

Considered: \_\_\_\_\_

WATER PERMIT NO. 1414A-1

MAP No. same 642-7064

Name of Applicant Chicken Creek Irrigation c/o Roland Bryan

Post Office Address RRI, Box 187, Spearfish SD 57783

Amount of Water Claimed no add'l Total Acres 106.7 (see 1414-1)

Source of Water Supply Chicken Creek

Water to be used for irrigation County Lawrence

About 6 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 July 26, 1989 Fee \$50<sup>00</sup> Remarks appl is to change diversion point location

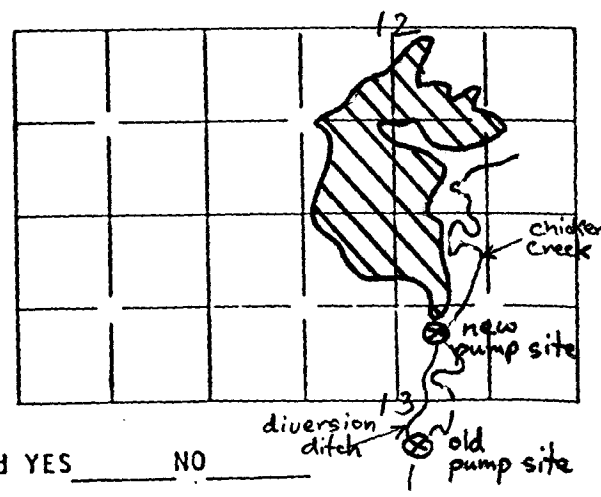
Corrected Application Received \_\_\_\_\_ Period of Annual Use Apr 1 - Oct 31

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

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point Chicken Creek: SW 1/4 NE 1/4 section 13 - T7N - R1E

Land to be Irrigated same as V.R. No. 1414-1

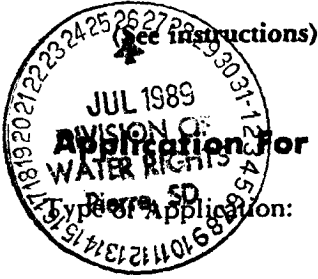


Well Log: Driller NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Rassool Ahadi Reviewed and the Number assigned on August 9, 1989 By Ron [signature]

No. 1414A-1 Hydrologic Unit 10120203  
Basin Belle Fourche River  
Newspaper Queen City Mail, Box 7, Spearfish  
Daily, Tues/Sat, 5783



**Application For Soil/Water Compatibility Permit and Permit To Appropriate Water**

Type of Application:  New  Vested Right  Amend  Vested Right  
 Change Acreage  Change diversion point(s)  Add diversion point(s)  
 Add Acreage  Increase diversion rate  Other \_\_\_\_\_  
 Vested Right No. 1414-1

1. Name of Applicant Chicken Creek Irrigation c/o Roland Bryan Phone No. 642-7064

Post Office Address RR #1 Box 187 Spearfish State SD 57783  
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 3.0 Total acres irrigated 1106.7

3. Source of Water supply Chicken Creek

4. Location of point of diversion SW 1/4 NE 1/4 Section 13 T7N-R1E

County Lawrence

5. Counties where water will be used Lawrence

6. Annual period during which water is to be used April 1 - October 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.	Land Description	No. Acres Irr.
NE 1/4 NW 1/4 Sec 13-T7N-R1E	18.0	SW 1/4 SE 1/4 Sec 12-T7N-R1E	15.2
NW 1/4 NE 1/4 " "	14.0	NW 1/4 SE 1/4 " "	13.0
NE 1/4 SW 1/4 Sec 12-T7N-R1E	13.0	SE 1/4 SE 1/4 " "	1.0
SE 1/4 SW 1/4 " "	32.5		

Attach sheet if more space is needed

8. Type of Irrigation: Gravity:  Towline: \_\_\_\_\_ Center Pivot: \_\_\_\_\_ Gun: \_\_\_\_\_ Other: \_\_\_\_\_ (Specify)

9. Crops to be Irrigated: \_\_\_\_\_

10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change location of the diversion point from the NW 1/4 SE 1/4 Section 13 to the NW 1/4 NE 1/4 Section 13-T7N-R1E.

See Vested Right No. 1414-1.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA  
County of Lawrence)<sup>ss</sup>

I, Roland P. Bryan, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Roland P. Bryan Jr.

Subscribed and sworn to before me this 19 day of July 1989

RUTH LOEWEL, Notary Public  
My Commission Expires November 21, 1990.

Ruth Loewel  
Notary Public

**SOUTH DAKOTA  
WATER PERMIT No. 1414A-1 FOR IRRIGATION**

Date of first receipt of application July 26, 1989.

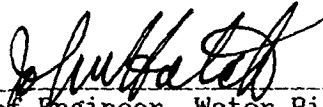
The Water Management Board approved Water Permit Application No. 1414A-1 on September 28, 1989 for Chicken Creek Irrigation c/o Roland Bryan, RR 1, Box 187, Spearfish SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1414A-1 changes the location of the Chicken Creek diversion point used to irrigate 106.7 acres as authorized by Vested Water Right No. 1414-1. Vested Right No. 1414-1 has priority dates of May 15, 1878 and November 1, 1901 to appropriate 3.00 cubic feet of water per second to irrigate 106.7 acres. This permit allows the Chicken Creek diversion point to be relocated from the NW1/4 SE1/4 to the SW1/4 NE1/4; both in section 13-T7N-R1E to irrigate the 106.7 acres located in the NE1/4 NW1/4, NW1/4 NE1/4 section 13; E1/2 SW1/4, W1/2 SE1/4, SE1/4 SE1/4 section 12; all in T7N-R1E. No increase in acreage or water appropriation is authorized by this permit.
2. The amount of the appropriation may not exceed 3 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is May 15, 1878 (2.0 cfs) and November 1, 1901 (1.0 cfs).
4. One-fifth of the construction is to be completed on or before March 28, 1992.
5. All construction is to be completed on or before September 28, 1994.
6. Water is to be put to beneficial use on or before September 28, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

DEC 26 1989  
(date)

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

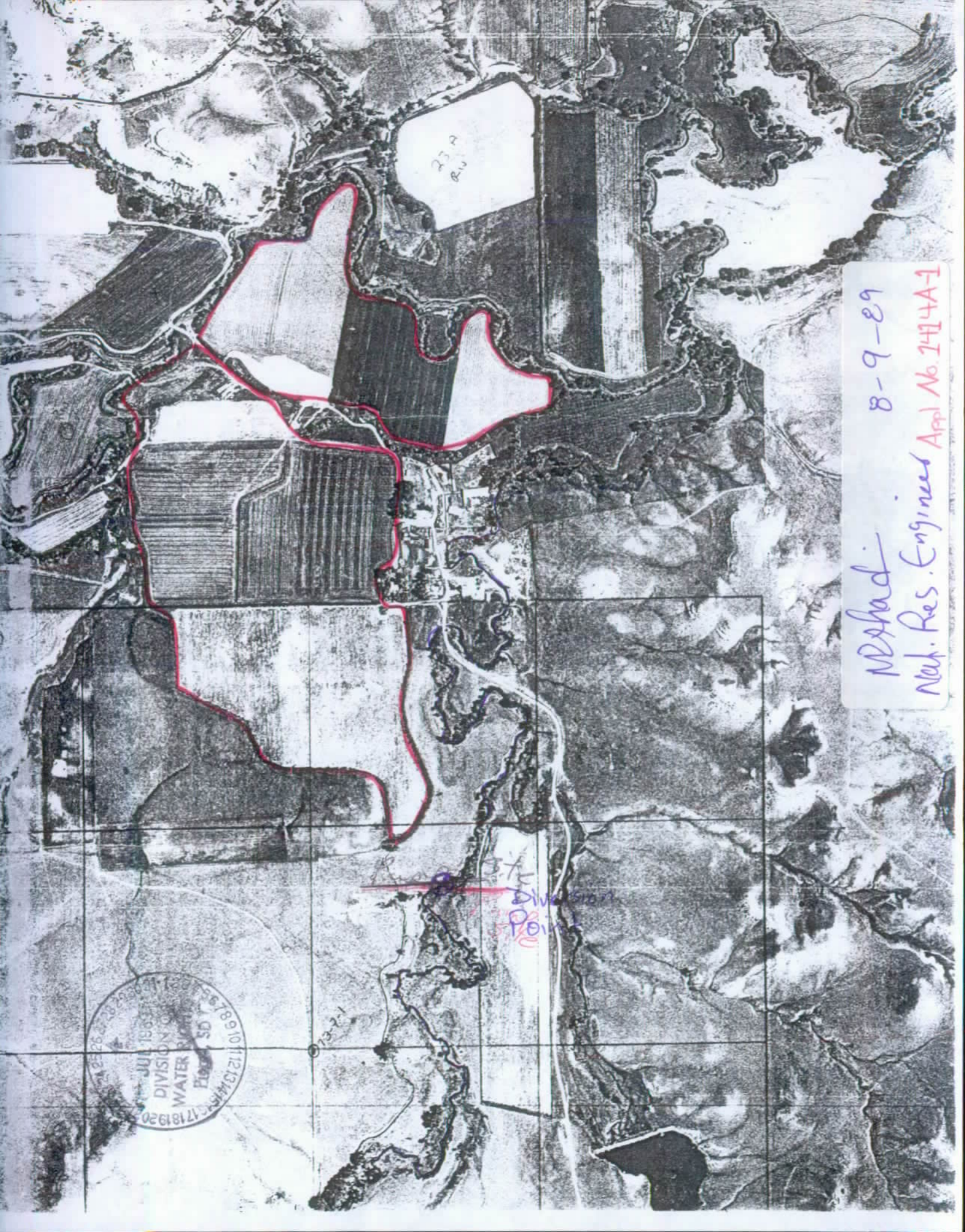
Pierre, July 26, 19 89

RECEIVED OF Roland P. Bryan, Jr., RR #1 Box 187, Spearfish, SD 57733

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

Fee for Application for Permit No. <u>414A-1</u> to Appropriate Water, to construct works 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 _____		
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)	<b>Total</b>	50 00

By John Hatch (mra)  
Chief Engineer  
John Hatch/mra



23  
24

Mohad 8-9-89  
Neph. Res. Engineer Appl. No. 7414A-1

JUL 1989  
DIVISION OF  
WATER RIGHTS  
Flood SD  
17181920  
11121314151617181920  
212223242526272829

Division  
Point

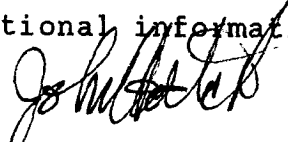
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1414A-1, Chicken Creek Irrigation

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 Water Permit Application No. 1414A-1, Chicken Creek Irrigation, c/o Roland Bryan, RR #1 Box 187, Spearfish, SD.

The Chief Engineer is recommending APPROVAL of Application No. 1414A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
August 15, 1989

Report on Application No. 1414A-1  
Roland Bryan  
August 9, 1989

Background

Application No. 1414A-1 requests a change in the location of the diversion point from the NW1/4 SE1/4 to the SW1/3 NE1/4 Section 13, T7N-R1E, in Lawrence County.

Discussion

Vested Right No. 1414-1 was validated at the December 2, 1987, Water Management Board meeting. VR No. 1414-1 authorizes appropriation of 2.0 cubic feet of water per second with a priority date of May 15, 1878, and 1.0 cubic foot per second with a priority date of November 1, 1901, from Chicken Creek, a tributary of the Redwater River. The water is used to irrigate 106.7 acres in Sections 12 and 13, T7N-R1E, in Lawrence County. The reason for changing location of the diversion point is the cost of ditch maintenance. No additional water or acreage is requested. For more information see Report on Vested Right Claim Application No. 1414-1 dated October 9, 1987.

Conclusions and Recommendations

1. According to the "Affidavit of Water Use" submitted with the Application No. 1414-1, water has been put to beneficial use since the irrigation system was constructed.
2. No other irrigator uses water from Chicken Creek for irrigation or domestic use except the applicant.
3. Approval of this application will have no adverse affect on any other area water rights.
4. It is recommended that the Application No. 1414A-1 be approved with the Irrigation Questionnaire qualification.

*Rassool Ahadi /KS*

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

Approved by:

*James E. Winterton*

JAMES E. WINTERTON, P.E.  
Natural Resources Engineer IV  
(605)773-3352



# Department of Water & Natural Resources

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

August 16, 1989

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

Roland P. Bryan  
Chicken Creeek Irrigation  
RR #1 Box 187  
Spearfish, SD 57783

Dear Mr. Bryan:

Water Permit Application No. 1414A-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Queen City Mail printed at Spearfish SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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

August 16, 1989

Queen City Mail  
Box 7  
Spearfish, SD 57783

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1414A-1 to be published twice. Please publish the first notice on or before August 23, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Chicken Creek Irrigation c/o Roland Bryan, RR #1 Box 187, Spearfish, SD 57783.

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

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

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



Instruction to Newspaper - Publish first Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING on Application No. 1414A-1 to  
Amend Vested Water Right No. 1414-1

Notice is given that Chicken Creek Irrigation c/o Roland Bryan RR #1, Box 187, Spearfish, SD 57783 has filed an application for a water permit to change the location of the Chicken Creek diversion point used to irrigate 106.7 acres authorized for irrigation by Vested Water Right No. 1414-1. Vested Right No. 1414-1 has a May 15, 1878 and a November 1, 1901 priority date to appropriate 3.00 cubic feet of water per second from Chicken Creek to irrigate 106.7 acres located in the NE1/4 NW1/4, NW1/4 NE1/4 Section 13; E1/2 SW1/4, W1/2 SE1/4, SE1/4 SE1/4 Section 12; all in T7N-R1E. This application is to change the Chicken Creek diversion point from the NW1/4 SE1/4 to the SW1/4 NE1/4; all in Section 13-T7N-R1E. No increase in acreage irrigated or water appropriated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1414A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to 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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

# Affidavit of Publication

STATE OF SOUTH DAKOTA }  
COUNTY OF LAWRENCE }

SS.



## NOTICE OF HEARING on Application No. 1414A-1 to Amend Vested Water Right No. 1414-1

Notice is given that Chicken Creek Irrigation c/o Roland Bryan RR #1, Box 187, Spearfish, SD 57783 has filed an application for a water permit to change the location of the Chicken Creek diversion point used to irrigate 106.7 acres authorized for irrigation by Vested Water Right No. 1414-1. Vested Right No. 1414-1 has a May 15, 1878 and a November 1, 1901 priority date to appropriate 3.00 cubic feet of water per second from Chicken Creek to irrigate 106.7 acres located in the NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 13; E1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 12; all in T7N-R1E. This application is to change the Chicken Creek diversion point from the NW 1/4 SE 1/4 to the SW 1/4 NE 1/4 all in Section 13-T7N-R1E. No increase in acreage irrigated or water appropriated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1414A-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a

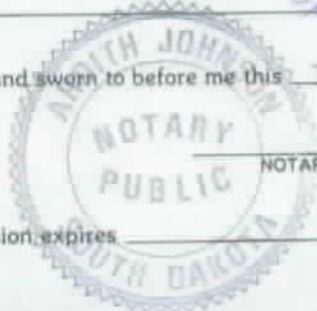
Bill T. Masterson, Jr. of said County and State being first  
duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper  
of general circulation, printed and published in the City of Spearfish, in said County and  
State by Bill Kunerth, and has been such a newspaper during the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

S-530 NOTICE OF HEARING ON APPLICATION NO. 1414A-1  
to Amend Vested Water Right No. 1414-1

a printed copy of which is hereto attached, was printed and published in said newspaper for  
two successive and consecutive weeks, the first  
publication being made on the 23rd day of August, 19 89,  
and the last publication on the 30th day of August, 19 89,  
that the full amount of fees charged for publishing same, to-wit: The sum of \$ 44.32  
inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or  
understanding for a division thereof has been made with any person and that no part thereof  
has been agreed to be paid to any other person whomsoever.

*[Signature]*

Subscribed and sworn to before me this 30th day of August, 19 89



NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA  
My Commission Expires 10-24-1998

My commission expires \_\_\_\_\_





# Department of Water & Natural Resources

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

DEC 26 1989

Chicken Creek Irrigation  
c/o Roland Bryan  
RR 1, Box 187  
Spearfish SD 57783

Dear Mr. Bryan:

Enclosed is Water Permit No. 1414A-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive style with a large, prominent "J" and "H".

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

enclosures

**PLEASE NOTE:** Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

1414A-1



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 9, 1998

**NOTICE**

TO: ROLAND BRYAN, RR 1 BOX 187, SPEARFISH, SD 57783  
FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1414A-1, 514-1. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 514-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1414A-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1414A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 514-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner 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 the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROLAND BRYAN  
 RR 1 BOX 187  
 SPEARFISH SD 57783

4a. Article Number  
 2179 157 133

4b. Service Type

Registered  Certified

Express Mail  Insured

Return Receipt for Merchandise  COD

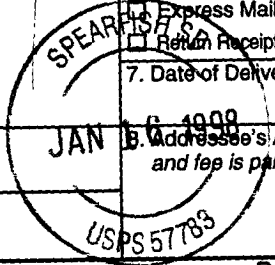
7. Date of Delivery  
 JAN 6 1999

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Roland Bryan*



Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 22, 1998

1414A-1  
514-1

Roland Bryan  
RR 1 Box 187  
Spearfish, SD 57783

Dear Mr. Bryan:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 1414A-1 and 514-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

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

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

July 13, 1989

Chicken Creek Irrigation  
c/o Roland Bryan  
RT 1  
Spearfish, SD 57783

RE: Change Location of the Diversion Point, VR# 1414-1.

Dear Mr. Bryan:

As you requested, enclosed you will find application forms to change location of your diversion point. Please plot location of your diversion point on the enclosed aerial photo. The application forms must be signed and notarized. Please review the forms for accuracy before you sign them.

Enclosed you will also find a copy of the map you requested. The acreage on the map is the original one. The license is for the acreage I corrected in red.

Please return the application forms and the aerial photo to this office with \$50.00 filing fee.

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

Sincerely,



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

enclosure:



**Water Rights Program  
File Documentation**

NAME OF PERSON OR FILE: Roland Bryan

ADDRESS: RR1 Box 187, Spearfish, SD 57783

TELEPHONE: (605) 642-7064

DATE: September 4, 1998

RE: Cancellation of Water Permit No. 1414A-1 & 1414-1

COMMENTS:

I called Roland Bryan to set up an inspection of Permit No. 1414A-1. Mr. Bryan informed me that there is not enough water in Chicken Creek to irrigate and "to say we have irrigated would be stretching it". He agreed the water permits should be cancelled. I told him we would schedule them for cancellation and he would be noticed.



Ken Buhler  
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 28, 1998

**NOTICE OF CANCELLATION**

TO: Roland Bryan, Chicken Creek Irrigation, RR 1 Box 187, Spearfish, SD 57783

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Cancellation of Water Permit No. 1414A-1 and Vested Water Right No. 1414-1

On September 4, 1998, Ken Buhler with our program visited with you about any irrigation being done under Nos. 1414A-1 and 1414-1. Our understanding is that due to an inadequate water supply in Chicken Creek, you no longer intend to irrigate the acreage. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 1414A-1 and Vested Water Right No. 1414-1 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Permit No. 1414A-1 and Vested Water Right No. 1414-1 at 10:00 am, December 2, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 1414A-1 and Vested Water Right No. 1414-1 based upon facts presented at the public hearing. Our records show you to be the owner of land described in Nos. 1414-1 and 1414A-1. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 20, 1998. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

(continued)

October 28, 1998  
Roland Bryan  
Page 2

These hearings are adversary proceedings. Any party 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.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 20, 1998.

Prior to November 20, 1998, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.

**RECOMMENDATION OF CHIEF ENGINEER  
FOR WATER PERMIT NO. 1414A-1 AND VESTED WATER RIGHT NO. 1414-1  
CHICKEN CREEK IRRIGATION**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit No. 1414A-1 and Vested Water Right No. 1414-1.

The Chief Engineer is recommending cancellation of the above due to abandonment and/or forfeiture. In a September 4, 1998, telephone conversation with Ken Buhler, Mr. Bryan indicated they no longer irrigate due to an inadequate water supply in the creek.

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large initial "R" and "D".

RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
October 28, 1998



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 3, 1998

1414-1  
1414A-1

**NOTICE**

Roland Bryan  
Chicken Creek Irrigation  
RR 1, Box 187  
Spearfish, SD 57783

Dear Mr. Bryan:

This will notify you that the Water Management Board cancelled your Water Permit No. 1414A-1 and Vested Water Right No. 1414-1 on December 2, 1998.

This action was taken under the conditions outlined in our notice to you dated October 28, 1998.

Very truly yours,

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