

Considered: _____

Vested Right Claim

WATER PERMIT NO.

1465-1

HAP No. same 642-4400

Name of Applicant False Bottom Livestock, Inc. c/o George D. Johnson

Post Office Address Box 42 B, St. Onge SD 57779

Amount of Water Claimed 0.08 cfs - 10 ac-ft Total Acres 5.7

Source of Water Supply dry draw

Water to be used for irrigation County Butte

About 4 miles SSE of Belle Fourche.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received June 1, 1989 Fee \$15.00 Remarks claim is to add diversion dam to irrigate 5.7 ac authorized by V.R. No 291-1

Corrected Application Received July 10, 1989 Period of Annual Use Apr 1 - Nov 1

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

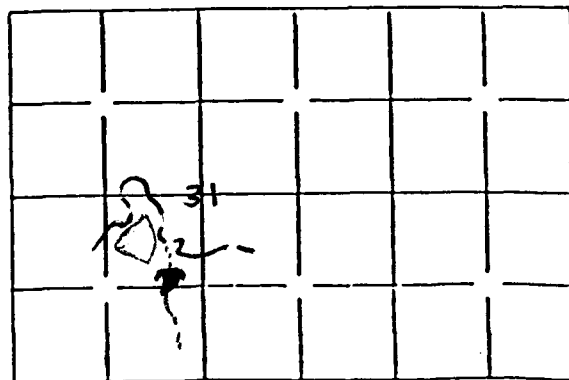
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dry draw dam: NE 1/4 SW 1/4

section 31 - T8N - R3E

Land to be Irrigated NE 1/4 SW 1/4 section 31 -

T8N - R3E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

assigned on July 24, 1989 By Ron Duvall

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1465-1 FOR IRRIGATION

(1) False Bottom Livestock, Inc., c/o George D. Johnson of Box 42B, St. Onge SD 57779 made Application No. 1465-1, June 1, 1989 for validation of a vested right claim to appropriate 0.08 cubic feet of water per second from a dry draw dam (10 acre-feet storage capacity), Butte County, South Dakota for irrigation purposes. Vested Water Right No. 1465-1 was validated September 28, 1989 with a priority date of September 1, 1953. 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 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is: NE 1/4 SW 1/4 Section 31, T8N, R3E.

The location of the irrigated acreage is: T8N, R3E, Section 31 NE 1/4 SW 1/4 5.7 acres.

(3) Pursuant to Section 46-5-30.1 False Bottom Livestock, Inc., c/o George D. Johnson, Box 42B, St. Onge SD 57779 the holder(s) and/or owner(s) of Vested Water Right No. 1465-1 is issued a license to appropriate 0.08 cubic feet of water per second from a dry draw dam (10 acre-feet storage capacity) with a priority date of September 1, 1953 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. 1465-1 and subject to South Dakota State Law.



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

APR 25 1990

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1465-1 FOR IRRIGATION

Date of Receipt of Claim June 1, 1989.

Date of Validation September 28, 1989.

The Water Management Board validated Vested Water Right Claim No. 1465-1 for irrigation purposes for False Bottom Livestock Inc., Box 42B, St. Onge SD 57779 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1465-1 authorizes diversion of 0.08 cubic feet of water per second from a dry draw dam (10 acre-feet storage capacity) to irrigate 5.7 acres also authorized for irrigation by Vested Water Right No. 291-1. The dry draw dam and 5.7 acres are both located in the NE1/4 SW1/4 section 31-T8N-R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year and may not exceed one-seventieth (1/70) cubic feet of water per second for each acre of irrigated land. The water is to be used during the following annual period: April 1 - November 1.
3. The priority date of the Vested Water Right is September 1, 1953.
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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

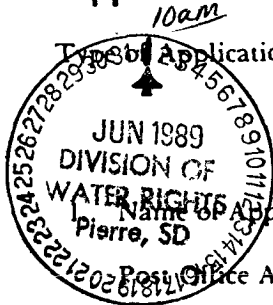
APR 25 1990
date

Division of Water Rights
Dept. of Water and Natural Resources

(See instructions)

No. 1465-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Belle Fourche Daily Post, 1004 5th Ave
57717

Application For Soil/Water Compatibility Permit and Permit To Appropriate 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 _____
- Name of Applicant False Bottom Livestock Inc. Johnson c/o George D. Phone No. 642-4400
- Post Office Address Box 42B, St. Onge SD 57779
(Street, RR or Box) (City) 5.7 see V.r.No. 291-1 Zip Code
2. Amount of water claimed (c.f.s) no additional Total acres irrigated no additional
3. Source of Water supply a dry draw - tributary to False Bottom Creek
4. Location of point of diversion NE 1/4 SW 1/4 Section 31, T8N-R3E
- County BUTTE
5. Counties where water will be used Butte
6. Annual period during which water is to be used May 1 - October 31 - April 1 - November 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 SW 1/4 Sec 31-8N-3E	5.7		
- N/A -			

Attach sheet if more space is needed

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

This application is to add a diversion point to the ones authorized under VR # 291-1. Approximately 5.7 acres of land located in the NE 1/4 SW 1/4, are irrigated from this dam.

The acreage is also listed on VR # 291-1,

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

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

FALSE BOTTOM LIVESTOCK
GEORGE D. JOHNSON, 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 George D. Johnson

Subscribed and sworn to before me this 15 day of May 1989

Mic O'Connor
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) False Bottom Livestock Inc., c/o George D. Johnson

Post Office Address Box 42B, St. Onge SD 57779
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 9-1-53C. Date that water was first applied to beneficial use 3-16-54D. Name of owner of original water supply system REDWATER RANCH
to Tom BROADHURST

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used irrigation - 10 acre-feet

Date that this water was first used _____

G. Chronological History of Water 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, FALSE BOTTOM LIVESTOCK c/o GEORGE D. JOHNSON the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed _____

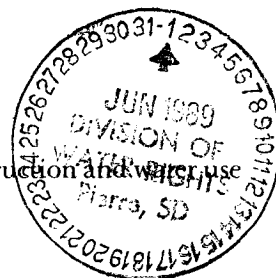
Subscribed and sworn to before me May 15, 19 89

Alvin D. Eganwood
 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____

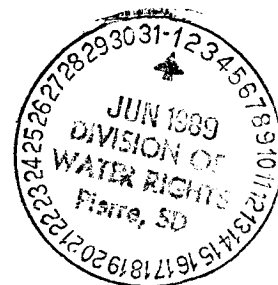
 (Print name) 19____



4-4-92

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 2 ft

c) Crest Width 12 feet

Crest Length 40 feet

d) Height 10

e) Primary Outlet Capacity approx. 45 cfs
If Pipe, diameter _____

f) Secondary Spillway Capacity N/A
Spillway width _____

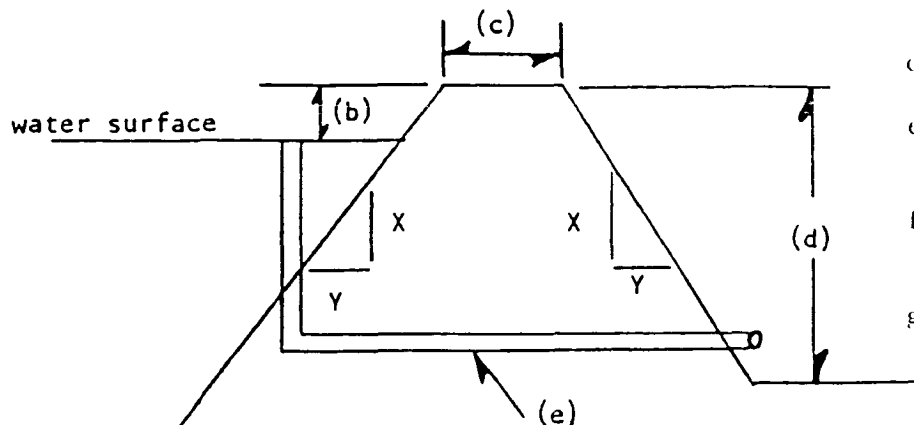
g) X & Y Slope
Upstream 3:1

Downstream 3:1

Surface Area of Impoundment 1 acre

Storage 10 acre feet

Drainage area above dam 0.24 mi²



George Johnson
Signature of Applicant

LICENSE FOR PERMIT NUMBER 291-1

1465-1

1. Legal location of wells: NA

dams & structures: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T8N-R3E

2. Well Information: Well Drilling Firm NA

No. of wells none Depth NA

Casing a) diameter / Screen a) type /
b) length / b) length /
c) type / Static Water Level /

Pump a) make Berkeley/Berkeley Motor a) make Heston Diesel/Propane Ford Ind.
b) model B4J b) model no.
c) size 6 inches c) horsepower rating 140/2
d) capacity 600 GPM d) motor efficiency rating
e) turbine pump
no. of stages

3. Distribution lines:

a) size of lines 6 inches
b) type Aluminum-Rubber
c) length 1320 feet total length

4. Dam information:

a) height to crest 10 feet i) Outlet tubes: None
b) height to spillway 8 feet 1) diameter
c) crest width 12 feet 2) type
d) crest length 40 feet 3) valued (Y/N)
e) spillway length 200 feet 4) valve type
f) spillway width 4 feet 5) location on structure
g) approx. storage 10 acre-feet
h) Distribution lines or canals:
1) size
2) type Spillway is used as ditribution line.
3) length

5. System Type: a) sideroll:

1) length feet
2) diameter of pipe
3) make, model & number of sprinklers
4) spacing of sprinklers
5) nozzle size

b) towline:

1) length feet
2) make, model & number of sprinklers
3) spacing of sprinklers
4) nozzle size

5. System Type: c) center pivot

- 1) make No tag!
- 2) number of towers 1
- 3) distance between towers
250 feet
- 4) overall length 300 feet
- 5) End gun (Y/N) Y
- 6) high or low pressure H
- 7) make & size of nozzles
- 8) PSI reading while system is
running 60
- 9) GPM 600

g) Gun

- 1) make Nelson
- 2) serial number CC 1531
- 3) nozzle size 2 inches
- 4) capacity (GPM) 600
- 5) PSI 120
- 6) hose size 6 inches
- 7) hose length 660 feet

d) Gate Pipe

- 1) length
- 2) diameter
- 3) spacing of gates

e) Siphons

- 1) number
- 2) size

f) Portable boom

- 1) make
- 2) serial number
- 3) nozzle size
- 4) capacity (GPM)
- 5) PSI

h) Hydromatic

- 1) make
- 2) model
- 3) serial number
- 4) length
- 5) nozzle size
- 6) spacing
- 7) PSI
- 8) capacity (GPM)

YES NO Check Items

- | | | | |
|----------|---------|---------|---|
| | NA | <u></u> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>X</u> | <u></u> | <u></u> | 2. Special Qualifications to permit being abided by. |
| <u>X</u> | <u></u> | <u></u> | 3. All Structures, wells and lands on map. |

REMARKS:

The dam in Section 31 has been added to the diversion points.

Application to add a diversion point will be sent to Mr. Johnson.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 1, 1989

RECEIVED OF Falke Bottom Livestock Inc, c/o George Johnson Box 42B, St Onge, SD 57777

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

Fee for Application for Permit No. <u>1465-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer



Department of Water & Natural Resources

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

June 29, 1989

George D Johnson
False Bottom Livestock, Inc.
Box 42B
St Onge SD 57779

Dear Mr. Johnson:

This letter is in response to your vested right claim received on June 1, 1989 to add a small dam for irrigation of 5.7 acres also included on Vested Water Right No. 291-1. The following information is needed to complete the vested right claim for the dam:

- 1) The enclosed Affidavit of Water Use does not specify the date from which water was first used and the original amount applied for irrigation purposes (Questions B, C, E and F). This date is needed in order to establish a priority date for your vested right claim.

A topographical map in our office indicates the dam has been in existence since at least 1954. This date may be claimed as a priority date, if in fact water was being used for irrigation in 1954, or an earlier date may be claimed if you have information supporting the earlier date.

- 2) The amount of water claimed (cubic feet of water per second) to irrigate the 5.7 acres from the dam also needs to be specified on the vested right claim. I will complete this question based on the statutory limit (SDCL 46-5-6) unless you specify otherwise.

*You do it
thank you.*

The vested right claim can not be considered by the Water Management Board until the claim is complete. Please respond to the above questions and then return the enclosed Affidavit. If you have any questions, please contact me.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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

May 9, 1989

False Bottom Livestock, c/o George D. Johnson
Box 42B
St. Onge, SD 57779

RE: Additional Diversion Point, VR# 291-1

Dear Mr. Johnson:

Enclosed you will find application forms to add a diversion point to your Vested Right No. 291-1. The application is to cover the dam located in the NE1/4 SW1/4 Section 31, T8N-R3E, in Butte County. The dam is closely located to the False Bottom Creek, therefore, it is believed that the water stored in the dam and the water from the creek are the same and the water from the dam will have the same priority date as the one from the creek (April 1, 1940). Since the dam was constructed prior to 1957, it qualifies for a vested right claim. Please review the forms for accuracy, complete Form 2B to the best of your knowledge, sign and notarize the forms where it is required, sign Form 2A, and return them to this office with \$15.00 application fee.

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

Sincerely,

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

enclosures



 **Department of
Water & Natural Resources**

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

September 15, 1989

False Bottom Livestock, Inc.
c/o George D Johnson
Box 42B
St. Onge SD 57779

Dear Mr. Johnson:

Enclosed is your check in the amount of \$15.00. Our records indicated that you have paid this fee for Vested Right Claim No. 1465-1. You should have received Receipt No. 411781 which would indicate payment of this amount.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Senior Secretary
605 773-3352

enclosure



Report on Application No. 1465-1
False Bottom Livestock, Inc.
August 7, 1989

Background

Application No. 1465-1 requests validation of a vested right claim to store 10 acre-feet of water in an existing dam in a dry draw. The dam is located in the NE1/4 SW1/4 Section 31, T8N-R3E, in Butte County. The water will be used for irrigation of 5.7 acres in the NE1/4 SW1/4 Section 31, T8N-R3E. The acreage is authorized under Vested Right Claim No. 291-1.

Discussion

On April 17, 1989, Vested Right Claim No. 291-1 was inspected. The inspection showed 5.7 acres of land, authorized under Vested Right Claim No. 291-1, was being irrigated from the existing dam. The inspection also showed that the existing dam was not covered under Vested Right No. 291-1. The dry draw is a tributary of False Bottom Creek in Butte County.

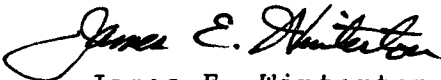
Conclusions and Recommendations

1. The dam has been in existence since at least 1954.
2. Water has been put to beneficial use since the dam was constructed.
3. The dam and the drainage area above the dam provide enough water to meet the needs of the applicant.
4. It is recommended that the Vested Right Application No. 1465-1 be approved for storage of 10 acre-feet of water in the dam from a dry draw, with a priority date of September 1, 1953, to irrigate 5.7 acres.



M. RASSOOL AHADI
Natural Resources Engineer II

Approved by:



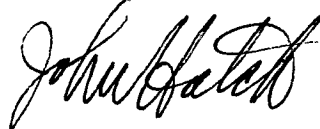
James E. Winterton, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1465-1, False Bottom Livestock, Inc.

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. 1465-1, False Bottom Livestock, Inc., c/o George D. Johnson, Box 42B, St. Onge SD.

The Chief Engineer is recommending VALIDATION of Application No. 1465-1 for a 10 acre storage dam and irrigation of 5.7 acres because 1) water has been appropriated as described for irrigation use with a priority date of September 1, 1953, 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
August 11, 1989

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

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

August 16, 1989

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

False Bottom Livestock, Inc.
c/o George D Johnson
Box 42B
St. Onge SD 57779

Dear Mr. Johnson:

Your Application No. 1465-1 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 Publisher of the Belle Fourche 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 newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

August 16, 1989

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. 1465-1 to be published twice. Please publish the notice on or before August 23, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is False Bottom Livestock, Inc., c/o George D. Johnson, Box 42B, St. Onge SD 57779.

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: ATTN: Ron Duvall
 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 Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1465-1 to Appropriate Water

Notice is given that False Bottom Livestock, Inc., c/o George D Johnson, Box 42B, St. Onger SD 57779 has filed an application to validate a vested water right claim for a dry draw dam (10 acre-feet storage capacity) to irrigate 5.7 acres also authorized for irrigation by Vested Water Right Claim No. 291-1. Application No. 1465-1 claims a September 1, 1953 priority date for irrigation of the 5.7 acres from the dam located on a dry draw leading to False Bottom Creek. The dam and 5.7 acres are both located in the NE 1/4 SW 1/4 Section 31, T8N, R3E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Vested Water Right Application No. 1465-1 because 1) water has been appropriated as described for irrigation with a priority date of September 1, 1953, 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 September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve 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 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

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

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Butte) ss.

I, Rhonda Schultz
 certify that the attached printed Notice was taken
 from the Bella 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 Bella Fourche
 County of Butte and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

August 23, 1989
August 30, 1989

Rhonda Schultz
 (Signature)
Bookkeeper
 (Title)
8-30-89
 (Date Signed)

Cost of Printing: 35.34



NOTICE OF HEARING
 To Validate Vested Water
 Right Application No. 1465-1
 to Appropriate Water

Notice is given that False Bottom Livestock, Inc., c/o George D. Johnson, Box 42B, St. Onge, SD 57779 has filed an application to validate a vested water right claim for a dry draw dam (10 acre-feet storage capacity) to irrigate 5.7 acres also authorized for irrigation by Vested Water Right Claim No. 291-1. Application No. 1465-1 claims a September 1, 1953 priority date for irrigation of the 5.7 acres from the dam located on a dry draw leading to False Bottom Creek. The dam and 5.7 acres are both located in the NE1/4 SW1/4 Section 31, T8N, R3E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Vested Water Right Application No. 1465-1 because 1) water has been appropriated as described for irrigation with a priority date of September 1, 1953, 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 September 27, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve 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 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement

describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the

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

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

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SOUTH Dakota Department of
Water & Natural Resources

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

APR 25 1990

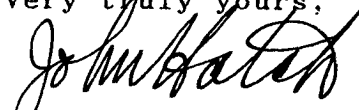
1465-1

False Bottom Livestock, Inc.
c/o George D. Johnson
Box 42B
St. Onge SD 57779

Dear Mr. Johnson:

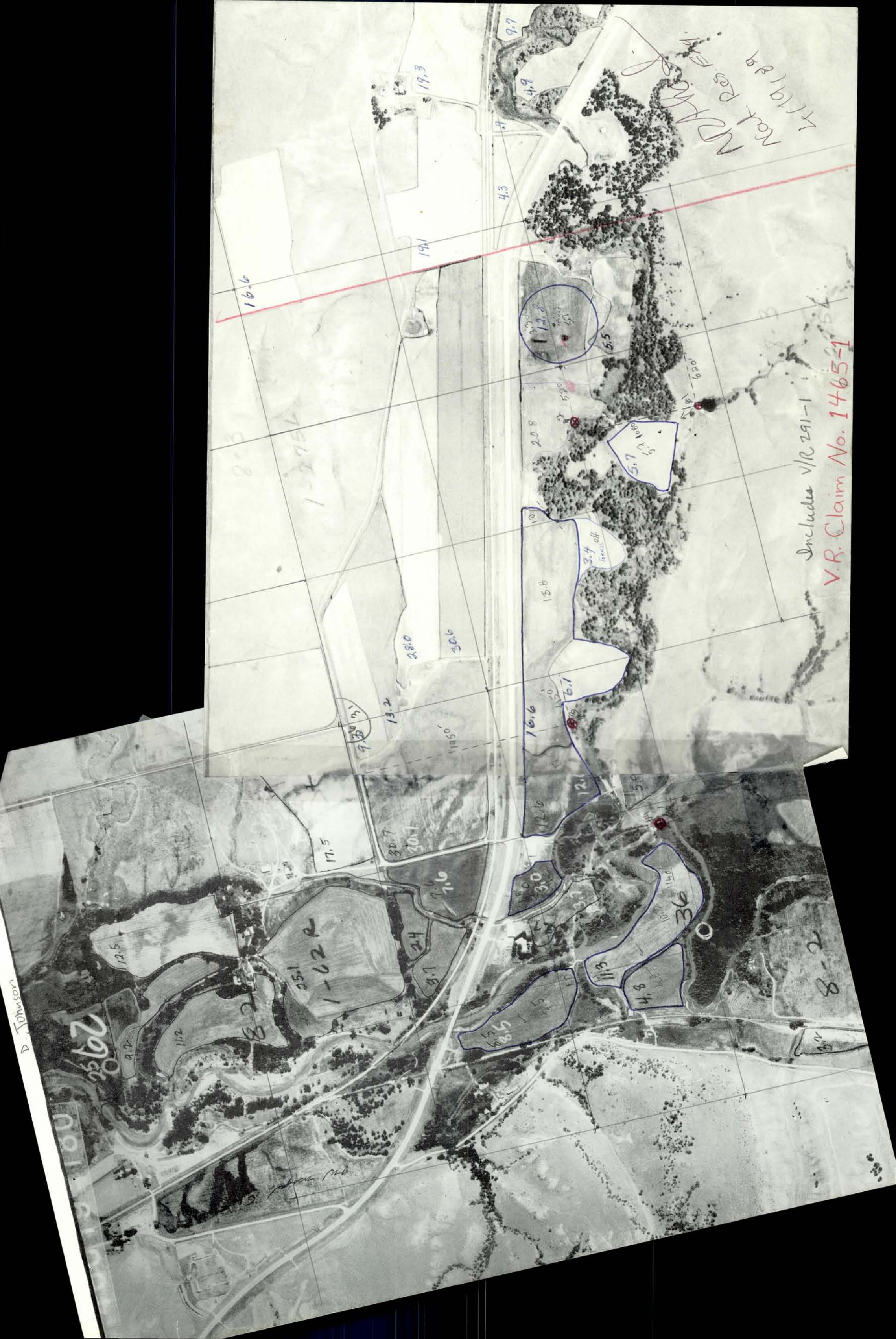
Enclosed are your Validated Vested Water Right and Water License No. 1465-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



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

enclosures



D. Johnson

2962

1-62 R
1-62 L

1-62 R

Includes V/R 291-1

V.R. Claim No. 1465-1

Not Res. for
4/19/89
10/16/77