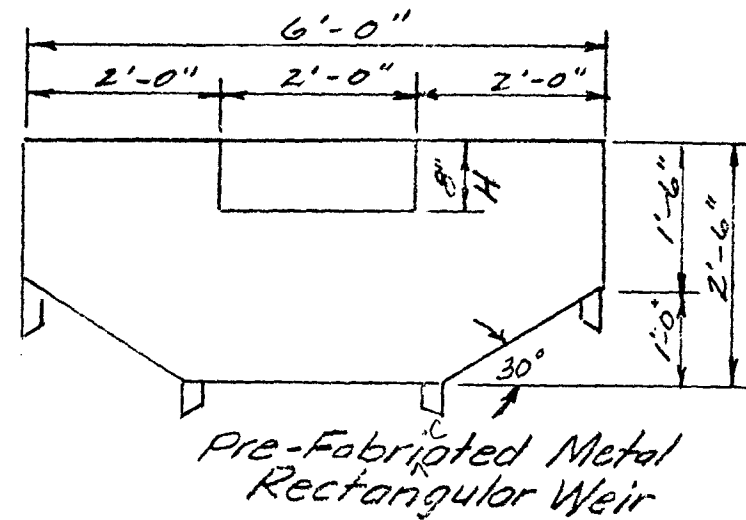
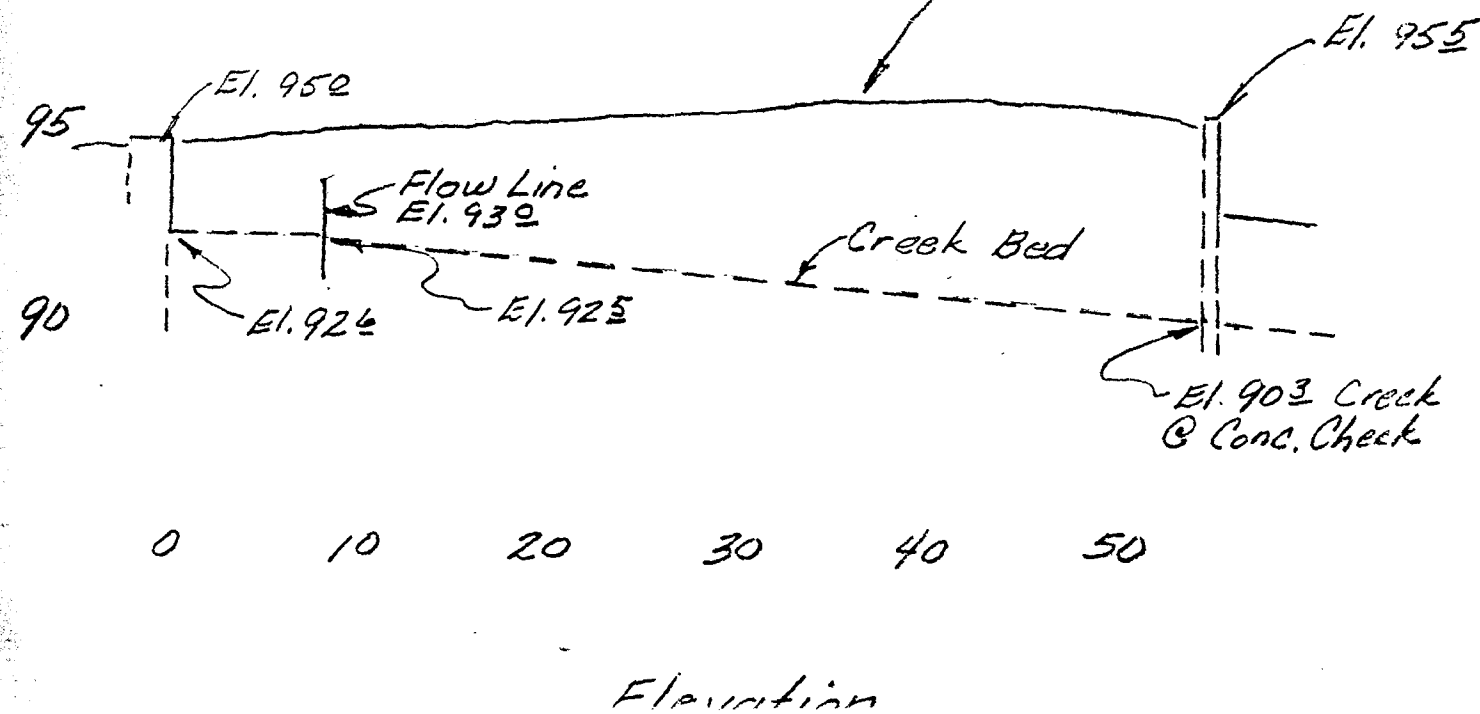
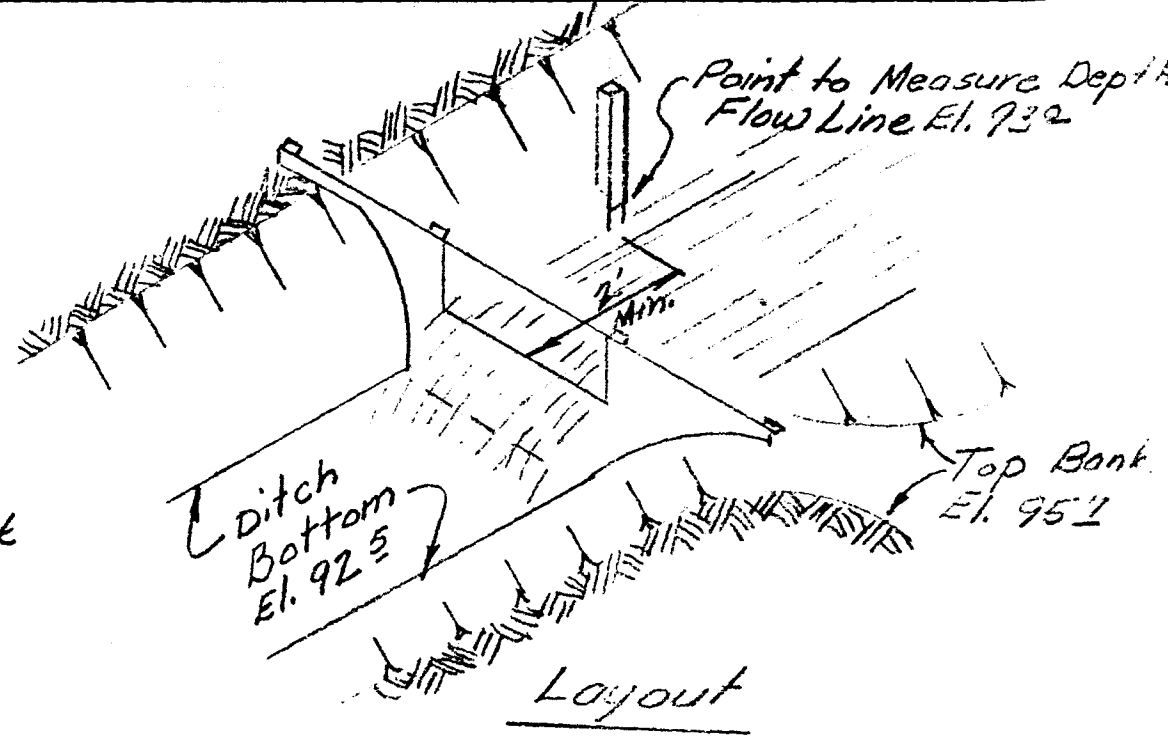
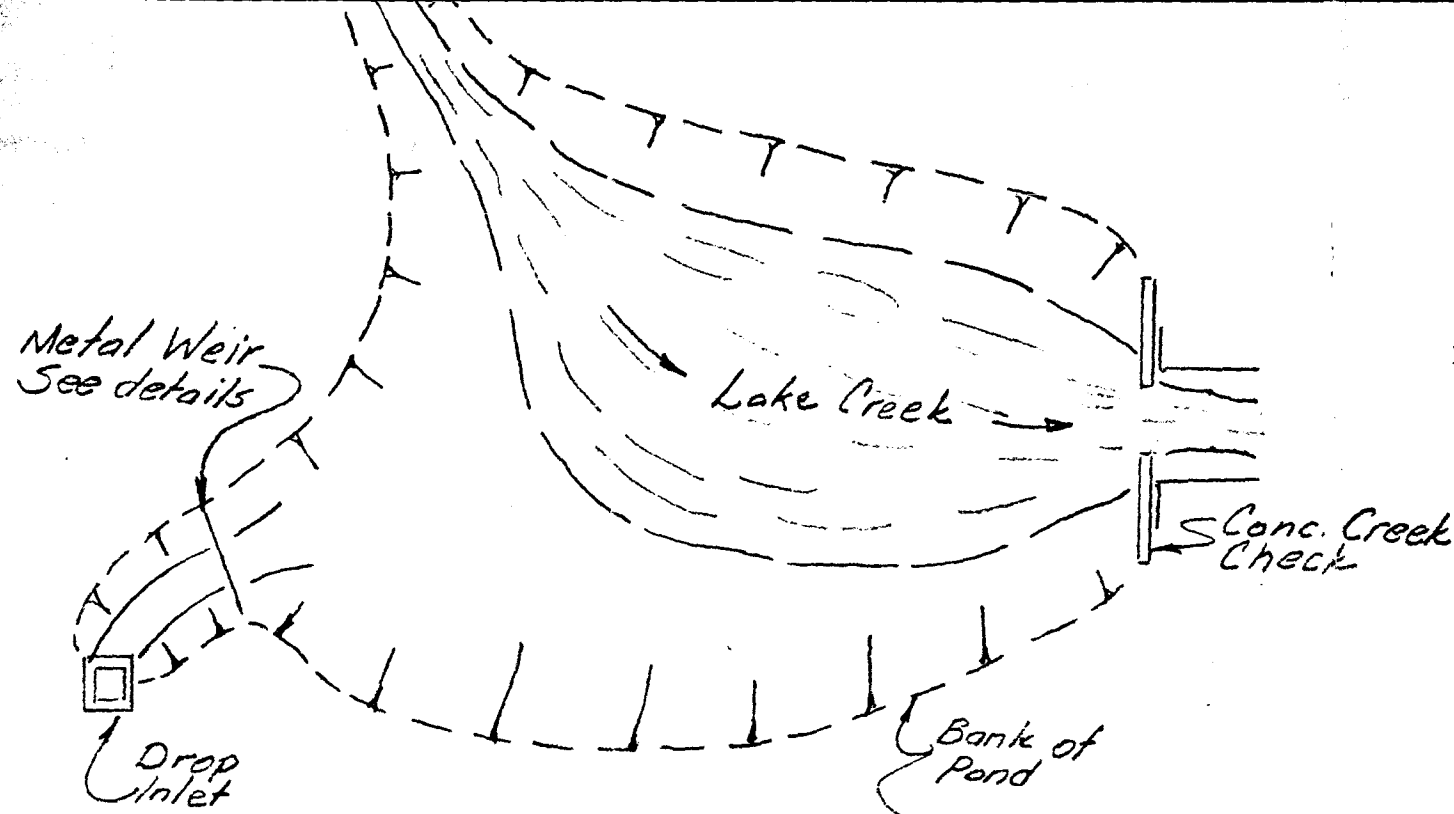
ADDRESS: RR 1 Spearfish, S.D. 57783 Ralph Bahn/ Richard Lausser

DIVERSION POINT: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 10 T 7 N-R 1 E; SOURCE: Lake Creek

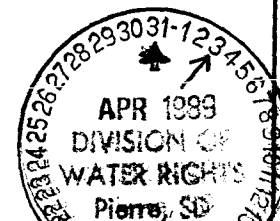
MAXIMUM DIVERSION RATE: C.F.S.

ACREAGE SERVED: 111 ACRES

LANDOWNER'S NAME	LOCATION OF LAND BEING IRRIG. BY THIS DITCH	ACREAGE	COMMENTS
Ralph Bahn	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10	6	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	10	
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	12	
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	29	
	Total	57	
Richard Lausser	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10	4	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 11	3	
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	20	
	Total	54	

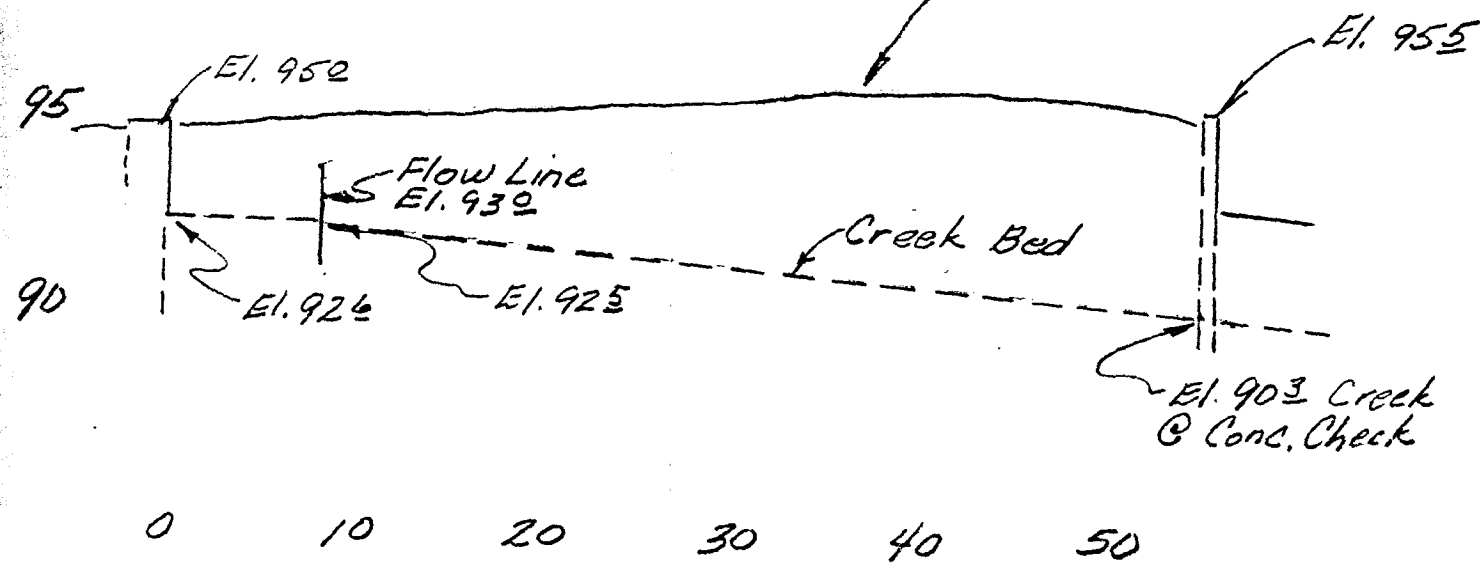
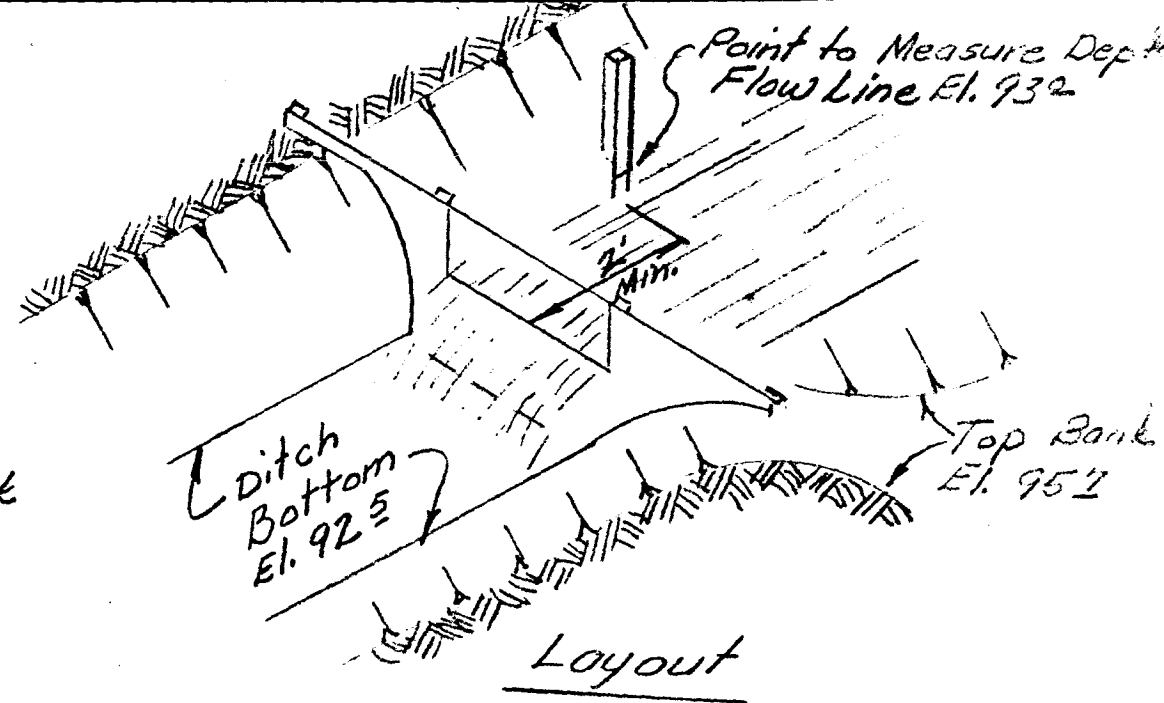
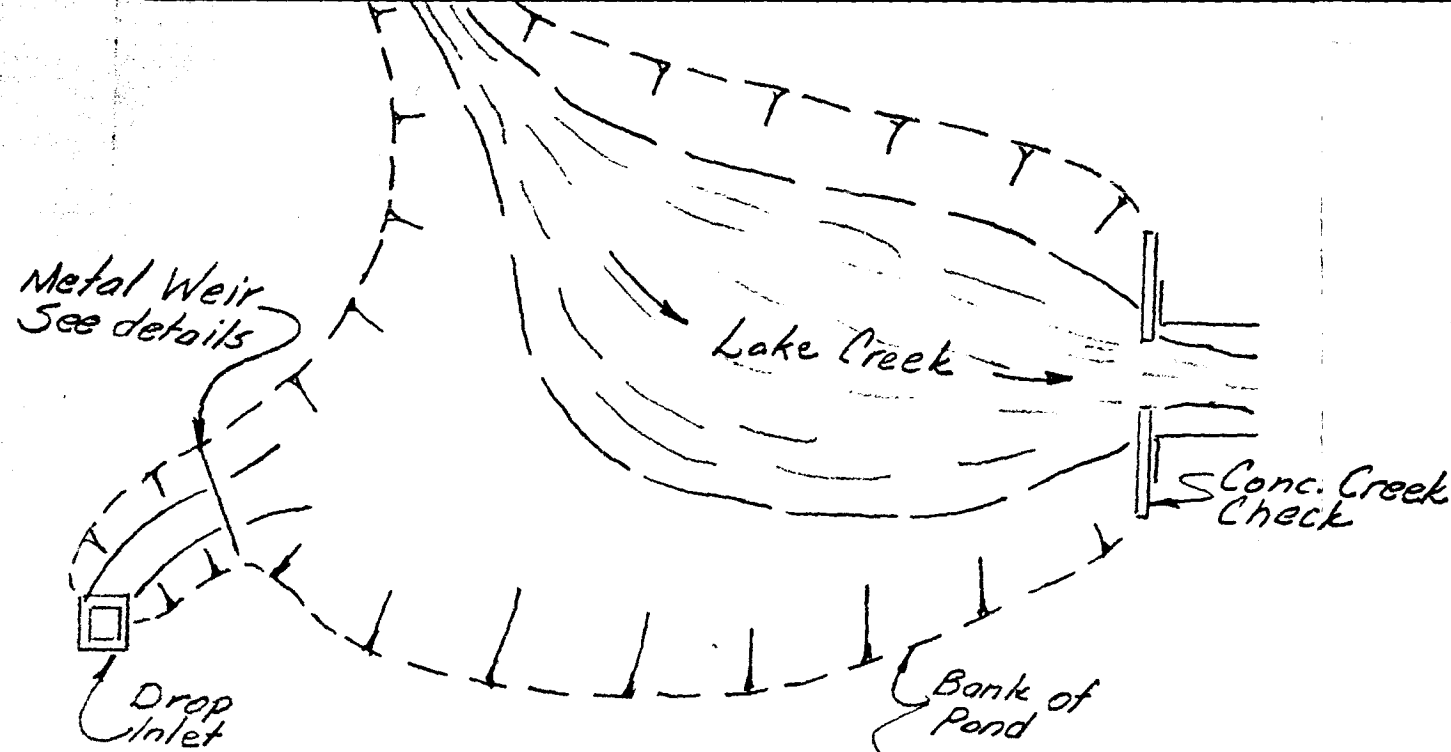


H	CFS	
.1	.2	.208
.2	.6	.684
.3	1.1	1.06
.4	1.7	1.62
.5	2.4	2.4
.6	3.1	2.91

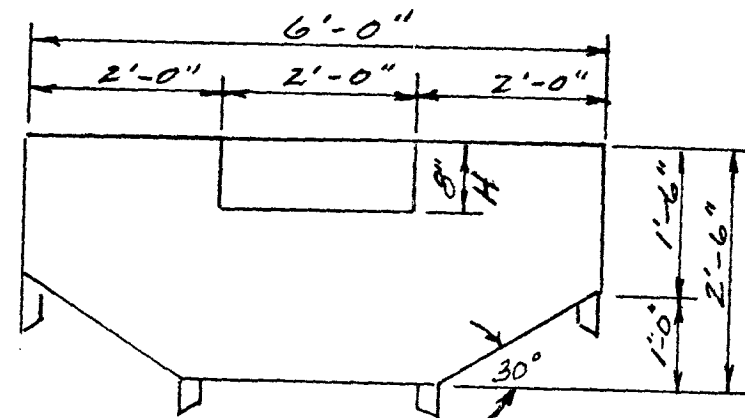


MEASURING DEVICE FOR
VESTED RIGHT No. 1410-1
LAKE CREEK

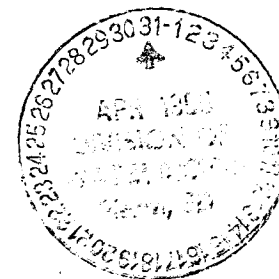
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE



Elevation



H	CFS
.1	.2
.2	.6
.3	1.1
.4	1.7
.5	2.4
.6	3.1



MEASURING DEVICE FOR
VESTED RIGHT No. 1410-1
LAKE CREEK

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date



Department of Water & Natural Resources

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

April 5, 1989

Richard Lausser
RR #1 Box 195
Spearfish SD 57783

RE: Approval of Plans and Specifications for a Measuring Device.
Vested Water Right No. 1410-1

Dear Mr. Lausser:

We have reviewed the plans and specifications for your measuring device designed by the Soil Conservation Service. The measuring device will be used to measure flow in Lake Creek (Lausser) Ditch. According to the proposed plan, a contracted rectangular weir with a length of 2.0 feet will be used. The plans and specifications are approved as submitted. Please note that the installation of your measuring device must be supervised or approved by a qualified engineer.

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

Very truly yours,

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



1410-1

McMath, Genny

From: Quissell, Steve
Sent: Tuesday, September 11, 2018 3:27 PM
To: McMath, Genny
Cc: Gronlund, Eric
Subject: Richard Lausser 1410-1

FYI - I was up and did the inspection for 1411-1 and 1411A-1 last week. I asked about Richard Lausser who also used the Lake Creek water. Lausser died in 2000. The water right is still in his name. The property was left to Lausser's nephew John Lausser who evidently lives on the place and may still use the water. No irrigation questionnaires available on the data base for 1410-1.

Steve Quissell
Water Rights Inspector
SD DENR, Water Rights Program
(605) 394-2229
denr.sd.gov



John Lausser
226 Washington St
Spearfish



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 12, 2018

1410-1

John Lausser
226 Washington St
Spearfish SD 57783

Dear Mr. Lausser:

I am contacting you in regard to ownership of land described in Vested Water Right No. 1410-1. The vested water right is currently listed in the name of Richard Lausser (copy enclosed).

Recently one of our staff inspectors was in the area doing field investigations for licensing purposes on permits using water from Lake Creek in Lawrence County. Although Vested Water Right No. 1410-1 is already licensed, it was brought to our attention the ownership records need to be updated. It is our understanding that you now own the land described in the vested water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not own the land and I need to be contacting someone else, please let me know. Thank you in advance for your help in updating the vested right.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

PAID

OCT 01 2018

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

SEP 28 2018

WATER RIGHTS
PROGRAM

Ck# 1603

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1410-1

Date: _____

I/We request that Vested Water Right No. 1410-1

formerly owned by: Richard Lausser

be transferred to: (name & address) JOHN A. LAUSSER & DEBORAH R. HAYES
10378 UPPER REDWATER ROAD
PEARSON SD 57163 Telephone No. 605-717-1397

Title to the following described land(s)/property has been transferred as described above:

54 acres - E 1/2 SE 1/4 Section 10 and W 1/2 SW 1/4 Section 11 all in T7N, R1E, Lawrence County

I/We understand that the validity of Vested Water Right No. 1410-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

JOHN A. LAUSSER

I/We DEBORAH R. HAYES, the new owner, certify that the above information is true and correct.

John A. Lausser
Deborah R. Hayes

(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **October 1**, 20 **18**

Deborah Hayes & John Lausser 226 Washington St Spearfish SD 57783

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
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 1410-1		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08771**

By

Jeanne Goodman
Chief Engineer

7771



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 1, 2018

1410-1

John A Lausser
& Deborah R Hayes
10378 Upper Redwater Rd
Spearfish SD 57783

Dear Mr. Lausser and Ms. Hayes:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Vested Water Right No. 1410-1.

The ownership change has been completed. Vested Water Right No. 1410-1 formerly held by Richard Lausser is now listed in "John A Lausser & Deborah R Hayes".

Enclosed for your records is Receipt No. 08771 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure