

Considered: _____

Vested Right Claim
WATER PERMIT NO. 1411-1

22

MAP No. same

Name of Applicant Ralph Bahn

Post Office Address RR1, Box 196, Spearfish SD 57783

Amount of Water Claimed 1.71 cfs Total Acres 57

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. 9, 1987 Fee \$15.00 Remarks _____

Corrected Application Received _____ Period of Annual Use _____

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

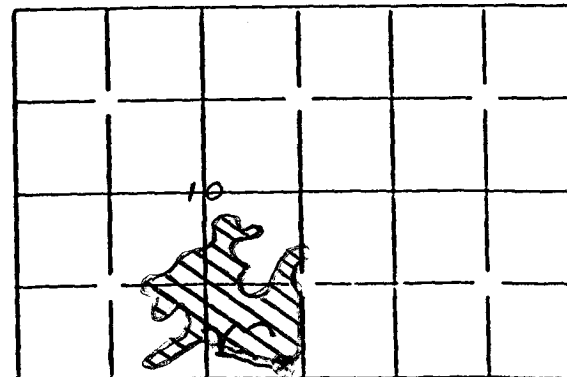
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Lake Creek: SW $\frac{1}{4}$ SE $\frac{1}{4}$

section 10 - T7N-R1E

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

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 September 25, 1987 By Ron Duvall

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1411-1 FOR IRRIGATION

(1) Ralph Bahn
of Rural Route 1, Box 196, Spearfish, South Dakota 57783
made Application No. 1411-1, February 9, 1987
for validation of a vested right claim to appropriate 1.71
cubic feet of water per second from Lake Creek,
Lawrence County, South Dakota for irrigation purposes.
Vested Water Right No. 1411-1 was validated December 2, 1987
with a priority date of August 20, 1886. 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 1.63 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: approximately 1500 feet west, 230 feet north
from the SE Corner Section 10, T7N, R1E

The location of the irrigated acreage is: _____

T7N-R1E Section 10 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.0 Acres _____

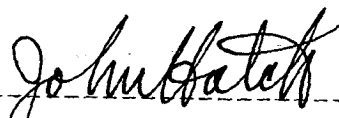
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10.0 Acres _____

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.0 Acres _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 Acres _____

TOTAL 57.0 ACRES _____

(3) Pursuant to Section 46-5-30.1 Ralph Bahn
of RR 1, Box 196, Spearfish, South Dakota 57783
the holder(s) and/or owners(s) of Vested Water Right No. 1411-1
is issued a license to appropriate 1.63 cubic feet of
water per second from Lake Creek with a
priority date of August 20, 1886 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.
1411-1 and subject to South Dakota State Law.



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

APR 29 1988

1411-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Permit No. 1411A-1, Cline & Krambeck

ADDRESS: COUNTY: Lawrence County

DATE: June 19, 2017 TELEPHONE:

RE: Acreage

Water Permit No. 1411A-1 transferred the location of 14.9 acres authorized under Vested Water Right No. 1411-1. The vested water right on file provides a breakdown of the 57 acres that are authorized for irrigation. Based on the maps provided by Mr. Krambeck, I conducted a breakdown of acres irrigated. While the number of acres and the legal location by quarter-quarter section does not change the number of acres in each quarter-quarter is different than what is listed on the vested water right (see attached list). So while 14.9 acres is transferred to the south and into Section 15, T7N, R1E, it is not easy to determine exactly where the transferred acres come from.

I propose for the purpose of logging on the database that the 14.9 acres are transferred from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T7S, R1E since that is clearly where the greatest reduction of acres occurs.

At the time of licensing, Vested Water Right No. 1411-1 and Water Permit No. 1411A-1 can likely be incorporated together and the true acreage breakdown listed.

NAME: Eric Krambeck

CHANGES IN ACRES BASED ON PERMIT NO 1411A-1 TO TRANSFER ACRES

	Under No. 1411-1	Configured under . No. 1411A-1	Change
SECTION 10, T007NR01E			
NE 1/4 NW 1/4	6	4.6	-1.4
SE 1/4 SW 1/4	10	19.2	9.2
NW 1/4 SE 1/4	12	16.6	4.6
SW 1/4 SE 1/4	29	4	-25
SECTION 15, T007NR01E			
NE 1/4 NW 1/4	0	5.7	5.7
NW 1/4 NE 1/4	0	6.9	6.9
TOTAL	57	57	

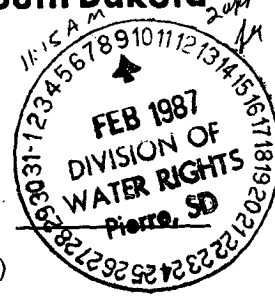
Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 1411-1 Hydrologic Unit 10120203
Map No. same Basin Belle Fourche R.
Newspaper Queen City Mail, Box 7, Spearfish (Wed)
Belle Fourche Daily Post, 10441 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 Ralph Bahn Phone No. 642-2125
Post Office Address RR 1, Box 196 Spearfish, South Dakota State 57783
(Street, RR or Box) City Zip Code
2. Amount of water claimed (c.f.s) 1.71 Total acres irrigated 57.0
3. Source of Water supply Lake Creek
4. Location of point of diversion Approximately 1500 ft W, 230 ft N from SE Corner Section 10,
T7N-R1E
County Lawrence
5. Counties where water will be used Lawrence
6. 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 $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T7N-R1E	6.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10 T7N-R1E	10.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T7N-R1E	12.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 T7N-R1E	29.0

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

Signed Ralph L. Bahn

Subscribed and sworn to before me this 6th day of February 1987

Wright W. Miller

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1411-1

Ralph Bahn
(applicant)

RR1, Box 196, Spearfish
(post office address)

SD
(state)

57783
(zip code)

Date of receipt of Application February 9, 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 August 20, 1886.
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 _____

1.63 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. 31719 have been incorporated into No. 1411-1 and the abandoned portions of Certificate No. 31719 have been cancelled.

Vested Water Right No. 1411-1 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____.

ATTACHMENT A
VESTED WATER RIGHT NO. 1411-1

1. That Vested Water Right No. 1411-1 is subject to domestic use rights. Diversion of water under Water Right No. 1411-1 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 Ralph Bahn Irrigation within one year of validation of Vested Water Right No. 1411-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 9, 1967

RECEIVED OF Edison Mann, Route 1, Box 196, Spearfish, South Dakota 57763

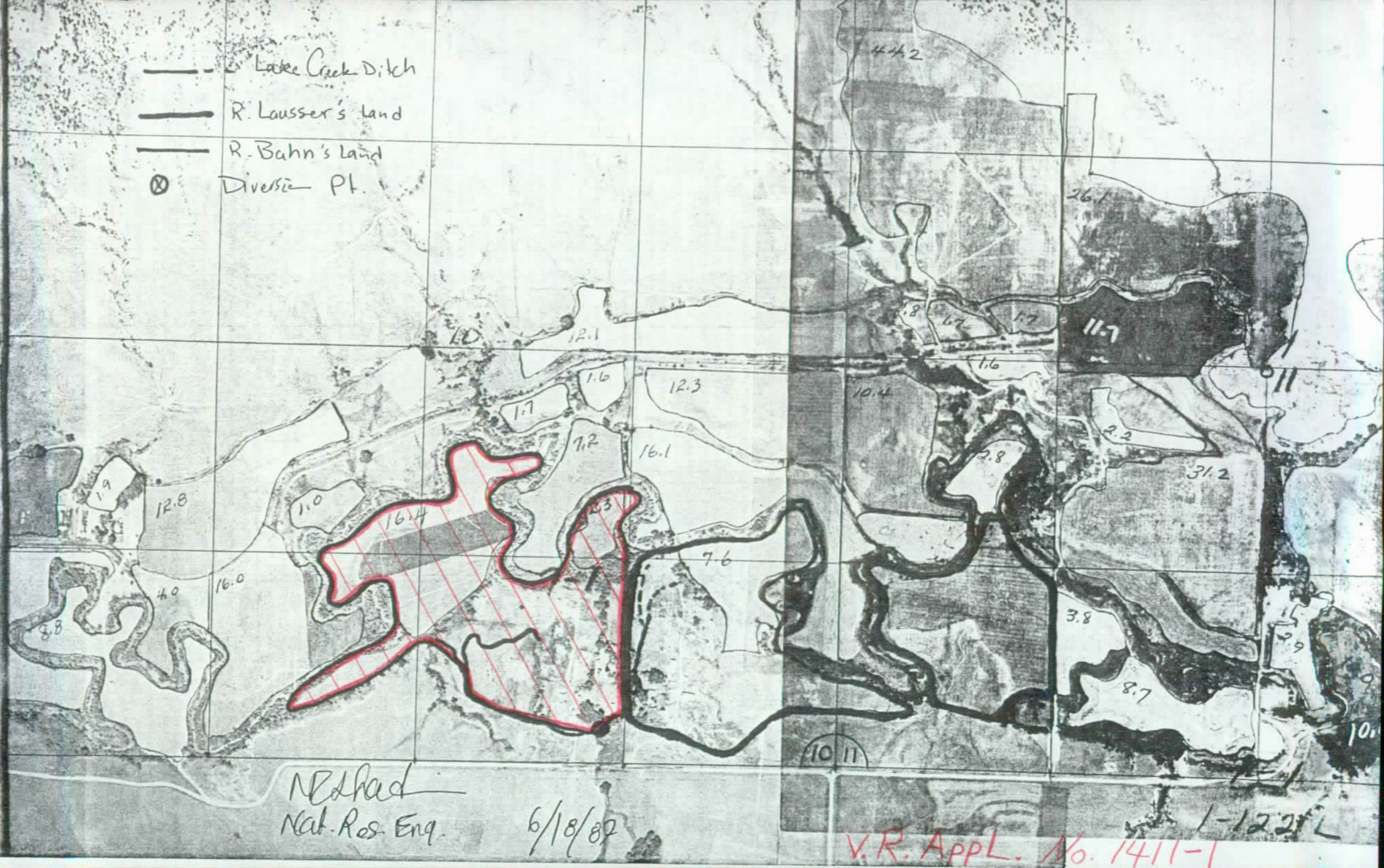
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1411-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	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 _____			
Fee for Filing Extension Request _____			
Fee for Certified Copy of _____			
Fee for Print Copy of Map _____			
Fee for Certifying _____			
Fee for _____			
(Any Other Work Provided by Law)			
Total			

By John Hatch
Chief Engineer JOHN HATCH 15

NOT TO SCALE

- Lake Creek Ditch
- R. Lausser's land
- R. Bahn's land
- ⊗ Diversie Pt.



NE had
Nat. Res. Eng.

6/18/87

V.R. Appl. No. 1411-1

1-122 L

COPY

Subscribed in my person and sworn to before me this 14th of August A.D. 1886.

[Signature]

George J. Janoe.
Notary Public etc.

#31675

Receiver's Receipt
United States

To

John S. Webster
Filed August 13th 1886
at 8 o'clock A.M.
John Baker
Registered of Deeds
By J. E. Baker
Deputy.

No. 1506. Receiver's Office at Deadwood.
August 13th, 1886.

Received from John S. Webster of Lawrence County Dak. Terr. the sum of Two 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) E. 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 McAllen
Filed August 20th 1886
at 2 o'clock P.M.
John Baker
Registered of Deeds
By J. E. Baker
Deputy.

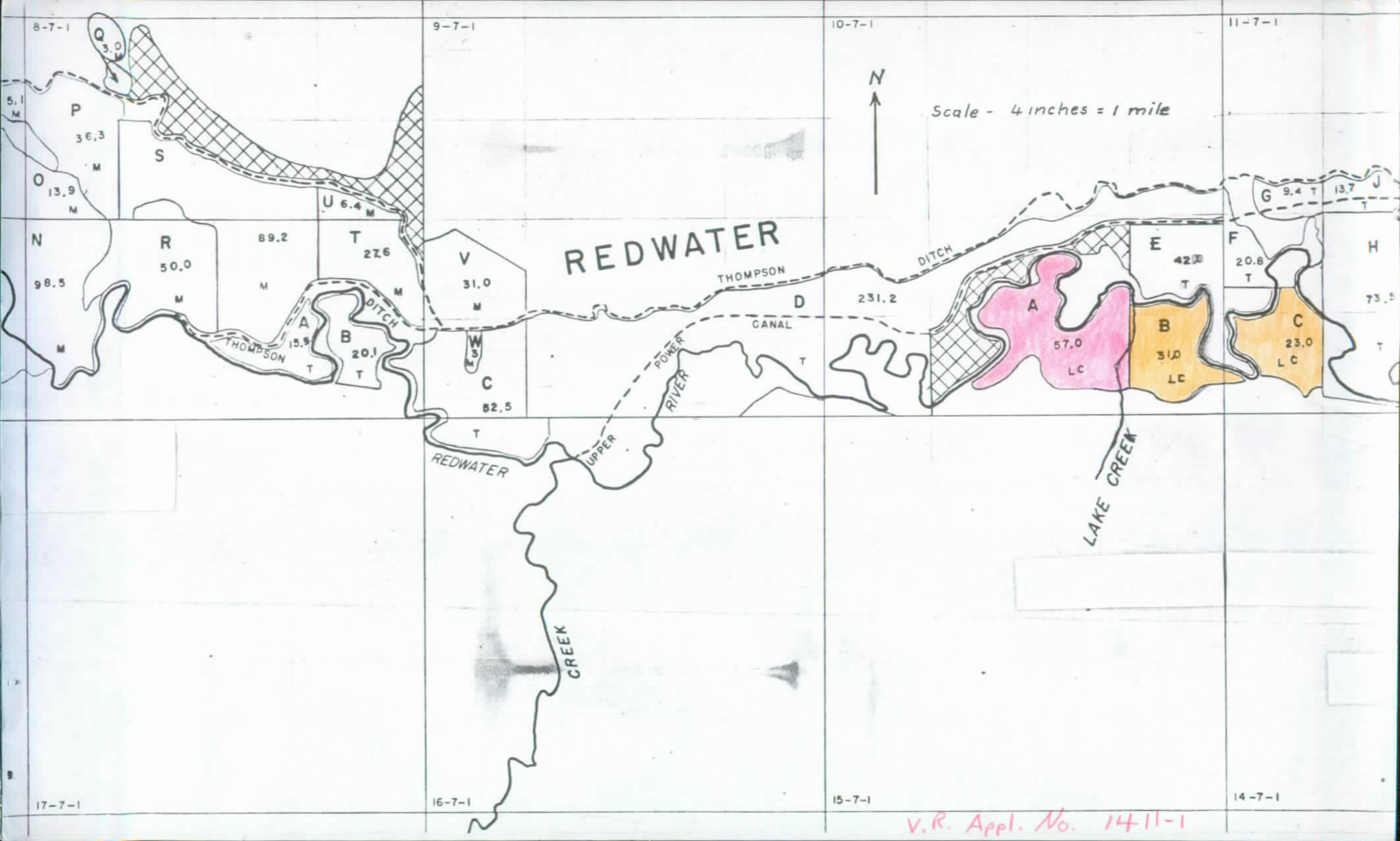
Know all men by these Presents, that the undersigned, James McAllen, a citizen of the United States and Resident of Lawrence County Dakota Territory. Claims by right of location and appropriation, for agricultural, domestic and any other useful and beneficial purposes for which it may or can be applied, all the waters of Lake Creek, being about four hundred inches. Miners Measurement said Lake Creek being a tributary of Red Water Creek. The place where the water is to be diverted from said Lake Creek is on the Rancho of said James McAllen, 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 Lake 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 my said Rancho for any such purposes.

This location is made waiving no rights to said waters and their use acquired by the diversion and use of the same for agricultural and domestic purposes, upon said Rancho by myself and my predecessors ever in interest for many years last past. Location date August 20th 1886

[Signature]

William N. Webster

James McAllen



V.R. Appl. No. 1411-1

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) Ralph Bahn

Post Office Address RR 1, Box 196, Spearfish, South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation N/A Date of Posting August 20, 1886

Date of recording August 20, 1886 Recording date Lawrence County 38 576
Where Book Page

B. Date of start of construction of water supply system 1886C. Date that water was first applied to beneficial use August 20, 1886D. Name of owner of original water supply system James McAleerE. Amount of water originally applied to beneficial use 400 Miner's InchesF. Present Use of Water - Amount of water now being used irrigation 85.5 miners inchesDate that this water was first used August 20, 1886

G. Chronological History of Water Use

To the best of my knowledge the ditch and the diversion point have always been in use without any 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, Ralph L. Bahn the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Ralph L. BahnSubscribed and sworn to before me February 6, 1987W. L. Miller
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.

Billy J Evans Feb 6 1987
(Print name)James Eddy Feb 6 1987
(Print name)

December 14, 1961

Mr. Rodney Ware
RFF 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, ³⁸page 187 of the Register of Deeds office in Lawrence County, ⁶¹⁸South 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

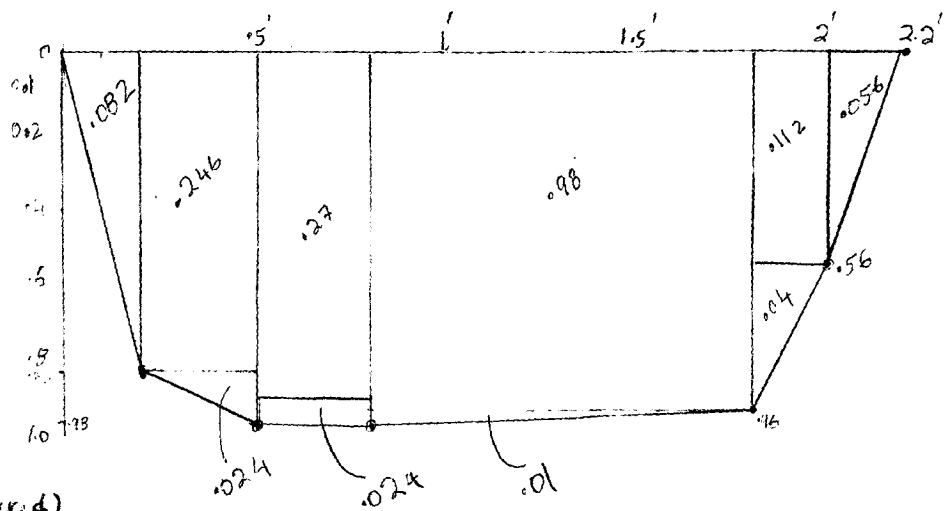
It would be advisable for you to check to see if you can locate additional records that pertain to your irrigation out of Lake Creek. The Water Resources Commission would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as 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



$$Q = V \cdot A$$

$$V = 1.5 \text{ FPS (measured)}$$

$$A = 1.844 \text{ ft}^2$$

$$Q = 2.7 \text{ CFS}$$

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

$$S = 0.0014$$

$$R = \frac{AR^2}{2\pi R} = \frac{R}{2}$$

$$n = 0.012$$

$$V = \frac{1.49}{0.012} \left(\frac{1.25}{2} \right)^{\frac{2}{3}} (0.0014)^{\frac{1}{2}} \Rightarrow V = 124.1667 (0.7309) (0.0374)$$

$$\Rightarrow V = 3.3957 \text{ FPS}$$

$$Q = V \cdot A = 3.3957 \times 1.2272 \Rightarrow$$

Gate Capacity

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

$$Q = 19.1 \text{ CFS}$$

$$C_d = 0.587$$

$$b = 2.2'$$

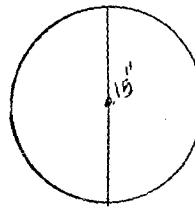
$$H = 2.2'$$

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

$$Q_{\text{Ditch}} = 2.7 \text{ CFS}$$

$$Q_{\text{Culvert}} = 4.16 \text{ CFS}$$

$$Q_{\text{Gate}} = 19.1 \text{ CFS}$$



DIVERSION DITCH SERVICE

NAME OF THE DITCH:

ADDRESS:

DIVERSION POINT: $\frac{1}{4}$ $\frac{1}{4}$ SEC. T N-R E; SOURCE:

MAXIMUM DIVERSION RATE: C.F.S.

ACREAGE SERVED: ACRES

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

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

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.

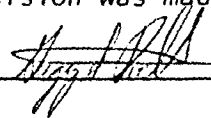
I contacted Mr. Bahn and he said about 1/2 of the creek was going past his diversion point. He also stated that Mr. Lausser had not irrigated from Lake Creek for 3 or 4 years.

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: 

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.

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]

Richard Lausser

Dated

August 16, 1985

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: 1.0 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	

John McAleer



Jim McAleer



?.
?.
.....

Bahn

Mrs. M. Lynch
D.T. Reed



?.
?.
.....

Lausser

* 31719 - 400 miners
inches - Aug 20 1886

#32242 - 200 miners
inches - June 1, 1885

2242



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

WATER RIGHTS DIVISION
(605) 773-3352

Pierre, South Dakota 57501-3181

February 2, 1987

Ralph Bahn
RR 1, Box 196
Spearfish, South Dakota 57783

RE: Lake Creek Ditch

Dear Ralph:

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Rassool Ahadi". The signature is fluid and cursive, with the first name "Rassool" and last name "Ahadi" clearly distinguishable.

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 28, 1987

Ralph Bahn
RR 1, Box 196
Spearfish SD 57783

Dear Mr. Bahn:

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

Please contact us if you have any questions.

Sincerely,



RON DUVALL
Water Resources Engineer
605 773-3352

WATER RIGHTS DIVISION
(605) 773-3352

October 2, 1987

Ralph Bahn
RR 1, Box 196
Spearfish, South Dakota 57783

Dear Mr. Bahn:

Enclosed you will find copies of your application to validate your Vested Right Claim as you requested.

Please feel free to contact me if you have any questions.

Sincerely,



Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1411-1, Ralph Bahn

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. 1411-1, Ralph Bahn, Rr 21, Box 196, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1411-1 for 1.63 cfs and that the applicable portions of Location Certificate No. 31719 have been incorporated into No. 1411-1 and the abandoned portions of Certificate No. 31719 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of August 20, 1886, 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. 1411-1 is subject to domestic use rights. Diversion of water under Water Right No. 1411-1 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 Ralph Bahn Irrigation within one year of validation of Vested Water Right No. 1411-1. 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, 1987

Report on the Ralph Bahn's Claim (Lake Creek)
Vested Water Right Application No. 1411-1
October 16, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Ralph Bahn has filed an application to validate a vested right claim. The application claims 1.71 cfs of Lake Creek water, a tributary of Redwater River, to irrigate 57 acres in Section 10, T7N-R1E, in Lawrence County. The diversion point is located in the SW1/4 SE1/4 Section 10, T7N-R1E.

Document Search

The following document was found pertaining to the Ralph Bahn's Claim:

- 1) Location Certificate No. 31719 which was signed by James McAleer, was located August 20, 1886, and filed August 20, 1886, to claim a diversion rate of 400 miner's inches. This certificate is recorded in Book 38, Page 576, Register of Deeds, Lawrence County.

Discussion

The Water Resources Commission investigated the Bahn Claim in the early 1960's. At that time, 57 acres were mapped as being irrigated from Lake Creek as is claimed.

Recent investigations by Water Rights Division engineers have found that 57 acres are being irrigated by Ralph Bahn. The ditch capacity is 2.7 cfs, and the headgate is capable of diverting the quantity of water claimed.

To determine the amount of water needed to irrigate 57 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 irrigate 70 acres, 0.81 cfs of water will be used to irrigate 57 acres. Considering the efficiency of flood irrigation in this area, which according to SCS is 50% for this area, the diversion rate required will be 1.63 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 in July. Assuming the crops need 3.0 feet of water every irrigation season, a total of 171 acre-feet of water is needed for the season, from which 49.2 acre-feet or 0.8 cfs will be used in the Month of July. Considering a 50% loss due to the system, the total diversion rate required will be 1.6 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 needed to irrigate the land under the Ralph Bahn Claim would be 1.63 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 1.63 cfs.
- 3) It is recommended that the Vested Water Right Claim for Ralph Bahn be validated for a diversion rate of 1.63 cfs to irrigate 57 acres as described in Application No. 1411-1 with a priority date of August 20, 1886.
- 4) It is recommended that if Vested Water Right Application No. 1411-1 is validated, the applicable portions of Location Certificate No. 31719 be incorporated into No. 1411-1, and that the abandoned portions of Location Certificate No. 31719 be cancelled.



Rassool Ahadi
Natural Resources Engineer

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.

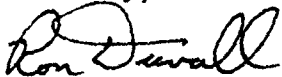
Ralph Bahn
RR 1, Box 196
Spearfish SD 57783

Dear Mr. Bahn:

Your Application No. 1411-1 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



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. 1411-1. 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 Ralph Bahn, RR 1, Box 196, 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

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1411-1. 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 Ralph Bahn, RR 1, Box 196, 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

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. 1411-1 to Appropriate Water

Notice is hereby given that Ralph Bahn whose mailing address is RR 1, Box 196, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 1.71 cubic feet of water per second from Lake Creek to irrigate 57 acres with a claimed priority date of August 20, 1886. The point of diversion from Lake Creek is located in the SW 1/4 SE 1/4 Section 10, T7N, R1E. The irrigated acreage is located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10, T7N, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1411-1 for 1.63 cfs and that the applicable portions of Certificate No. 31719 be incorporated into No. 1411-1 and that the abandoned portions of Certificate No. 31719 be cancelled, because 1) water has been appropriated as described for irrigation with a priority date of August 20, 1886, 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. 1411-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Succi 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 Succi
(Signature)

Editor
(Title)

November 11, 1987
(Date Signed)

Cost of Printing: \$41.74

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1411-1

to Appropriate Water

Notice is hereby given that
Ralph Bahn whose mailing
address is RR1, Box 196,
Spearfish, South Dakota has
filed an application to validate a
vested right claim to appropri-
ate 1.71 cubic feet of water per
second (cfs) from Lake Creek to
irrigate 57 acres with a claimed
priority date of August 20, 1886.
The point of diversion from
Lake Creek is located in the SW
1/4 SE 1/4 Section 10, T7N, R1E.
The irrigated acreage is located
in the E 1/2 SW 1/4, W 1/2 SE
1/4 Section 10, T7N, R1E.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the Water
Rights Division recommends
VALIDATION of Vested Water
Right Application No. 1411-1
for 1.63 cfs and that the appli-
cable portions of Certificate No.
31719 be incorporated into No.
1411-1 and that the abandoned
portions of Certificate No.
31719 be cancelled because 1)
water has been appropriated as
described for irrigation with a
priority date of August 20, 1886,
2) the use has been developed
without unlawful impairment
of existing rights, 3) it is a bene-
ficial use of water and 4) it is in
the public interest.

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

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



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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No. 1411-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby

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

Water was taken from the Queen City Mail

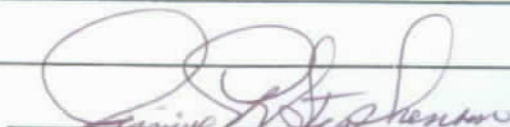
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of Spearfish

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

November 4th, 1987

November 11th, 1987


(Signature)

Publisher
(Title)

11-11-87
(Date Signed)



Cost of Printing: _____

107 lines x .2564 = 27.43

107 lines x .2051 = 21.94

Total = 49.37

NOTICE OF HEARING
To Validate Vested
Right Application
No. 1411-1 to
Appropriate Water

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Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1411-1 for 1.63 cfs and that the applicable portions of Certificate No. 31719 be incorporated into No. 1411-1 and that the abandoned portions of Certificate No. 31719 be cancelled, because 1) water has been appropriated as described for irrigation with a priority date of August 20, 1886, 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 ARSD 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-1 thru 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.

Nov 4, 11



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



IN REPLY
REFER TO: MB-450
870.

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

NOV 19 1987

Dear Mr. Hatch:

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

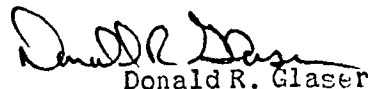
We concur with the Chief Engineer's recommendations regarding the diversion rates for the applications listed above and would object to increases in the diversion rates above those recommended by the Chief Engineer. The Bureau of Reclamation (Bureau) is the owner of water rights for the Belle Fourche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

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

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

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

Sincerely yours,


Donald R. Glaser

For B. E. Martin
Regional Director

Enclosure

Identical letters sent to attached listing

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

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

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

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

Mr. Albert Jeffery
RR 1
Spearfish, SD 57783

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

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

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

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

Mr. James Chenowith
Box 248
Woodrow, CO 80757

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

Mr. Melvin Delzer
Box 1045
Spearfish, SD 57783

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

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

Mr. William Lambert
Box 335
Beulah, WY 82712

Mr. Josef Meier
421 Meier Street
Spearfish, SD 57783

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

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

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

November 20, 1987

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



Dear Mr. Hatch:

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ron Koth'.

Ron Koth
Water Permits Coordinator

RK/ld

**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. 1411-1 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,

Richard J. Beringson
Secretary

RJB/ld

cc: Ralph Bahn

November 25, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1411-1, Ralph Bahn

For:

Ralph Bahn
RRL, Box 196
Spearfish SD 57783

Interested:

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

Against:

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

Bruce Laymon
U.S. Bureau of Reclamation
PO Box 226
Newell SD 57760

 **Department of
Water & Natural Resources**

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

APR 29 1988

Ralph Bahn
RR 1, Box 196
Spearfish, South Dakota 57783

Dear Mr. Bahn:

Enclosed are your Validated Vested Water Right and Water License No. 1411-1 .
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,



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

JH:ms

enclosures

Equal Opportunity Employer

**Department of
Water & Natural Resources**

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

January 9, 1989

Lake Creek Ditches
c/o R. Bahn
RR 1, Box 196
Spearfish SD 57783

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1411-1

Dear Mr. Bahn:

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



STATE		PROJECT Ralph Bahn		
BY C Steele	DATE 1-23-89	CHECKED BY T. Verhelst	DATE 1/27/89	JOB NO.
SUBJECT Sharp-crested Rectangular Weir				SHEET _____ OF _____

Dimensions:

Design flow of $Q = 1.63$ cfs

$L = 1.5'$ $H = .49'$

Complete end contraction achieved when bottom of channel of approach is at least $2H$ below crest of the weir and the ends of the weir are no closer than $2H$ to the sides of the channel.

$$2H = 2(.49') = .98'$$

$$\text{Total width} = 1.5' + .98' + .98' = 3.5'$$

Calculate point to measure Head (should be at least $2.5H$ upstream.)

$$4H = 1.96'$$

El. of bottom of ditch 97.9

Crest of weir $98.0 + .98 = 99.0$

Height of flow $99.0 + .49' = 99.5$

Allow .5' free board - $99.5 + .5 = 100.0$ Top of ditch

Maximum Discharge

$$\begin{aligned} Q &= 3.33 H^{3/2} (L - 0.2H) \\ &= 3.33 (1.0)^{3/2} (1.5 - 0.2(1.0)) \\ &= \underline{\underline{4.33 \text{ cfs}}} \end{aligned}$$

$$C_w = \frac{\sum L_H + 3 \sum L_V}{3H}$$

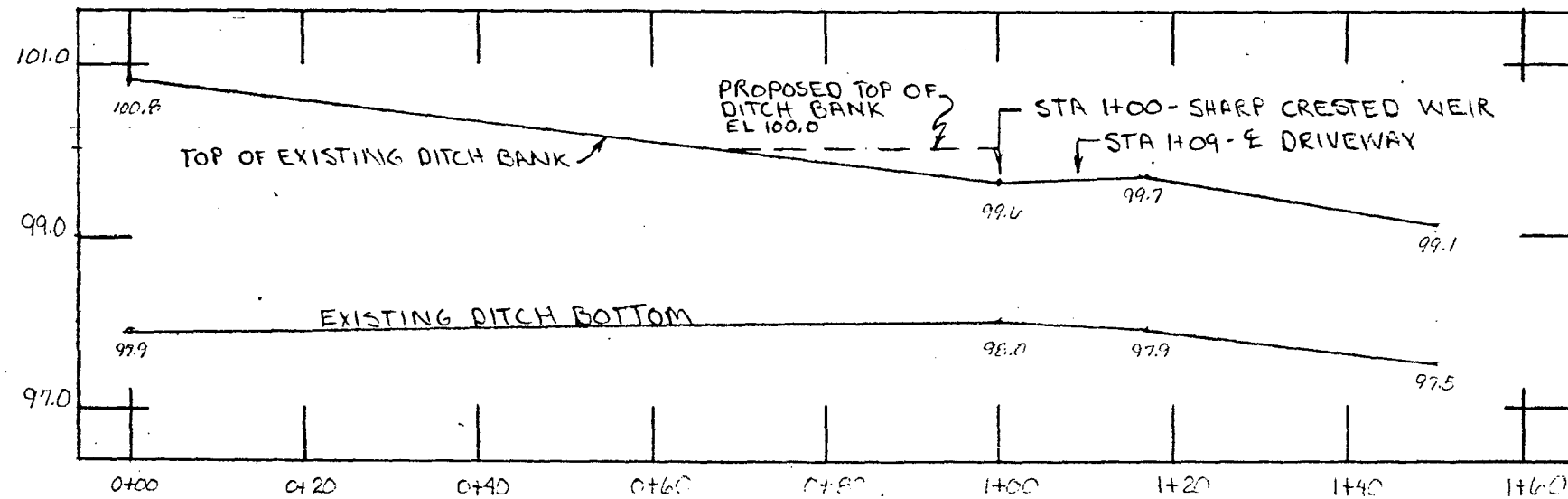
$$\sum L_V = 2(t_1)$$

$$t_1 = 3.23/2 = 1.62'$$

$$\begin{aligned} \sum L_V &= C_w H - 1/3 \sum L_H \\ &= 23(1.5) - 1/3(.67) \\ &= 3.23 \end{aligned}$$

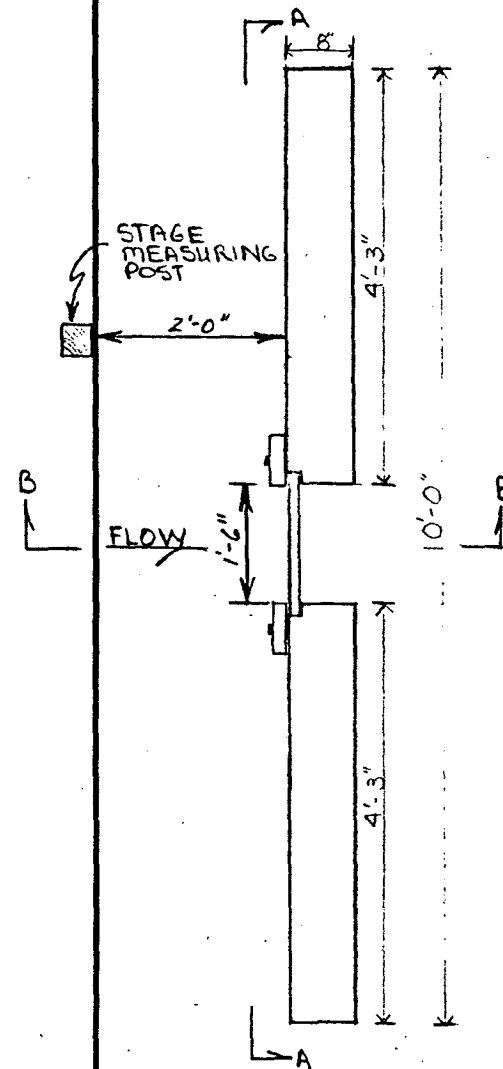
WEIR
DISCHARGE

H (FEET)	Q (CFS)
0.1	.156
0.2	.435
0.3	.788
0.4	1.20
0.5	1.65
0.6	2.14
0.7	2.65
0.8	3.19
0.9	3.75
1.0	4.33



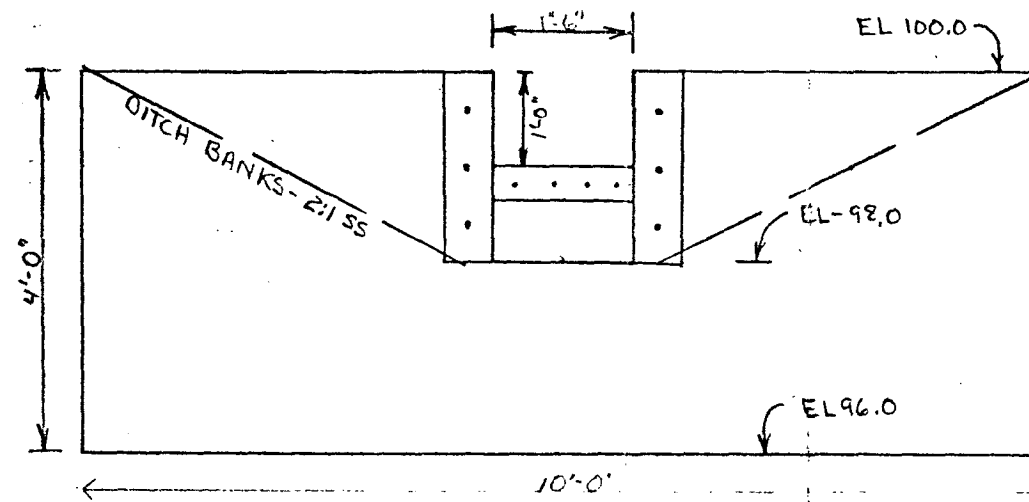
PROFILE & DITCH

SCALE: Vert. 1" = 2'; Horiz. 1" = 20'



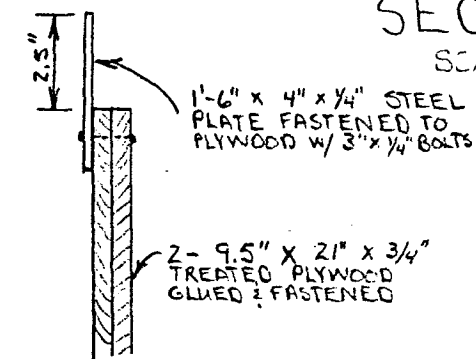
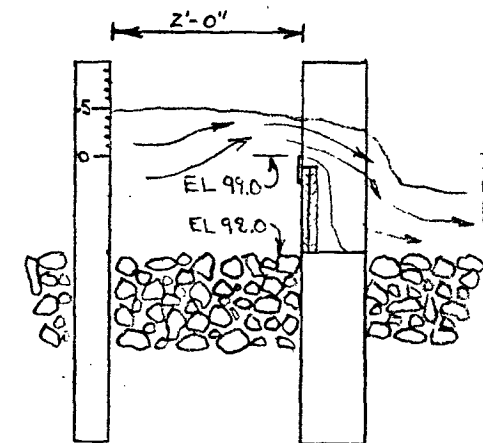
PLAN VIEW

SCALE: 1" = 2'-0"



SECTION A-A

SCALE: 1" = 2'-0"

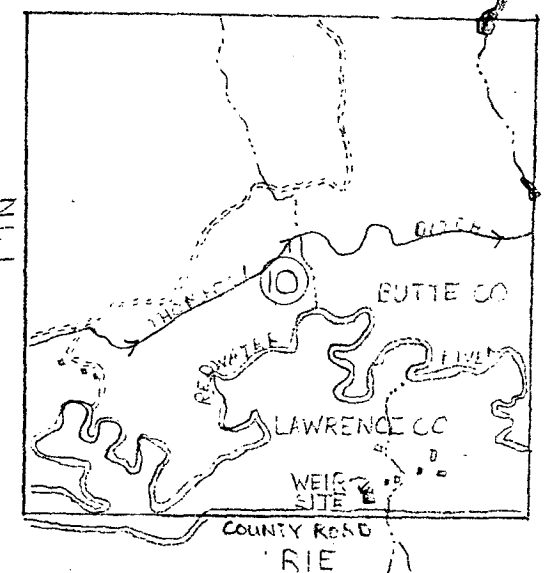
WEIR DETAIL
(NO SCALE)

SECTION B-B

SCALE: 1" = 2'-0"

LOCATION MAP

SCALE: 1" = 2000'



- NOTE: 1) DITCH BANKS & BOTTOM NEEDS ROCK PROTECTION
2' UPSTREAM & 4' DOWNSTREAM FROM WEIR
2) DITCH BANK UPSTREAM FROM WEIR NEEDS
TO BE RAISED TO EL 100.0

RALPH BAHN
SHARP-CRESTED WEIR
SECIO T7N-R1E LAWRENCE CO

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>T. VERHEIJ</u>	Date <u>1/89</u>	Approved by <u>Thomas O. Verheij</u>
Drawn <u>C. Steele</u>	Title <u>1-18-89</u>	Title <u>Eng. Engineer</u>
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. <u>1</u>	of _____



Department of Water & Natural Resources

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

March 7, 1989

Ralph Bahn
RR 1, Box 196
Spearfish S.D. 57783

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

Dear Mr. Bahn:

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 the flow in your part of the Lake Creek Ditch. The plan proposes to use a sharp crested weir with a lenght of 1.5 feet. The plans and specifications are approved as submitted. Please note that the recommendations of the Soil Conservation Service, regarding the preparation of the ditch bottom, prior to the installation of the measuring device, must be followed.

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

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

1411-1

1411-1

RECEIVED
MAR 23 2017
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

Water Right/Permit No.

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

Date:

I understand that the validity of Water Right/Permit No. 1411-1

has not been determined by this

transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

Mail to: PMB 2020

For assistance call (605) 773-3352

I/We request that Water Right/Permit No. 1411-1

formerly owned by: RALPH BAHN

be transferred to: BARB Cline, Ron Cline, Clint Krambeck, RANDI Krambeck

New Owner Name: Ron & BARB Cline, Clint & Randi Krambeck

Address: 10340 Upper Redwater Road

City, State, Zip Spearfish, SD 57783

Telephone No. 605-641-0435

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

I, BARB & Ron Cline, Clint & Randi Krambeck

, the new owner, certify that the above information

is true and correct.

Clint Km, Randi Hamrick

(signed by new owner)

Barbara K. Cline

NOTE:

~~Barbara K. Cline~~

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.

2009-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3-23, 20 17

RECEIVED OF Barbara Cline, 10366 Upper Redwater Rd, Spearfish SD 57783

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 <u>Water Right No. 1411-1</u>		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **08204**

By Jeanne Goodman
Chief Engineer
(145)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 12, 2017

1411-1

Clint & Randi Krambeck
10340 Upper Redwater Rd
Spearfish SD 57783

Dear Mr. & Mrs. Krambeck:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for Vested Water Right No. 1411-1. According to the transfer form, No. 1411-1 will be transferred to "Barb & Ron Cline and Clint & Randi Krambeck".

In reviewing the transfer form, I noticed it did not include a legal description of the acreage to be transferred. The vested right (copy enclosed) covers 57 acres in the E ½ SW ¼ and W ½ SE ¼ Section 10, T7N, R1E.

Enclosed is partially completed transfer form. Please review the copy of the vested right enclosed and list all acreage you now own on the form. **The filing fee has already been paid and no additional fee is needed.**

Once you have completed the form, please return it to us in the enclosed postage paid envelope. If you have any questions, please contact me.

Sincerely,

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

enclosures: transfer form and postage paid envelope

RECEIVED

MAY - 2 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1411-1

Date: 4/17/17

I/We request that Vested Water Right No. 1411-1

formerly owned by: Ralph Bahn

be transferred to: (name & address) Barb & Ron Cline and Clint & Randi Krambeck
10340 Upper Redwater Rd, Spearfish SD 57783

Telephone No. 605 641-0435

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

57 ACRES in the E 1/2 S 1/4 and W 1/2 SE 1/4 Section 10, T7N,
R1E

I/We understand that the validity of Vested Water Right No. 1411-1 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.

Clint Krambeck, Randi Krambeck

I/We Barb Cline, the new owner, certify that the above information is true and correct.

Clint Krambeck, Randi Krambeck
Barb Cline, Ron Cline
(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 3, 2017

1411-1

Clint & Randi Krambeck
10340 Upper Redwater Rd
Spearfish SD 57783

Barb & Ron Cline
10366 Upper Redwater Rd
Spearfish SD 57783

Dear Mr. & Mrs. Krambeck and Mr. & Mrs. Cline:

The updated transfer form has been received and the ownership change for Vested Water Right No. 1411-1 completed.

Vested Water Right No. 1411-1, formerly held by Ralph Bahn is now listed under "Barb & Ron Cline and Clint & Randi Krambeck".

The receipt for the \$50 filing fee is being included with the letter for Barb and Ron Cline. If you have any questions, please contact me.

Sincerely,

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