

Considered: _____

Vested Right Claim
WATER PERMIT NO. 1424-1

HAP No. same

Name of Applicant Spring Branch / Melvin Delzer

Post Office Address RR 1, Spearfish SD 57783

Amount of Water Claimed 4.0 cfs Total Acres 146.8

Source of Water Supply Big Spring - Trib. of Spearfish Creek

Water to be used for irrigation County Lawrence

About 4 miles N of Spearfish.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 25, 1987 Fee 15⁰⁰ Remarks _____

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 _____

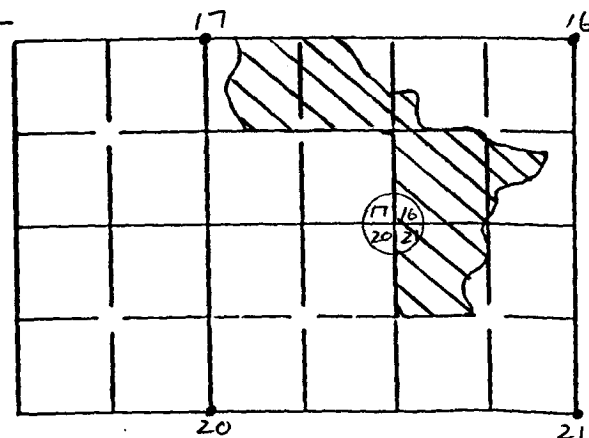
Diversion Point Big Spring: SW 1/4 NW 1/4 section 21 -

T 7 N - R 2 E

Land to be Irrigated N 1/2 SE 1/4 section 17; S 1/2 SW 1/4,

NW 1/4 SW 1/4 section 16; NW 1/4 NW 1/4 section 21;

all in T 7 N - R 2 E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat PREPARED BY Rassool Ahadi Reviewed and the Number

assigned on October 19, 1987 By Ron D. Wall

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 1424-1.

Spring Branch c/o Melvin Delzer

(applicant)

RR 1, Spearfish

(post office address)

South Dakota

57783

(state)

(zip code)

Date of receipt of Application June 25, 19 87.

Validated December 2, 19 87.

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 April 5, 1877, ~~19~~.
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 _____

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

The applicable portions of Location Notice No. 151371 have been incorporated into No. 1424-1 and the abandoned portions of Notice No. 151371 have been cancelled.

Vested Water Right No. 1424-1 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

MAY 2 1988

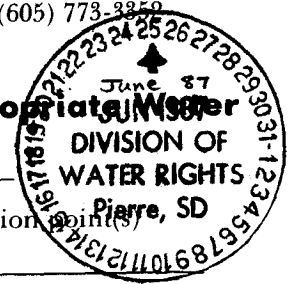
, 19 88.

ATTACHMENT A
VESTED WATER RIGHT NO. 1424-1

1. That Vested Water Right No. 1424-1 is subject to domestic use rights. Diversion of water under Water Right No. 1424-1 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 Spring Branch Ditch within one year of validation of Vested Water Right No. 1424-1. The measuring device shall be permanently installed. The design shall be approved prior to construction, by the Chief Engineer.

(See instructions)

No. 1424-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Queen City Mail Box 7 Spearfish (Wed)
Belle Fourche Daily Post 1004 1/2 4th Ave



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

- Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Spring Branch/Melvin Delzer Phone No. 642-3734
- Post Office Address RR 1, Spearfish, South Dakota State 57783 Zip Code _____
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s.) 4.0 Total acres irrigated 146.8
3. Source of Water supply Big Spring-Tributary of Spearfish Creek
4. Location of point of diversion 1000'E, 1500'S of NW Corner, Section 21, T7N-R2E
SW 1/4 NW 1/4 County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used April thru 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.
NW 1/4 SW 1/4 Section 16, T7N-R2E	3.7
SW 1/4 SW 1/4 Section 16, T7N-R2E	38.00
SE 1/4 SW 1/4 Section 16, T7N-R2E	6.1
NW 1/4 SE 1/4 Section 17, T7N-R2E	36.00

Land Description	No. Acres Irr.
NE 1/4 SE 1/4 Section 17 T7N-R2E	33.00
NW 1/4 NW 1/4 Section 21 T7N-R2E	30.00

Attach sheet if more space is needed

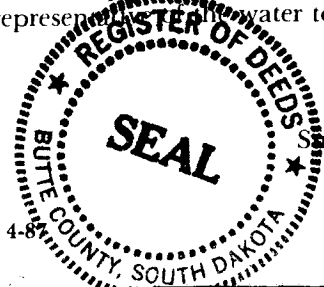
8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to 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 maps, soils information and any other technical information.

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

I, Melvin Delzer, 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 X Melvin Delzer

Subscribed and sworn to before me this 24th day of June 1987

X Margaret Collins, Deputy Registrar
Notary Public

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) Spring Branch Ditch/Melvin Delzer

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

A. Notice of Appropriation 1877 Date of Posting 1877
October 22, 1913 Lawrence County 206 82
 Date of recording April 12, 1878 Recording date Lawrence County 2 185
Where Book Page

B. Date of start of construction of water supply system 1877C. Date that water was first applied to beneficial use April 5, 1877D. Name of owner of original water supply system Gus Smitzer and G. W. ReidE. Amount of water originally applied to beneficial use 200 MIF. Present Use of Water - Amount of water now being used irrigation - 200 Miners InchesDate that this water was first used 1877

G. Chronological History of Water Use

To the best of my knowledge the ditch has always been in use since it was constructed with no periods 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)

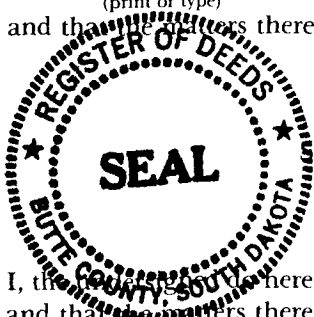
County of Butte) ss

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

Signed Melvin Delzersubscribed and sworn to before me June 24, 1987

Margaret Collins Deputy Registrar
 Notary Public or other qualified officer

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

(Print name) 19_____
(Print name) 19

VALLEY

SPRING
BRANCH

SPRING BRANCH IRRIGAT

16-7-2

HIGGINS GULCH IRRIGAT.

(HI)

MAHed

10/19/87

21-7-2

Nat Res. Eng.

V.R. Appl. No. 1424-1

DITCH

CO

STABIO

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RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410921

Pierre, June 25, 1987

RECEIVED OF Spring Branch Ditch/Melvin Delzer, PO Box 1045, Spearman, SD 57783

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

Fee for Application for Permit No. <u>1424-1</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00	VR
Fee for Application for Permit No. _____ to Appropriate Water for Future Use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form _____			
Fee for Filing Extension Request _____			
Fee for Certified Copy of _____			
Fee for Print Copy of Map _____			
Fee for Certifying _____			
Fee for _____			
(Any Other Work Provided by Law)	Total	15	00

By

John Hatch
JOHN HATCH



9.2.1

Big Spring

No. 13571

Water Right

Gus Snitzer et al

Filed for record October 22, 1913.

at 2:15 o'clock P. M.

Harold Schirrickson, Register of Deeds.

Spearfish, Gus Snitzer and W. H. Neil Located ditch and water right for irrigating purposes. Said ditch being of sufficient capacity to carry two hundred (200) inches of water. Ditch commences at or near the line between Dan Toomey and Gus Snitzer on what is commonly known as The Big Spring or Spring Ranch. The waters of which rise on the ranch located by George Hauser and empties into Spearfish Creek at or near the line between Gus Snitzer & George W. Neil. Water having been turned into said Ditch April 5 A.D. 1877.

This is to Witness that I have signed over to Mr Cowgill my $\frac{1}{2}$ interest in Irrigating Ditch, same Ditch filed for record 12 day of April 1878, Capacity of Ditch & CosCo described on opposite page.

Gus Snitzer

Witnessed:-

Filed for record at 9:30 A.M. on the 12th day of April, 1878 and recorded in Book C Page 185.

C. H. McKinnis

Recorder

STATE OF SOUTH DAKOTA)

) ss

COUNTY OF LAWRENCE)

I hereby certify that the within instrument is a true, correct and complete copy of the instrument as recorded in my office on the 22nd day of October, 1913, at 2:15 o'clock P.M. in Book 206, Page 82.

Dated this 2 day of September, 1960.

DATE RECORDED 9-2-60

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

December 14, 1961

Mrs. Belle Yanzick
c/o Howard Platt
745 5th
Spearfish, S. Dak.

Mr. H. W. Perkins
RFD 1
Spearfish, S. Dak.

Re: Big Spring Water Right

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 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 from Big Spring:

Water Right Filing by Gus Smitzer, filed October 22, 1913, Book 206, page 82, Lawrence County. This filing claimed water was turned into the ditch on April 5, 1877. Note by recorder that ditch has been filed on April 12, 1878 and recorded in Book 2, page 185. This 1913 filing claimed 200 inches of water.

No record was found of any Court Action which interpreted, determined or established the Big Spring Water Right. The data collected, as outlined above, records the Big Spring Water Right as being an appropriative water right for 200 miner's inches with a priority date of April 5, 1877, although there may be some question as to this priority date.

In an appropriative water right, the amount claimed, in your case 200 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 200 miner's inches, providing that amount is available after holders of prior water rights have obtained their allocation of the water.

Mrs. Belle Yansick
Mr. H. W. Perkins

December 14, 1961

It would be advisable for you to check to see if you can locate additional records that pertain to the Big Spring Water Right. 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 16, 1961 was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. We understand the fields and acreages as shown were correct. Enclosed, for your information, is an additional copy of this map and a list of owners and acreages.

Sincerely,

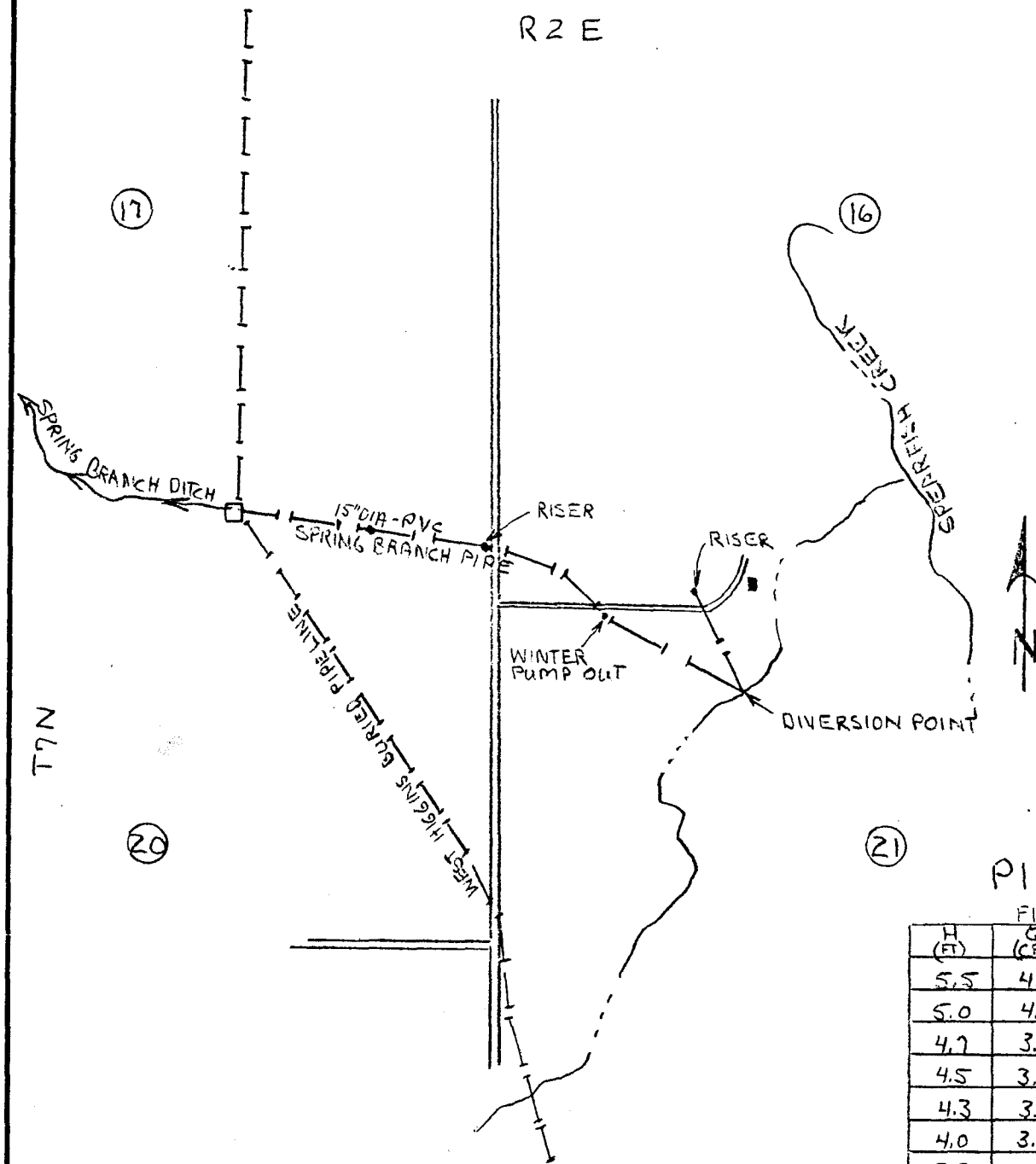
J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

CC: Mr. Don L. Bridges
RFD 1
Spearfish, S. Dak.

DATE MICROFILMED

EVERETT



PLAN VIEW

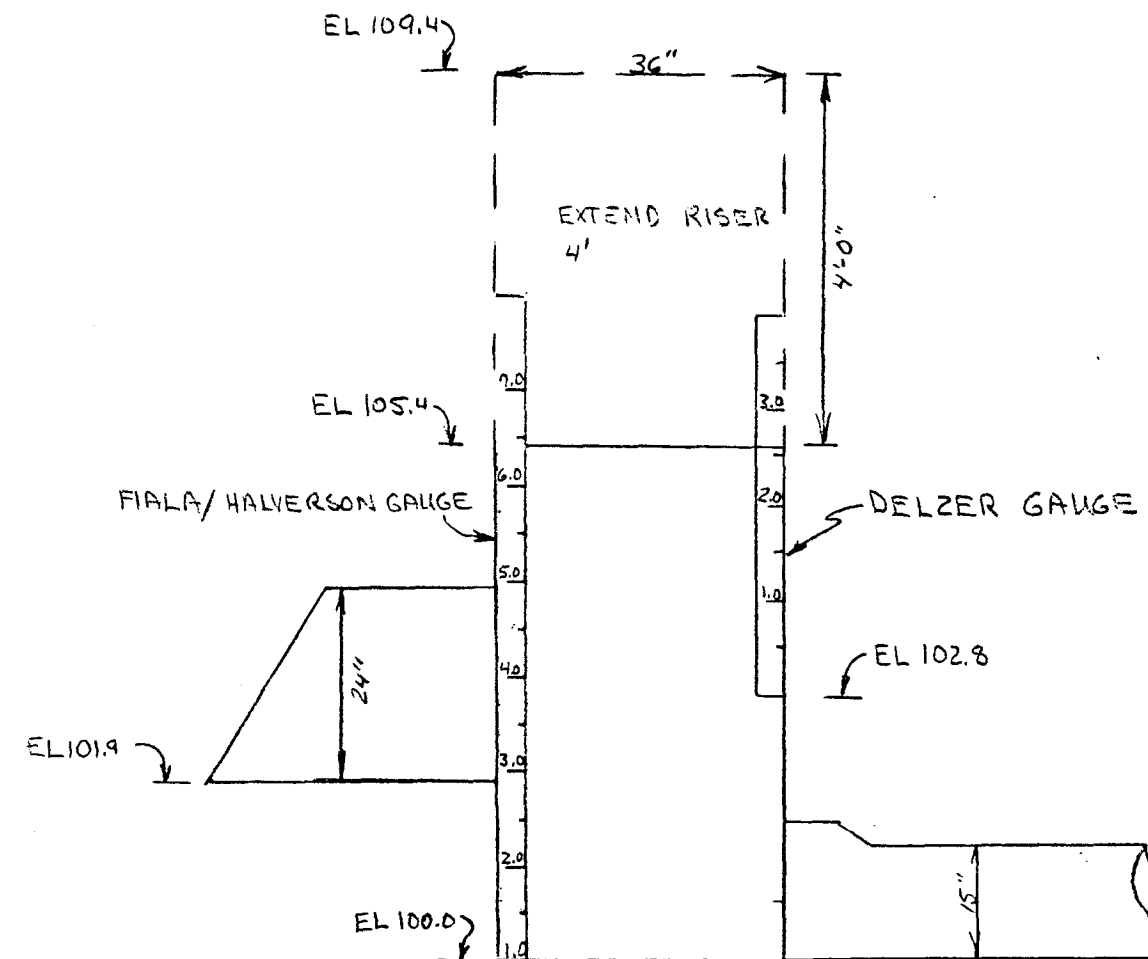
SCALE: 1" = 660'

- NOTE: 1) TO MEASURE WATER ON FIALA/HALVERSON LINE A GAUGE WAS NECESSARY IN GOD HUMPHREY'S BOX, IF GAUGE IS TO BE READ WHEN HUMPHREY'S FIELD IS MUDDY, GAUGE READER SHALL HAVE TO WALK FROM FIELD EDGE.
- 2) GAUGE IN HUMPHREY'S BOX SHALL BE SET AT 0.0 EQUAL TO EL 99.0.
- 3) ARITHMETIC DIFFERENCE BETWEEN THE 2 GAUGE READINGS WILL EQUAL THE HEADCH.

PIPE FLOW

FIALA/HALVERSON

H (FT)	Q (CFS)	H (FT)	Q (CFS)
5.5	4.2	1.5	2.2
5.0	4.0	1.4	2.1
4.7	3.9	1.3	2.0
4.5	3.8	1.1	1.9
4.3	3.7	1.0	1.8
4.0	3.6	0.9	1.7
3.8	3.5	0.8	1.6
3.6	3.4	0.7	1.5
3.4	3.3	0.6	1.4
3.2	3.2	0.5	1.3
3.0	3.1		
2.8	3.0		
2.6	2.9		
2.4	2.8		
2.2	2.7		
2.1	2.6		
2.0	2.5		
1.8	2.4		
1.7	2.3		



PIPE FLOW

DELZER

H (FT)	Q (CFS)	H (FT)	Q (CFS)
2.8	2.9	0.2	0.8
2.6	2.8	0.1	0.6
2.4	2.7		
2.2	2.6		
2.0	2.5		
1.9	2.4		
1.8	2.3		
1.6	2.2		
1.5	2.1		
1.3	2.0		
1.2	1.9		
1.1	1.8		
1.0	1.7		
0.8	1.6		
0.7	1.5		
0.6	1.3		
0.5	1.2		
0.4	1.1		
0.3	1.0		

WATER MEASURING DEVICE
SPRING BRANCH (4.0 CFS)U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed <u>T. VERHELST</u>	Date <u>6/89</u>	Approved by _____
Drawn <u>T. VERHELST</u>	Date <u>6/89</u>	Title _____
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No _____	of _____

SOUTH Dakota Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 22, 1987

Melvin Delzer
RR 1
Spearfish, South Dakota 57783

RE: Spring Branch Vested Right Claim

Dear Mr. Delzer:

Per our telephone conversaiton of May 20, 1987, enclosed you will find Form 2 and Form 2 B, completed in pencil for your review.

SDCL 46-5-49 (enclosed) requires that every ditch company or irrigator who claims a vested right must file the claim with the Water Management Board.

The application is to file a vested right claim on Spring Branch regardless of how many people with valid vested rights are using the water from the stream. Since you own the most acreage on this water right claim, I sent you the applications.

Please review the forms and the enclosed map for accuracy and make necessary changes. The map was compiled in the 60's.

After reviewing the forms and the map please return them to this office. The application forms will then be typed up and returned to you to be signed and notarized.

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

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 25, 1987

Melvin Delzer
P.O. Box 1045
Spearfish, South Dakota 57783

RE: Spring Branch Ditch

Dear Mr. Delzer:

Enclosed you will find copies of your vested right application you requested. The Seal from the Register of Deeds Office is sufficient and valid instead of a notary public to validate your signature.

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

Sincerely,

RA

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Department of Water & Natural Resources

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

October 20, 1987

Spring Branch Ditch
c/o Melvin Delzer
RR 1
Spearfish SD 57783

Dear Mr. Delzer:

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

Please contact us if you have any questions.

Sincerely,

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

RON DUVALL
Water Resources Engineer
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1424-1, Spring Branch Ditch

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1424-1, Spring Branch Ditch, c/o Melvin Delzer, RR 1, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1424-1 for 4.0 cfs and that the applicable portions of Location Notice No. 151371 have been incorporated into No. 1424-1 and the abandoned portions of Notice No. 151371 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of April 5, 1877, 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. 1424-1 is subject to domestic use rights. Diversion of water under Water Right No. 1424-1 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 Spring Branch Ditch within one year of validation of Vested Water Right No. 1424-1. 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 21, 1987

Report on the Spring Branch Ditch
Vested Water Right Application No. 1424-1
October 21, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Spring Branch Ditch has filed an application to validate a vested water right claim. The application claims 4.0 cfs of Big Spring water, a tributary of Spearfish Creek, to irrigate 146.8 acres in Sections 16, 17, and 21, T7N-R2E, in Lawrence County. The diversion point is located in the SW1/4 NW1/4 Section 21, T7N-R2E.

Document Search

The following document was found pertaining to the Spring Branch Claim:

Location Notice No. 151371, which was signed by Gus Smitzer, was filed in Lawrence County, October 22, 1913, and recorded in Book 206, Page 82. This notice claimed a priority date of April 5, 1877, for 200 miner's inches of Big Spring water. No record was found of any court action which interpreted, determined, or established the Spring Branch Water Right.

Discussion

The Water Resources Commission investigated the irrigation from Spring Branch Ditch in the early 1960's. At that time, 146.8 acres were mapped as being irrigated from the ditch.

Recent investigations by Water Rights Division engineers have found that the same acreage is being irrigated from the ditch as in the 1960's. The ditch and the gate can carry and divert more water than the amount claimed.

To determine the amount of water needed to irrigate the land under Spring Branch Claim, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs is necessary to properly irrigate 70 acres, 2.1 cfs will be used to irrigate 146.8 acres. Considering the efficiency of flood irrigation in the area, which according to SCS for this area is 50%, the total required diversion rate will be 4.2 cfs.
- 2) Using the SCS, S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3.0 feet of water every irrigation season, a total of 440 acre-feet of water is needed for the season, from which 126.8 acre-feet or 2.06 cfs will be used in the Month of July. Considering a 50% water loss due to the system, the total required diversion rate will be 4.1 cfs.

Conclusions and Recommendations

- 1) Based upon the 1.0 cfs per 70 acres criteria plus a 50% water loss due to the system, the peak quantity of water necessary to irrigate the land under the Spring Branch Claim would be 4.2 cfs. Comparing the amount of water claimed with this and the SCS, South Dakota Irrigation Guide calculations, the quantity of water claimed appears to be reasonable.
- 2) It is recommended that the Spring Branch Vested Water Right Claim be validated for a diversion rate of 4.0 cfs for irrigation of 146.8 acres as described in Application No. 1424-1 with a priority date of April 5, 1877.
- 3) It is recommended that if Vested Water Right Application No. 1424-1 is validated, that the applicable portions of Location Notice No. 151371 be incorporated into No. 1424-1 and the abandoned portions of Location Notice No. 151371 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.

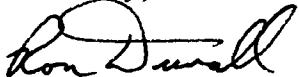
Spring Branch Ditch
c/o Melvin Delzer
RR 1
Spearfish SD 57783

Dear Mr. Delzer:

Your Application No. 1424-1 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. 1424-1. 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 Spring Branch Ditch, c/o Melvin Delzer, RR 1, Spearfish SD.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper



Department of Water & Natural Resources

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

October 29, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1424-1. 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 Spring Branch Ditch, c/o Melvin Delzer, RR 1, Spearfish SD.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper

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. 1424-1 to Appropriate Water

Notice is hereby given that Spring Branch Ditch, c/o Melvin Delzer whose mailing address is RR 1, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 4.0 cubic feet of water per second (cfs) from Big Spring to irrigate 146.8 acres via the Spring Branch Ditch with a claimed priority date of April 5, 1877. The Big Spring diversion point for the Spring Branch Ditch is located in the SW 1/4 NW 1/4 Section 21, T7N, R2E. The irrigated acreage is located in the N 1/2 SE 1/4 Section 17; S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 16; NW 1/4 NW 1/4 Section 21; all in T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1424-1 for 4.0 cfs and that the applicable portions of Location Notice No. 151371 be incorporated into No. 1424-1 and that the abandoned portions of Notice No. 151371 be cancelled, because 1) water has been appropriated as described for irrigation with a priority date of April 5, 1877, 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.

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

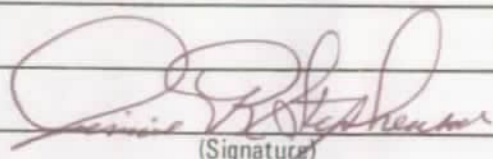
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Spearfish

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

November 3rd, 1987

November 10th, 1987

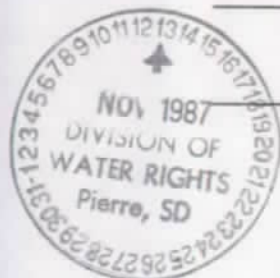

(Signature)

Publisher

(Title)

11-10-87

(Date Signed)



Cost of Printing: 107 lines x .2564 = 27.43
107 lines x .2051 = 21.94
total = 49.37

NOTICE OF HEARING

To Validate Vested
Right Application No. 1424-1
To Appropriate Water

Notice is hereby given that Spring Branch Ditch, c/o Melvin Delzer whose mailing address is RR 1, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 4.0 cubic feet of water per second (cfs) from Big Spring to irrigate 146.8 acres via the Spring Branch Ditch with a claimed priority date of April 5, 1877. The Big Spring diversion point for the Spring Branch Ditch is located in the SW 1/4 NW 1/4 Section 21, T7N, R2E. The irrigated acreage is located in the N 1/2 SE 1/4 Section 17; S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 16; NW 1/4 NW 1/4 Section 21; all in T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1424-1 for 4.0 cfs and that the applicable portions of Location Notice No. 151371 be incorporated into No. 1424-1 and that the abandoned portions of Notice No. 151371 be cancelled, because 1) water has been appropriated as described for irrigation with a priority date of April 5, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

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

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 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 on an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

Nov. 3, 10

No. 1424-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby

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

Water was taken from the Bell 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 Bell 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 Lucas
(Signature)

Editor

(Title)

November 11, 1987

(Date Signed)

Cost of Printing: \$57.56

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1424-1

to Appropriate Water

Notice is hereby given that Spring Branch Ditch, c/o Melvin Delzer whose mailing address is RR1, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 4.0 cubic feet of water per second (cfs) from Big Spring to irrigate 146.8 acres via the Spring Branch Ditch with a claimed priority date of April 5, 1877. The Big Spring diversion point for the Spring Branch Ditch is located in the SW 1/4 NW 1/4 Section 21, T7N, R2E. The irrigated acreage is located in the N 1/2 SE 1/4 Section 17; S 1/2 SW 1/4, NW 1/4 SW 1/4 Section 16; NW 1/4 NW 1/4 Section 21; all in T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1424-1 for 4.0 cfs and that the applicable portions of Location Notice No. 151371 be incorporated into No. 1424-1 and that the abandoned portions of Notice No. 151371 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of April 5, 1877, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

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

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



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

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

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.

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No. 1424-1, Spring Branch

For:

Melvin Delzer,
Spring Branch
RR1,
Spearfish SD 57783

Interested:

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

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

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

November 16, 1987



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

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1424-1 on Big Spring - Trib. of Spearfish Creek, Lawrence County.

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

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

Sincerely,


Richard J. Beringson
Secretary

RJB/ld

cc: Spring Branch & Melvin Delzer

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

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

November 20, 1987

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



Dear Mr. Hatch:

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

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Koth". The signature is stylized with a large, sweeping initial "R" and a cursive "Koth".

Ron Koth
Water Permits Coordinator

RK/ld

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1424-1 FOR IRRIGATION

(1) Spring Branch Ditch, c/o Melvin Delzer
of P.O. Box 1045, Spearfish, South Dakota 57783
made Application No. 1424-1, June 25, 1987
for validation of a vested right claim to appropriate 4.00
cubic feet of water per second from Big Spring-Tributary of Spearfish Creek,
Lawrence County, South Dakota for irrigation purposes.
Vested Water Right No. 1424-1 was validated December 2, 1987
with a priority date of April 5, 1877. 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 4.00 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: 1000' East and 1500' South of the NW Corner of Section
21, T7N, R2E (SW $\frac{1}{4}$ NW $\frac{1}{4}$)

The location of the irrigated acreage is: _____

T7N, R2E Section 16 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 3.7 Acres _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 Acres _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 6.1 Acres _____

Section 17 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 36.0 Acres _____

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.0 Acres _____

Section 21 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 Acres _____

TOTAL 146.8 ACRES _____

(3) Pursuant to Section 46-5-30.1 Spring Branch Ditch, c/o Melvin Delzer of P.O. Box 1045, Spearfish, South Dakota 57783 _____ the holder(s) and/or owner(s) of Vested Water Right No. 1424-1 is issued a license to appropriate 4.00 cubic feet of water per second from Big Spring, tributary of Spearfish Creek with a priority date of April 5, 1877 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. 1424-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer

Water Rights Division

Department of Water and Natural
Resources

MAY 2 1988



Department of Water & Natural Resources

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

MAY 2 1988

Spring Branch Ditch
c/o Melvin Delzer
PO Box 1045
Spearfish, South Dakota 57783

Dear Mr. Delzer:

Enclosed are your Validated Vested Water Right and Water License No. 1424-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the typed name and title.

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

JH:ms

enclosures

 **Department of
Water & Natural Resources**

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

January 9, 1989

Big Spring Ditch
c/o Melvin Delzer
Box 1045
Spearfish SD 57783

RE: Installation of a Permanent Measuring Device for
Vested Right No. 1424-1

Dear Mr. Delzer:

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

If you have any questions, please contact me.

Sincerely,



RASSOOL AHADI
Natural Resources Engineer
(605)773-3352



STATE		PROJECT		
BY T. Ver Helst	DATE 6/21/89	CHECKED BY	DATE	JOB NO.
SUBJECT Hydraulics - Spring Branch				SHEET 1 OF 2

Pipe = 15" DIA - 80 PSI PVC

Length = 2244'



Halverson/Fiala
Inlet Control -

18" Inlet Reduces immediately to 15" PVC
Will use 15" for calculations.

$$H = WL - E \text{ PIPE}$$

$$Q = CA \sqrt{2gH}$$

$$= .5(1.179) \sqrt{64.4(1.0)}$$

$$= 101.6 - 100.6 = 1.0$$

$$Q = 4.7 \text{ cfs}$$

∴ PIPE FLOW WILL
CONTROL

H	Q
1.0	4.7

Halverson/Fiala

Pipe Flow - 15" DIA - 80 PSI PVC

$$a = 1.179$$

$$K_p = .0115$$

$$K_m = K_{exit} + K_{bends} + K_{valve}$$

$$= 1.0 + 0 + 0.2 = 1.2$$

$$Q = a \sqrt{\frac{64.4(H)}{1 + K_m + K_p L}}$$

$$H = \text{Inlet WL} - \text{Outlet WL}$$

$$Q = 1.179 \sqrt{\frac{64.4(5.5)}{1 + 1.2 + .0115(2244)}}$$

$$= 105.6 - 100.1 = 5.5$$

$$\text{Gage Reading } 6.6 - 1.1 = 5.5$$

$$= 1.179 \sqrt{\frac{64.4(5.5)}{28.006}}$$

$$= 4.2 \text{ cfs}$$

H	Q
5.5	4.2
5.0	4.0
4.7	3.9
4.5	3.8
4.3	3.7
4.0	3.6
3.8	3.5
3.6	3.4
3.4	3.3
3.2	3.2
3.0	3.1

2.8	3.0
2.6	2.9
2.4	2.8
2.2	2.7
2.1	2.6
2.0	2.5
1.8	2.4
1.7	2.3
1.5	2.2
1.4	2.1
1.3	2.0

1.1	1.9
1.0	1.8
0.9	1.7
0.8	1.6
0.7	1.5
0.6	1.4
0.5	1.3

Two gauges will have to be used to measure water flow. One @ inlet and one in Humphrey's box. The arithmetic difference between the 2 readings is the head(H).

STATE		PROJECT		
BY	DATE	CHECKED BY	DATE	JOB NO.
SUBJECT				SHEET 2 OF 2

Delzer
Inlet Control - 15" Inlet Reduces immediately to 12" PVC
Will use 12" for calculations.

$$Q = CA \sqrt{2gh}$$

$$= .5 (.754) \sqrt{64.4 (1.0)}$$

$$= 3.0 \text{ CFS}$$

$$H = WL - \text{Pipe}$$

$$= 101.6 - 100.6 = 1.0$$

$\therefore$ Pipe flow controls

Delzer
Pipe Flow - 12" DIA - 80 PSI PVC
 $q = .754$
 $K_p = .0154$

$$Q = a \sqrt{\frac{64.4 (H)}{1 + K_m + K_p L}}$$

$$= .754 \sqrt{\frac{64.4 (2.8)}{1 + 5.57 + .0154 (363)}}$$

$$= 2.9 \text{ cfs}$$

$$K_m = K_{\text{exit}} + K_{\text{tee}} + K_{\text{valve}}$$

$$= 1.0 + 1.8 + 2.77 = 5.57$$

$H = \text{Inlet WL} - \text{Outlet WL}$
 $= 105.6 - 102.8 = 2.8'$
To achieve max. flow outlet WL would be constant @ .5' above alfalfa valve outlet.
If gated pipe is attached at alfalfa valve then a reduced flow will occur due to additional friction loss for gated pipe and change in elevation along gated pipe. Will use the constant elev. at alfalfa valve to get a max. flow achievable. Only one gauge will be used, located at inlet to pipeline.

H	Q		
2.8	2.9	1.0	1.7
2.6	2.8	.8	1.6
2.4	2.7	.7	1.5
2.2	2.6	.6	1.3
2.0	2.5	.5	1.2
1.9	2.4	.4	1.1
1.8	2.3	.3	1.0
1.6	2.2	.2	0.8
1.5	2.1	.1	0.6
1.3	2.0		
1.2	1.9		
1.1	1.8		



Department of Water & Natural Resources

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

June 26, 1989

Melvin Delzer
Box 1045
Spearfish, S.D. 57783

RE: Approval of the Plans and Specifications for a Measuring
Device, Vested Right No. 1424-1

Dear Mr. Delzer:

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 Spring Branch Ditch. According to the proposed plan, two gauges will be used to measure the flow in the ditch. One of the gauges will be installed in the inlet and the other one in Mr. Humphrey's box. The difference in head between two gauges will be equal the head of the water. The plans and specifications are approved as submitted. Please note that the recommendations of the Soil Conservation Service, regarding installation of the gauges, must be followed.

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

Very truly yours,

James E Winterton
Natural Resources Engineer
For JOHN HATCH, Chief Engineer
Water Rights Division



SOUTH Dakota Department of
Water & Natural Resources

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

August 21, 1989

Melvin Delzer
Box 1045
Spearfish, SD 57783

RE: Approval of the Plans and Specifications for a Measuring
Device, Vested Right No. 1424-1,

Dear Mr. Delzer:

Enclosed you will find the approval letter regarding the plans
and specifications for your measuring device. In our telephone
conversation of August 17, 1989, you indicated that you had not
received the approval letter.

If you have any questions, please contact me.

Sincerely,



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

enclosure



● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Melvin Delzer
Box 1045
Spearfish SD 57783

4. Article Number

P 501 738 932

Type of Service:

- ☒ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

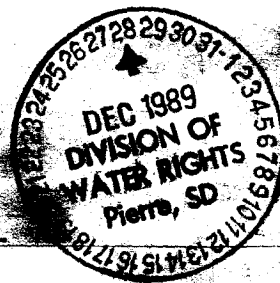
X Gloria Delzer

6. Signature — Agent

X

7. Date of Delivery

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



Custer, S.D.

12/26/89

Mr. John Hatch:

I am requesting the Bureau of Water and Natural Resources be aware that Teresa & Larry J. Fiala has purchased the following real property:

The Northwest Quarter of the Southeast Quarter of Section Seventeen (17), Township Seven (7) North, Range Two (2) East, Black Hills Meridian, Lawrence County, South Dakota, subject to easements of record, and including all minerals and water rights, we get our irrigation water from the Big Spring ditch.

Please note the following in your records. We would like to be recorded users of this water.

Thank-you

Sincerely,

Teresa A. & Larry J. Fiala
C.R.R.#1 Box 78
Custer, S.D. 57730

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check ~~boxed~~ for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
†(Extra charge)† †(Extra charge)†

3. Article Addressed to:

Melvin Delzer
Box 1045
Spearfish SD 57783

4. Article Number

P 176 878 302

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

2 13 90

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





Department of Water & Natural Resources

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

February 12, 1990

Melvin Delzer
Box 1045
Spearfish, SD 57783

RE: Installation of the Measuring Device in Big Spring Ditch.

Dear Mr. Delzer:

On December 2, 1987, the Water Management Board validated Vested Right Claim No. 1424-1 for Big Spring Ditch. One of the qualifications imposed on the claim is installation of a measuring device in the ditch. A measuring device was designed by the Soil Conservation Service in Belle Fourche and the plans and specifications were submitted to our office for approval. On August 21, 1989, a letter was sent to you regarding approval of your measuring device. Please note that the measuring device must be installed prior to the 1990 irrigation season. Please notify us when the installation of your measuring device has been completed.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Ahadi". The signature is fluid and cursive, with a horizontal line extending from the end.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2004

1424-1

Ross Delzer
19481 US Hwy 85
Belle Fourche SD 57717-3100

Dear Mr. Delzer:

I am contacting you in regard to ownership of Vested Water Right No. 1424-1. Don Stroup with our program indicated he met with you regarding the vested right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Don had me include a copy of the vested water right listed in the name of Richard Cundy. If you own that land too, let me know and I can send you another transfer of ownership form.

If you have any questions, please contact us.

Sincerely,

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

enclosures

1424-1

11-29-04

RECEIVED

DEC 1 2004

WATER RIGHTS
PROGRAM

Genny,

Melvin Delzer passed away in 2000. His wife Gloria now owns this property. So, enclosed are the transfer papers.

Thank you!

Ross Delzer

Ross Delzer

19481 US Hwy 85

Belle Fourche SD 57717

605-642-3778

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 20 04

RECEIVED OF Ross Delzer, 19481 US Hwy 85, Belle Fourche SD 57717

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	2	50
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>1424-1</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	2.50

No.

000000

By

Darlene Erbe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1424-1

Date: 11/29/04

I/We request that Vested Water Right No. 1424-1

formerly owned by: Spring Branch Ditch, % Melvin Delzer

be transferred to: (name & address) ~~Ross Delzer, 19481 US Hwy 85, Belle Fourche SD 57717-3100~~

GLORIA DELZER, P.O. Box 1045, Spearfish, SD 57783

Telephone No. 605 642-3778

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

146.8 acres located in the W 1/4 SW 1/4 and SE 1/4 SW 1/4 Section 16; N 1/4 SE 1/4 Section 17 and

NW 1/4 NW 1/4 Section 21, T7N, R2E

I/We understand that the validity of Vested Water Right No. 1424-1 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Gloria Delzer

(Signed by new owner)

RECEIVED

DEC - 1 2004

WATER RIGHTS
PROGRAM

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**

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

December 1, 2004

1424-1

Gloria Delzer
PO Box 1045
Spearfish SD 57783

Dear Ms. Delzer:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for changing ownership on Vested Water Right No. 1424-1. The transfer has been completed. The vested water right, formerly listed in the name of Spring Branch Creek in-care-of Melvin Delzer, is now listed in your name.

The receipt for the filing fee is being forwarded to Ross Delzer with a copy of this letter. If we can answer any questions for you, please contact us.

Sincerely,

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

c Ross Delzer, 19481 US Hwy 85, Belle Fourche SD 57717-3100

Spring Branch

Don Stroop
50 DEER WR
3/8/05
Amelia E. Stroop

#1424-1



Spring Branch

Don Stroup
50 DENR WR
3/29/05
Amelia L. Stroup

1424-1



NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
DEC - 4 2006
WATER RIGHTS
PROGRAM

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

No. 1424-1

Date: 11/28/06

I/We request that Vested Water Right No. 1424-1

formerly owned by: Gloria Delzer, PO Box 1045, Spearfish SD 57783

be transferred to: (name & address) SVR HOLDINGS, LLC as Trustee, or the successor
Trustee, of THE SVR CAPITAL TRUST DATED April 1, 2005
17891 Cartwright Road #200, Irvine, CA 92614 Telephone No. (949) 250-9229

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

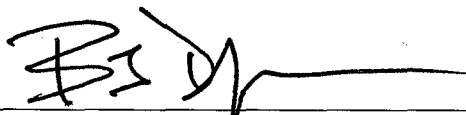
146.8 acres located in the W 1/2 SW 1/4 and SE 1/4 SW 1/4 Section 16; N 1/2 SE 1/4 Section 17 and
NW 1/4 NW 1/4 Section 21, T7N, R2E

I/We understand that the validity of Vested Water Right No. 1424-1 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

BT Delzer, Trustor
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 4, 20 06

RECEIVED OF B J Delzer, 5809 Seashore Dr, Newport Beach CA 92663

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		
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>1424-1</u>		2 50
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	2.50

No.

12659

By

Barbara E. Ebel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2006

1424-1

B J Delzer
SVR Holdings LLC
17891 Cartwright Rd #200
Irvine CA 92614

Dear Mr. Delzer:

Thank you for following up on the ownership change for Vested Water Right No. 1424-1. The transfer has been completed. The vested right formerly listed in the name of Gloria Delzer is now listed in the name of "SVR Holdings LLC as trustee, or the successor trustee of the SVR Capital Trust Dated April 1, 2005".

Enclosed is your Receipt No. 02659 in the amount of \$2.50. You may keep this for your records. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 2007

1424-1

Layton Lensegrav
10902 SD Hwy 34
Belle Fourche SD 57717

Dear Mr. Lensegrav:

I am writing in follow-up to our phone conversation of April 11th concerning ownership of the NW ¼ SE ¼ Section 17, T7N, R2E. That specific piece of land is described in Vested Water Right No. 1424-1. No. 1424-1 was transferred to SVR Holdings, % B J Delzer in December of 2006.

The vested right was originally validated under the name of Spring Branch Creek with Melvin Delzer listed as the contact person. Somewhere along the way it appears that the entire vested water right was transferred to Gloria Delzer and then into SVR Holdings. It appears that the transfers were in error because the Delzer's did not own all of the land.

A water right or in this case a vested water right goes with the land. We will have to do some checking with the assessor's office to find out who owns what land and go through the process of correcting the file as it pertains to ownership. I am sending you a copy of the vested right for your records. If you have any information on the rest of the land described in Vested Water Right No. 1424-1, please contact us.

Sincerely,

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

enclosure

RECEIVED

AUG 21 2007

WATER RIGHTS
PROGRAM

Eric Gronlund
State of South Dakota
Water Rights Program
Joe Foss Building
523 E Capitol Ave
Pierre, SD 57501-9980

August 20, 2007

Mr. Eric Gronlund,

I have outlined in yellow my irrigated acres on the maps you have sent me. The legal for my property irrigated under the Higgins Gulch Ditch (water right #1412-1) is:

S1/2SE1/2 of Section 17, except the highway right of way to Lawrence County; and the N1/2NE1/4 of Section 20 (except 1 acre in SE corner of NE1/4NE1/4 for church and known as Lot 1), all in T7N, R2E, B.H.M., Lawrence County, SD, subject to easements, reservations and restrictions of record.

I irrigate a much larger area than what you have outlined. (The entire area marked in yellow is irrigated).

I also outlined in yellow the property I own that is irrigated under the Spring Branch Ditch (water right #1424-1). The legal for this property is:

NW1/4SE1/4 of Section 17, Township 7 North, Range 2 East of the Black Hills Meridian, Lawrence County, SD (ID # 24000-00702-174-00)

The underground pipeline extends further than what you show. I marked in blue approximately how it lays.

If your department would have a representative in our area sometime, I would like to meet with them to go over things.

It is my objective to get the water rights as accurate as possible and make certain they are transferred into my name correctly.

Thank you for your help. Please feel free to contact me anytime.



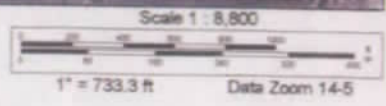
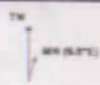
Layton Lensegrav
10902 SD Hwy 34
Belle Fourche, SD 57717
605-723-3094 Home
605-641-1124 Cell



Don Strong
50 DEAR WR
Arnold E. Strong
3/8/05

#1424-1

RECEIVED
AUG 21 2007
WATER RIGHTS
PROGRAM





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 13, 2007

To: B J Delzer, SVR Holdings LLC, 17891 Cartwright Rd #200, Irvine CA 92614
Ross Delzer, 19481 US Hwy 85, Belle Fourche SD 57717
Scot Halverson, 19558 Old Belle Rd., Spearfish SD 57783
Layton Lenesgrav, 10902 SD Hwy 34, Belle Fourche SD 57717

From: Genny McMath *Genny McMath*
Water Rights Program
605 773-3352

Subject: Ownership of Vested Water Right No. 1424-1

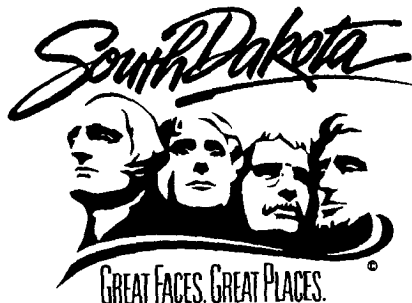
Vested Water Right No. 1424-1 authorizes diversion of water from a tributary of Spearfish Creek via Spring Branch Ditch to irrigate 146.8 acres described as follows:

Section 16, T7N, R2E	NW ¼ SW ¼	3.7 acres
	SW ¼ SW ¼	38.0 acres
	SE ¼ SW ¼	6.1 acres
Section 17, T7N, R2E	NW ¼ SE ¼	36.0 acres
	NE ¼ SE ¼	33.0 acres
Section 21, T7N, R2E	NW ¼ NW ¼	30.0 acres

Vested Water Right No. 1424-1 was originally issued to the ditch company under the name of Spring Branch Ditch. Melvin Delzer was listed as the contact person. Over time, the vested right was transferred to Gloria Delzer and then from Gloria Delzer to SVR Holdings. Upon review of the vested water right, it has been determined that ownership should not have been changed from Spring Branch Ditch.

There are numerous ditch companies in the hills area that have vested water rights. The contact people may change over time but unless the entire acreage described within the vested right is held by one person or entity, no actual ownership changes should occur.

The vested water right will be placed back in the name of Spring Branch Ditch. What we will need now is to determine the appropriate contact person for the Ditch Company. The contact person would be the person that any correspondence from our office would be directed to. Please decide among yourselves who the appropriate contact person should be and let us know. That contact person would then be responsible for forwarding information to the other members of the ditch. Please let me know by **November 1st** who is the contact person. You may get in touch with me at (605) 773-3352 if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 2007

To: B J Delzer, SVR Holdings LLC, 17891 Cartwright Rd #200, Irvine CA 92614
Ross Delzer, 19481 US Hwy 85, Belle Fourche SD 57717
Scot Halverson, 19558 Old Belle Rd., Spearfish SD 57783
Layton Lenesgrav, 10902 SD Hwy 34, Belle Fourche SD 57717

From: Genny McMath *Genny McMath*
Water Rights Program
605 773-3352

Subject: Vested Water Right No. 1424-1

I am writing to confirm information received from all of you concerning Vested Water Right No. 1424-1. The vested right has been placed back in the name of Spring Branch Ditch.

The consensus that all of you arrived at was that Ross Delzer would be the contact person for Spring Branch Ditch. The contact person would be responsible for forwarding information to the other members of the ditch.

Any correspondence we mail concerning Vested Water Right No. 1424-1 will be directed to Ross as follows:

Spring Branch Ditch
% Ross Delzer
19481 US Hwy 85
Belle Fourche SD 57717
(home phone 605 642-3778; cell phone 605 641-3668)

I appreciate the response from all of you and your help to ensure that we have correct information in the file concerning Vested Water Right No. 1424-1.

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 8, 2017

Ross Delzer
Spring Branch Ditch
19481 US Hwy 85
Spearfish, SD 57783

Spring Branch Ditch, Vested Water Right No. 1424-1

Dear Mr. Delzer:

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

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

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

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

Thank you,

Jeanne Goodman, Chief Engineer
Water Rights Program

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

SPEARFISH CREEK IRRIGATION DITCHES - CONTACT INFORMATION

Updated 7/8/14

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

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