

Considered: _____

Vested Right
WATER PERMIT NO. 1446-1

HAP No. same 347-4424

Name of Applicant City of Sturgis

Post Office Address 1147 Sherman Street, Sturgis SD 57785

Amount of Water Claimed 74.76 ac-ft Total Acres NA

Source of Water Supply dry draw dams (4)

Water to be used for emergency municipal County Meade

About 4 miles S of Sturgis

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/8/88 Subject to _____

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

PRIORITY Date Received 4/18/88 Fee 15 ⁰⁰ Remarks _____

see permit

Corrected Application Received 7/15/88 Period of Annual Use Jan 1 - Dec 31

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

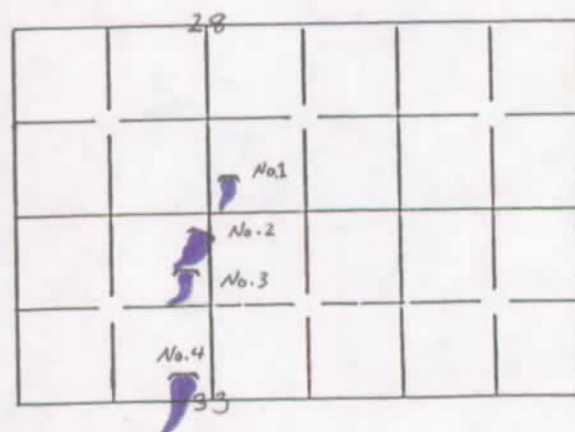
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point Dam No. 1: SW 1/4 SE 1/4 section 28; Dam No. 2:

NE 1/4 NW 1/4 section 33; Dam No. 3: NE 1/4 NW 1/4; Dam No. 4:

SE 1/4 NW 1/4 section 33; all in TSN-RSE

Land to be Irrigated NA

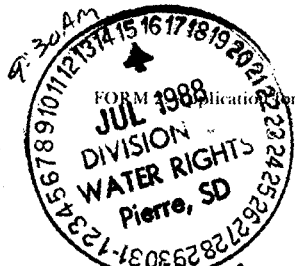


Well Log: Driller NA Licensed YES NO

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Leroy Mernaugh Reviewed and the Number

assigned on 8/8/88 By Don Duvall



FORM 1988 Application for uses other than irrigation (type or print)

No. 1446-1 Hydrologic Unit 10120202
Map No. same Basin Belle Fourche R.
Newspaper Meade Co. Times-Tribune, Box 69, Sturgis, WY

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

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant City of Sturgis Phone No. 347-4424
Post Office Address 1147 Sherman Street, Sturgis, South Dakota State 57785
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (cfs) 74.76 Ac Ft
- Source of water supply Dry Draws 4 dams
- Location of point of diversion Dam #1-470'N and 250'E of S $\frac{1}{4}$ Corner Section 28; Dam #2-270'S of N $\frac{1}{4}$ Corner of Section 33; Dam #3-750'S and 380'W of N $\frac{1}{4}$ Corner Section 33; Dam #4-2320'S and 360'W of N $\frac{1}{4}$ Corner Section 33; All in T5N, R5E County Meade
- Counties where water will be used Meade
- Annual period during which water is to be used January 1 - December 31
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Dam #1 constructed in 1892 Storage-- 4.32 AF

Dam #2 constructed in 1894 Storage--30.00 AF

Dam #3 constructed in 1935 Storage--13.8 AF

Dam #4 constructed in 1929 Storage--26.64 AF TOTAL 74.76 AF

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

STATE OF SOUTH DAKOTA)
County of Meade ss

I, Bruce J. Walker, Chairman Sturgis Utility Board the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Bruce J. Walker

Subscribed and sworn to before me this 14th day of April 19 88

John E. Ruemer
Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1446-1

Date of Receipt of Claim April 18, 1988.

Date of Validation December 8, 1988.

The Water Management Board validated Vested Water Right Claim No. 1446-1 for the City of Sturgis, 1147 Sherman Street, Sturgis, SD 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1446-1 authorizes impoundment of 74.76 acre-feet of water in 4 dry draw storage dams. Dam #1 (4.32 acre-feet capacity) is located in the SW1/4 SE1/4 Section 28; Dam #2 (30.0 acre-feet capacity) is located in the NE1/4 NW1/4 Section 33; Dam #3 (13.8 acre-feet capacity) is located in the NE1/4 NW1/4 Section 33; Dam #4 (26.64 acre-feet capacity) is located in the SE1/4 NE1/4 Section 33; all in T5N-R5E. Additional fills of the dams are authorized as needed by the City of Sturgis.

2. The appropriated water is used for supplying emergency water for use by the City of Sturgis and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period: January 1 - December 31.

3. The priority dates of the Vested Water Right are: Dam #1: February 29, 1892; Dam #2: January 1, 1894; Dam #3: January 1, 1935; Dam #4: January 1, 1929.

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The applicable portions of Water Right Filing No. 0451-1 and amended Water Right Filing No. 0451-1 were incorporated into Vested Water Right No. 1446-1. The abandoned portions of Water Right Filing No. 0451-1 and amended Water Right Filing No. 0451-1 were cancelled.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989

date

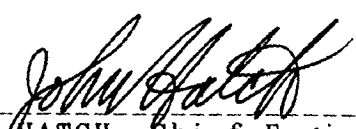
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1446-1

(1) The City of Sturgis of 1147 Sherman Street, Sturgis, SD 57785 made Application No. 1446-1, April 18, 1988 for validation of a vested right claim to store 74.76 acre feet of water in four dry draw storage dams, Meade County, South Dakota for municipal purposes. Vested Water Right No. 1446-1 was validated December 8, 1988, with priority dates of February 29, 1892 for Dam #1; January 1, 1894 for Dam #2; January 1, 1935 for Dam #3; and January 1, 1929 for Dam #4. Construction of the described water supply system and application to water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to store 74.76 acre feet of water for beneficial use. Additional fills of the dams are authorized as needed. The location of the storage dams are: Dam #1 (4.32 acre-feet capacity) is located in the SW1/4 SE1/4 Section 28; Dam #2 (30.0 acre-feet capacity) is located in the NE1/4 NW1/4 Section 33; Dam #3 (13.8 acre-feet capacity) is located in the NE1/4 NW1/4 Section 33; Dam #4 (26.64 acre-feet capacity) is located in the SE1/4 NW1/4 Section 33, all in T5N-R5E.

(3) Pursuant to Section 46-5-30.1 the City of Sturgis of 1147 Sherman Street, Sturgis, SD 57785 the holder(s) and/or owners(s) of Vested Water Right No. 1446-1 is issued a license to store 74.76 acre feet of water in four dry draw storage dams with priority dates of February 29, 1892 for Dam #1; January 1, 1894 for Dam #2; January 1, 1935 for Dam #3; and January 1, 1929 for Dam #4 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1446-1 and subject to South Dakota State Law.



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

JUN 13 1989

DAM NUMBER	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
TYPE OF DAM	Concrete & Rock Masonry	Concrete & Rock Masonry	Earth with Concrete Core	Concrete & Rock Masonry
FREEBOARD FT.	2	2	2	2
CREST WIDTH FT.	4	6	8	6
CREST LENGTH FT.	50	220	240	200
HEIGHT FT.	15	30	15	37
OUTLET CONTROL PIPE DIAM INCHES	10	12	12	12
EM SPILLWAY FT	50+	20+	20+	20+
X & Y SLOPES UPSTREAM	1:1	2:1	2:1	2:1
DOWNSTREAM	1:1	2:1	2:1	2:1
SURFACE ACRES	0.72	2.5	2.3	2.4
STORAGE Ac Ft	4.32	30.0	13.8	26.64
DRAINAGE AREA ABOVE DAM	1364	1280	1329	1020

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 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) City of Sturgis

Post Office Address 1147 Sherman Street, Sturgis, South Dakota 57785
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
 Dam #2 Where Dam #3 Book Dam Page #4

B. Date of start of construction of water supply system 1894 1935 1929

C. Date that water was first applied to beneficial use 1895 1936 1930

D. Name of owner of original water supply system Joseph J. Davenport

E. Amount of water originally applied to beneficial use 30.0 AF 13.8 AF 26.67 AF

F. Present Use of Water - Amount of water now being used For emergency use only

Date that this water was first used 1895 1936 1930

NOTE: See attached form #2 for Dam information

G. Chronological History of Water Use

Joseph J. Davenport constructed the three dams in the years as shown above. Davenport sold water to the City of Sturgis until 1978 when the City acquired the system of dams. The system was the primary source of water for the City until 1985. The system is now maintained in operating condition to use as an emergency source of water.

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 Meade) ss

I, Bruce J. Walker, chairman Sturgis Utility Board the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Bruce J. Walker

Subscribed and sworn to before me April 14, 1988

John E. Luoma
 Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true

 (Print name) 19____

 (Print name) 19____

Affidavit of Water Use

No. _____

Dam #1 Constructed under
Water Right No. 0451-1

(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) City of Sturgis
 Post Office Address 1147 Sherman Street, Sturgis, South Dakota 57785
(Street, RR or Box) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting February 29, 1892
- Date of recording February 29, 1892 Recording date Meade County 6 262
 Amended - April 26, 1895 Meade County 6 549
- B. Date of start of construction of water supply system 1892 Meade County 6 549
- C. Date that water was first applied to beneficial use Plaque on dam indicates constructed 1892
- D. Name of owner of original water supply system Joseph J. Davenport
- E. Amount of water originally applied to beneficial use 50 Miners Inches - 1.0 cfs
- F. Present Use of Water - Amount of water now being used 4.32 AF Emergency Use
- Date that this water was first used 1892

G. Chronological History of Water Use

Joseph J. Davenport constructed the dam in 1892. Mr. Davenport sold water to the City of Sturgis from 1892 to 1978. In 1978 the City acquired the system. The system was used by the City as their primary source of water until 1985. The system is now maintained in operating condition to use as an emergency source of water.

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 Meade) ss

I, Bruce J. Walker, Chairman Sturgis Utility Board the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed _____

Subscribed and sworn to before me April 14, 1988_____
Notary Public or other qualified officer

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

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

Belle Fourche River Water District 10120202**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by City of Sturgis
1147 Sherman St. of Sturgis, SD 57785 holder ofPermit No. _____, bearing the priority of _____ 19____ authorizing
the diversion of _____ cu. ft. per second of the waters of Dry Draws
for Municipal purposes, in Meade County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Five storage dams with controls. The upper four dams can release water to the lower dam. This dam has controls to release water into a pipeline. Dam #1 is the lower dam. See attached sheets for dam information

B. Works used to transport water to place of use:

Pipeline from lower dam to city of Sturgis storage facilities starts with 10" dia steel pipe, then to 8" dia steel then 6" cast iron to storage reservoir

C. Works used to apply water to beneficial use:

City distribution system

The system is in the following condition GoodThe point of diversion is located See reverse side of this sheet

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for Municipal Purposes

Water has been put to beneficial use to the maximum extent as follows: _____

74.76 Ac Ft of storage total in the 5 dams

comprising a total of _____ acres of land and the license should be issued for _____ cfs

Applicable permit qualifications have been complied with _____ Yes _____ No

Exceptions to compliance are: _____ Date August 1, 1986

Points of Diversion:- All in T5N R5E

Dam #1 = 470' N and 250' E of the $S\frac{1}{4}$ Cor of Sec. 28

Dam #2 = 250' S of the $N\frac{1}{4}$ Cor of Sec. 33

Dam #3 = 750' S and 380' W of the $N\frac{1}{4}$ Cor of Sec. 33

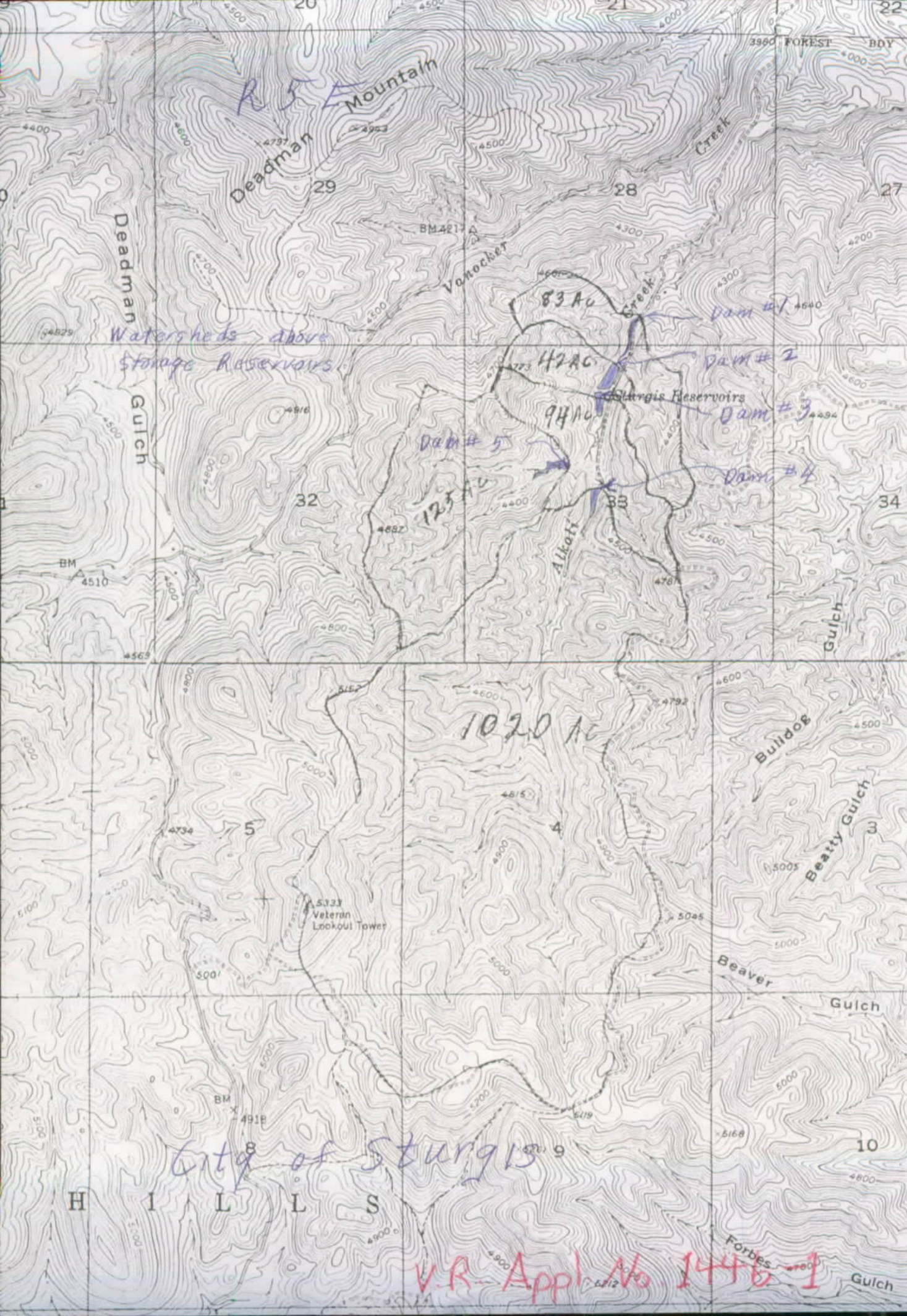
Dam #4 = 2320' S and 360' W of the $N\frac{1}{4}$ Cor of Sec. 33

Dam #5 = 2020' S and 1100' W of the $N\frac{1}{4}$ Cor of Sec. 33

Form 12. Examination of works

Dam Number →	1	2	3	4	5
Type of Dam	Concrete & Rock Masonry	Concrete & Rock Masonry	Earth with Concrete Core	Concrete & Rock Masonry	Earth
Freeboard ft	2	2	2	2	4
Crest Width ft	4	6	8	6	10
Crest Length	50	220	240	200	290
Height ft	15	30	15	37	44 est
Outlet Control pipe Dia. inches	10	12	12	12	12
Em Spillway ft	50+	20+	20+	20+	10
X & Y Slopes Upstream	1:1	2:1	2:1	2:1	2:1
downstream	1:1	2:1	2:1	2:1	2:1
Surface Acres	0.72	2.5	2.3	2.4	2.8
Storage Ac Ft.	4.32	30.0	13.8	26.67	44.8
Drainage Area Above Dam	1364	1281	1329	1020	125

Office copy

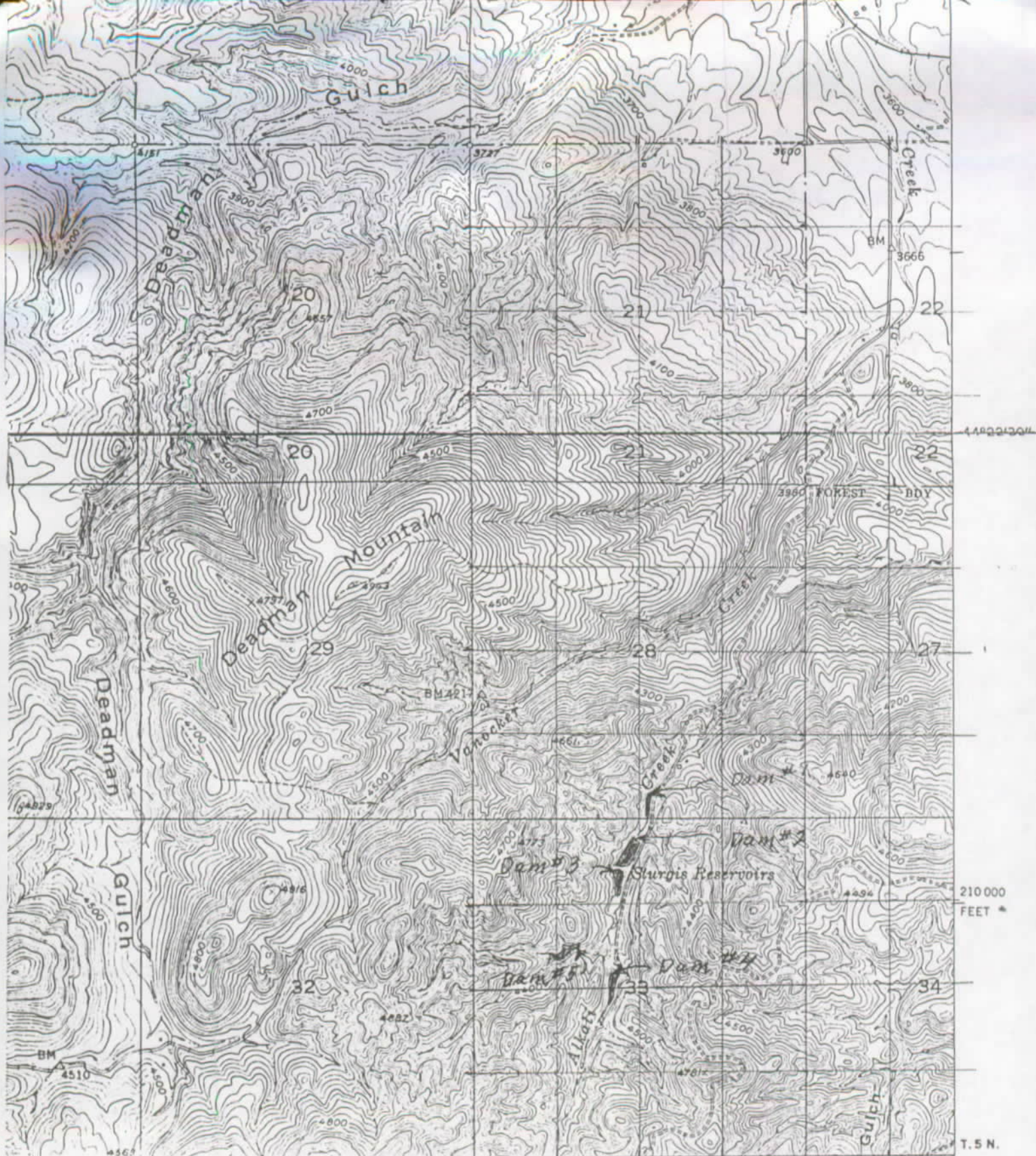


210 000
FEET

T.5 N.
T.4 N.

20'

V.R. Appl. No 1446-1



210 000
FEET *

T. 5 N.
T. 4 N.

20'

City of Sturgis

Map by L. J. Muncy

V.R. Appl. No. 1446-1

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411207

Pierre,

April 20

1988

RECEIVED OF City of Sturgis, 1147 Sherman St., Sturgis, SD 57785

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

Fee for Application for Permit No. _____ 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



Department of Water & Natural Resources

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

February 10, 1988

City of Sturgis
1147 Sherman Street
Sturgis, South Dakota 57785

ATTENTION: John E. Cusma, City Engineer

Dear Mr. Cusma:

On May 19, 1987 I met with you regarding water permits for the storage dams for the City of Sturgis. In order to assist you in your applications I am enclosing two completed application forms. One application is for a Vested Right for four storage dams that qualify for a vested right. The other is for Dam Number 5 that does not qualify for a vested right.

Would you please check all of the forms and make any changes necessary to make the applications as accurate as possible. Then sign and notarize all forms where indicated. This office needs two copies of Form 2 and 2A and one copy of each Form 2 B, "Affidavit of Water Use." Also enclose a check for \$165.00 to cover the cost of the filing fees. (\$150.00 for the application for Dam Number 5 and \$15.00 for the vested right application).

Enclosed also is a map of the area. Please check this over and make any changes necessary to make it as accurate as possible. Return the maps along with the forms so that we may correct our office copy. If you do not make any changes on the map you may keep it for your use.

If you have any questions regarding the matter please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Natural Resources Engineer

LJM:ms
Enc.

DAM NUMBER	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
TYPE OF DAM	Concrete & Rock Masonry	Concrete & Rock Masonry	Earth with Concrete Core	Concrete & Rock Masonry
FREEBOARD FT.	2	2	2	2
CREST WIDTH FT.	4	6	8	6
CREST LENGTH FT.	50	220	240	200
HEIGHT FT.	15	30	15	37
OUTLET CONTROL PIPE DIAM INCHES	10	12	12	12
EM SPILLWAY FT	50+	20+	20+	20+
X & Y SLOPES UPSTREAM	1:1	2:1	2:1	2:1
DOWNSTREAM	1:1	2:1	2:1	2:1
SURFACE ACRES	0.72	2.5	2.3	2.4
STORAGE Ac Ft	4.32	30.0	13.8	26.64
DRAINAGE AREA ABOVE DAM	1364	1280	1329	1020

City of Sturgis, South Dakota

Engineering and Inspections - 1029 First Street

STURGIS, SOUTH DAKOTA 57785-1507
PHONE 605-347-4424



April 14, 1988

S.D. Department of Water and
Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, SD 57501



Dear Mr. Mernaugh:

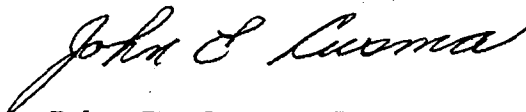
Please find enclosed as per your request the following material.

1. Two (2) copies of Form 2 and 2A of Application for Permit to Appropriate Water. This is for Dam #5.
2. Two (2) copies of Form 2 and attachment of Application for Permit to Appropriate Water. This is for Dams #1, #2, #3, and #4. This is a vested right.
3. A copy of Form 2B, affidavit of Water Use for Dam #1.
4. A copy of Form 2B affidavit of Water Use for Dams #2, #3, and #4.
5. A check in the amount of \$215.00 for the following fees:
 - a) Water Right Application Dam #5. Amount due \$150.00.
 - b) Vested Right Application for Dams #1, #2, #3, and #4. Amount due \$15.00.
 - c) Fee for Inspection and issuing of Water License for Water Right No. 1287-1. Amount due \$50.00.

Item 5(c) was requested by Maxine Stirling.

If you have any questions or require any additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "John E. Cusma". The signature is written in dark ink and is positioned above the printed name.

John E. Cusma, P.E., L.S.
City Engineer

JEC/bv



Department of Water & Natural Resources

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

May 3, 1988

Bruce J Walker, Chairman
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

This letter is in response to the water permit application and vested right claim submitted on April 18, 1988 for dam Nos. 1 - 5 for the City of Sturgis. The following information is needed to complete the applications:

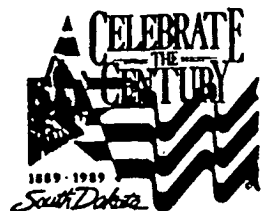
- 1) The enclosed applications and affidavits of water use need to be notarized. The forms have not been stamped by Mr. Cusma.
- 2) A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining a hazard classification for dam Nos. 2, 4 and 5 (see enclosed Safety of Dams Rules Section 74:02:08:05). The hazard classification of the 3 dams (Category 1, 2 or 3) is needed to determine if the dams need to comply with provisions of the Safety of Dams Rules.

The applications can not be processed for consideration by the Water Management Board until the applications are complete. Please return the notarized applications with the risk assessment to complete the applications.

Sincerely,

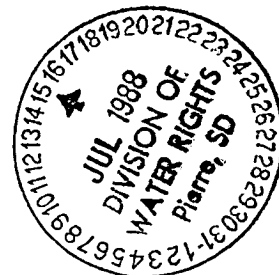
Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



City Of Sturgis, South Dakota
Water Department - 1025 First Street

STURGIS, SOUTH DAKOTA 57785-1592
PHONE 605-347-4425



July 14, 1988

Mr. Ron Duvall
S.D. Department of Water and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

Please find enclosed as per your request of May 3, 1988, notarized applications and affidavits of water use. Also find enclosed a narrative in reference to the water supply dams. This is an attempt to comply with the preliminary risk assessment of the downstream hazard potential.

If you have any questions or require additional or different information please contact me.

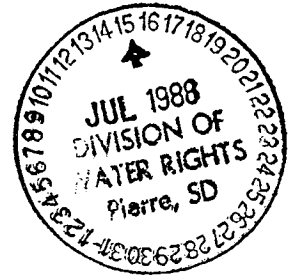
Sincerely,

A handwritten signature in cursive script that reads "John E. Cusma".

John E. Cusma
Water Superintendent

JEC/bv

WATER SUPPLY DAMS
FOR
STURGIS, SOUTH DAKOTA



The City of Sturgis is the owner of five water supply dams approximately two to three miles south of the City of Sturgis. These five dams are as follows.

DAM NO.	YEAR CONSTRUCTED	HEIGHT OF DAM	SPILLWAY OPENING	STORAGE
1.	1893	18'	NONE	4.32 AF
2.	1894	36'	0.5' x 16.2'	30.00 AF
3.	1935	13'	3.5' x 12.0'	13.80 AF
4.	1921	38'	1.0' x 16.5'	26.64 AF
5.	1959	37'	5.2' x 18.0'	44.80 AF

There is a total holding capacity in all five dams of approximately 40 million gallons. Dams 1 through 4 are all in series on the Alkali Creek Drainage. These dams are supplied by rainfall and snowmelt runoff and by a spring. Dam #5 is located on a tributary to Alkali Creek and any overflow would enter Alkali Creek downstream of Dam #4. Dam #5 is supplied by surface runoff only and is very seldom filled.

The Alkali Creek drainage then proceeds Northeasterly across Forest Service land to the vicinity of the Black Hills National Cemetery. It then crosses I-90 and continues onto the open prairie land.

There are two cabins on privately owned land approximately 650 feet downstream of Dam #1. These cabins are owned by the family of Jarvis Davenport who constructed the dams and the original Sturgis water supply system. The main cabin that is occasionally used by the family is 26 feet above the flow line of Alkali Creek. There is a second smaller cabin approximately another 150 feet downstream and it is 8.3 feet above the stream flow line. This cabin has very limited use.

Dams 2, 3, 4, & 5 are all located in the West half of Section 33, T5N, R5E of the BHM. Dam #1 is located in the South half of the Southwest Quarter of the Southeast Quarter of Section 28, T5N, R5E of the BHM. The two cabins are located in the North half of the Southwest Quarter of the Southeast Quarter

of Section 28, T5N, R5E of the BHM. The City of Sturgis owns the following land consisting of 620 Acres.

South half of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 28, T5N, R5E, B.H.M.
East half of the East half of Section 32, T5N, R5E, B.H.M.
West half of Section 33, T5N, R5E, B.H.M.
North half of the NW $\frac{1}{4}$ Section 33, T5N, R5E, B.H.M.
NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ Section 34, T5N, R5E, B.H.M.

It is possible that the 20 acres of land on which the cabins are located will be sold. The Sturgis Municipal Utility Board is inquiring into the possibility of purchasing this land.

The City of Sturgis has a full time man at the dams from the latter part of May until September 1st. His responsibility is to keep the area policed and cleaned and to keep the drainage cleared. He also controls the flows from one dam to the next as conditions require and keeps the dams in good repair. All dams are concrete with the exception of Dam #5 which is the first to be emptied. During the remaining parts of the year the dams are checked a minimum of once per week assuming they are accessible. Access may be blocked by snow. To our knowledge the cabins are not used other than summer months and only then occasionally since the owner lives in Colorado.

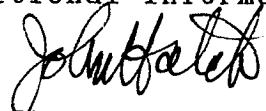
Based on this information we believe the dams to be rated in the small classification and under category 3 with minimal economic loss potential and no expected loss of life potential.

RECOMMENDATION OF CHIEF ENGINEER FOR VESTED WATER RIGHT
APPLICATION NO. 1446-1, City of Sturgis

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. 1446-1, City of Sturgis, 1147 Sherman Street, Sturgis SD.

The Chief Engineer is recommending VALIDATION of Application No. 1446-1 with the applicable portions of Water Right Filing No. 0451-1 and amended Water Right Filing No. 0451-1 incorporated into No. 1446-1 and that the abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled, because 1) water has been appropriated as described for municipal purposes use with priority dates of February 29, 1892, January 1, 1894, January 1, 1935 and January 1, 1929, 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.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 30, 1988

REPORT ON VESTED RIGHT APPLICATION 1446-1 &
APPLICATION NO. 1445-1
CITY OF STURGIS
AUGUST 10, 1988

Application No. 1446-1 requests validation of a vested right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. The water has been in use since the dams were constructed. Dam No. 1 (15 ft. high, 4.32 acre-feet storage capacity) is located in the SW 1/4 SE 1/4 Section 28-T5N-R5E and was constructed in 1892; Dam No. 2 (30 ft. high, 30.0 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1894; Dam No. 3 (15 ft. high, 13.8 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1935; Dam No. 4 (37 ft. high, 26.64 acre-feet storage capacity) is located in the SE 1/4 NW 1/4 of Section 33-T5N-R5E and was constructed in 1929.

Application No. 1445-1 is for impoundment (Dam No. 5) of 44.8 acre feet of water in a dry draw dam. Dam No. 5 (44 ft. high, 44.8 acre-feet storage capacity) is located in the S 1/2 NW 1/4 of Section 33-T5N-R5E and was constructed in 1959.

Discussion

Water Right Filing No. 0451-1 was filed by Joseph Davenport on February 29, 1892 to appropriate the water of certain springs and all their overflow running in a small channel sometimes called Silver Creek or Warren Creek. The point of diversion is to be located where the overflow crosses the South line of Section 28-T5N-R5E. The purpose for the appropriation was is for mining, milling, manufacturing and domestic use. Water Right Filing No. 0451-1 was amended on April 26, 1892. The amendment was made to state more fully the purposes of the appropriation and intended and actual use of Water Right Filing No. 0451-1. The amendment added that the appropriation can also be used for the sale and delivery to others along the route and in the City of Sturgis and Fort Meade.

The 5 dams were constructed by Joseph Davenport as part of a water supply system that furnished water to the City of Sturgis. Water was sold to the City of Sturgis from 1892 to 1978. In 1978 the City acquired the system. The system was used by the City as their primary source of water until 1985. The system is now maintained in operating condition to use as an emergency source for municipal water.

The City of Sturgis has 4 existing water rights for groundwater that they now use as their primary source of municipal water. They are Vested Water Right Claim No. 441-1, Water Right No. 780-1, Water Permit No. 1287-1 and 1396-1. Dam No. 1 is described in Vested Water Right Claim No. 441-1, however; only groundwater is mentioned in the license.

The Safety of Dams Rules, Section 74:02:08:01(6) defines a dam as being an artificial barrier which is 25 feet or more in height or has an impounding capacity of at least 50 acre-feet or more. Dam No. 1 and Dam No. 3 are not large enough to be defined as a dam pursuant to Section 74:02:08:01(6). A preliminary assessment of the remaining dams classifies them as small size Category 2 dams. The Category 2 classification is applied to these dams because they are used as water supply reservoirs. Since they were constructed before October 27, 1986 they are exempt from spillway requirements unless they fail and are rebuilt.

Conclusions

1. The dams exist and function as an emergency water supply for the City of Sturgis. They were inspected by LeRoy Mernaugh and found to exist as described.
2. It is recommended that Vested Water Right Application No. 1446-1 be validated with the applicable portions of Water Right Filing No. 0451-1 and amended Water Right Filing No. 0451-1 incorporated into Vested Water Water Right Application No. 1446-1 and that the abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled. It is recommended that this vested water right claim have a priority date of February 29, 1892 for Dam No. 1 based on Water Right Filing No. 0451-1 and January 1, 1894 for Dam No. 2, January 1, 1935 for Dam No. 3 and January 1, 1929 for Dam No. 4 since the exact dates of construction during 1894, 1935 and 1929 are not known.
3. It is recommended that Application No. 1445-1 be approved since the dam has been in existence since 1959 and we have received no complaints and there are no existing water rights in the area that would be adversely affected.

Timothy G. Schaal /KS
Timothy G. Schaal, P.E.
Natural Resources Engineer

 **Department of
Water & Natural Resources**

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

August 31, 1988

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785

Dear Sir:

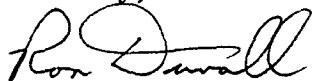
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1446-1 to be published twice. Please publish the notice on or before September 7, 1988 with the second publication 7 days later.

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 the City of Sturgis, 1147 Sherman Street, Sturgis SD 57785.

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

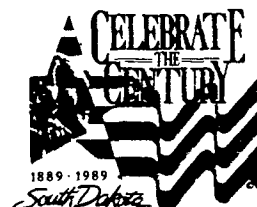
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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

August 31, 1988

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

Bruce J. Walker
Chairman Sturgis Utility Board
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

Your Application No. 1445-1 for a permit to appropriate water for municipal use and Application No. 1446-1 for a vested water right claim have been examined and found to comply with the South Dakota Water Laws and applicable rules. The notices have been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, copies of the notices, the recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notices 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 Notices of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices 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 applications can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before September 7, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1446-1 to Appropriate Water

Notice is given that the City of Sturgis, 1147 Sherman Street, Sturgis SD 57785 has filed an application to validate a vested water right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. Dam No. 1 (4.32 acre-feet storage capacity) is located in the SW 1/4 SE 1/4 Section 28; Dam No. 2 (30.0 acre feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 3 (13.8 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 4 (26.64 acre-feet storage capacity) is located in the SE 1/4 NW 1/4 Section 33; all in T5N, R5E. Water use from the 4 dams has the following claimed priority dates: Dam No. 1 - February 29, 1892; Dam No. 2 - 1894; Dam No. 3 - 1935; and Dam No. 4 - 1929. If validated, this application will authorize additional fills of the 4 dams as needed to supply emergency municipal water to the City of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1446-1 and that applicable portions of Water Right Filing No. 0451-1 and amended No. 0451-1 be incorporated into No. 1446-1 and that abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled because 1) water has been appropriated as described for municipal purposes with priority dates of February 29, 1892, January 1, 1894, January 1, 1935 and January 1, 1929, 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the 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 23, 1988. 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 23, 1988.

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, 46-2A-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

No. 1446-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Joan Lewis hereby

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

Water was taken from the Meade County Times-Tribune

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 Sturgis

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

September 7, 1988

September 14, 1988

Joan Lewis
(Signature)

Billing Clerk
(Title)

9-14-88

(Date Signed)



Cost of Printing: \$54.00

NOTICE OF HEARING
TO VALIDATE VESTED
WATER RIGHT APPLICATION
NO. 1446-1 TO
APPROPRIATE WATER

Notice is given that the City of Sturgis, 1147 Sherman Street, Sturgis, SD 57785 has filed an application to validate a vested water right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. Dam No. 1 (4.32 acre-feet storage capacity) is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28; Dam No. 2 (30.0 acre-feet storage capacity) is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; Dam No. 3 (13.8 acre-feet storage capacity) is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; Dam No. 4 (26.64 acre-feet storage capacity) is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; all in T5N, R5E. Water use from the 4 dams has the following claimed priority dates: Dam No. 1 — February 29, 1892; Dam No. 2 — 1894; Dam No. 3 — 1935; and Dam No. 4 — 1929. If validated, this application will authorize additional fills of the 4 dams as needed to supply emergency municipal water to the City of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1446-1 and that applicable portions of that abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled because 1) water has been appropriated as described for municipal purposes with priority dates of February 29, 1892, January 1, 1894, January 1, 1935 and January 1, 1929, 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre SD on October 5, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the 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 23, 1988. 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 23, 1988.

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, 46-2A-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

Publ Sept. 7 & 14, 1988
Meade County Times-Tribune



Department of Water & Natural Resources

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

September 19, 1988

Bruce J Walker
Chairman Sturgis Utility Board
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

I am writing to advise you that the legal notice of hearing for Application No. 1446-1 published in the Meade Co. Times-Tribune is not correct. Portions of the legal notice were omitted from the published notice of hearing. Enclosed is a copy of the published notice and the notice as sent to the newspaper.

As a result of the publication error, the legal notice will need to be readvertised for the December 7, 1988 Water Management Board meeting. The readvertisement is needed to ensure that the vested right claim is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice will be sent to you and the newspaper at a later date.

The published notice of hearing for Application No. 1445-1 is correct and the hearing is still scheduled for October 5, 1988. Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

cc: Meade Co. Times-Tribune





Department of Water & Natural Resources

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

October 26, 1988

Meade Co. Times-Tribune
Box 69
Sturgis SD 57785

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1446-1 to be published twice. Please publish the notice on or before November 2, 1988 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 the City of Sturgis, 1147 Sherman Street, Sturgis SD 57785. This notice is a readvertisement of the notice published in your paper on September 7 and 14, 1988. Due to publishing errors on the original notice, this notice needs to be readvertised.

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 26, 1988

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

Bruce J. Walker
Chairman Sturgis Utility Board
City of Sturgis
1147 Sherman Street
Sturgis SD 57785

Dear Mr. Walker:

Your Application No. 1446-1 for a vested water right claim have been examined and found to comply with the South Dakota Water Laws and applicable rules. The notice has been sent to the Publisher of the Meade Co. Times-Tribune printed at Sturgis SD. For your information, copy of the notice is 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 Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notices 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 applications can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before November 2, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1446-1 to Appropriate Water

Notice is given that the City of Sturgis, 1147 Sherman Street, Sturgis SD 57785 has filed an application to validate a vested water right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. Dam No. 1 (4.32 acre-feet storage capacity) is located in the SW 1/4 SE 1/4 Section 28; Dam No. 2 (30.0 acre feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 3 (13.8 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 4 (26.64 acre-feet storage capacity) is located in the SE 1/4 NW 1/4 Section 33; all in T5N, R5E. Water use from the 4 dams has the following claimed priority dates: Dam No. 1 - February 29, 1892; Dam No. 2 - 1894; Dam No. 3 - 1935; and Dam No. 4 - 1929. If validated, this application will authorize additional fills of the 4 dams as needed to supply emergency municipal water to the City of Sturgis.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1446-1 and that applicable portions of Water Right Filing No. 0451-1 and amended No. 0451-1 be incorporated into No. 1446-1 and that abandoned portions of No. 0451-1 and amended No. 0451-1 be cancelled because 1) water has been appropriated as described for municipal purposes with priority dates of February 29, 1892, January 1, 1894, January 1, 1935 and January 1, 1929, 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. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 W Russell, Sioux Falls SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the 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 November 25, 1988. 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 November 25, 1988.

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, 46-2A-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Joan Lewis hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Black Hills Press

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 Sturgis

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

October 29, 1988

November 5, 1988

Joan Lewis
(Signature)

Billing Clerk
(Title)

11-11-88

(Date Signed)



Cost of Printing: 54.00

NOTICE OF HEARING
TO VALIDATE VESTED
WATER RIGHT APPLICATION
APPLICATION NO. 1446-1
TO APPROPRIATE WATER

Notice is given that the City of Sturgis, 1147 Sherman Street, Sturgis, SD 57785 has filed an application to validate a vested water right claim to impound 74.76 acre-feet of water in 4 dry draw storage dams. Dam No. 1 (4.32 acre-feet storage capacity) is located in the SW 1/4 SE 1/4 Section 28; Dam No. 2 (30.0 acre feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 3 (13.8 acre-feet storage capacity) is located in the NE 1/4 NW 1/4 Section 33; Dam No. 4 (26.64 acre-feet storage capacity) is located in the SE 1/4 NW 1/4 Section 33; all in T5N, R5E. Water use from the 4 dams has the following claimed priority dates: Dam No. 1 - February 29, 1892; Dam No. 2 - 1894; Dam No. 3 - 1935; and Dam No. 4 - 1929. If validated, this application will authorize additional fills of the 4 dams as needed to supply emergency municipal water to the City of Sturgis.

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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 the Chief Engineer by November 25, 1988. 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 the 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 November 25, 1988.

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, 46-2A-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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Department of Water & Natural Resources

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

1446-1

JUN 13 1989

City of Sturgis
ATTN: Bruce J. Walker
1147 Sherman Street
Sturgis, SD 57785

Dear Mr. Walker:

Enclosed are your Validated Vested Water Right and Water License No. 1446-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

JH:mra

enclosures

