

Considered: _____

WATER PERMIT NO. 1475-1

MAP No. Same 642-2668

Name of Applicant Philip Hammond

Post Office Address 304 E. Michigan Spearfish, SD 57783

Amount of Water Claimed 0.05 cfs Total Acres 0.27 ac

Source of Water Supply Spearfish Creek - Ramsdell Ditch

Water to be used for tree & lawn watering County Lawrence

About _____ miles city of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Sept 12, 1989 Fee \$50.00 Remarks _____

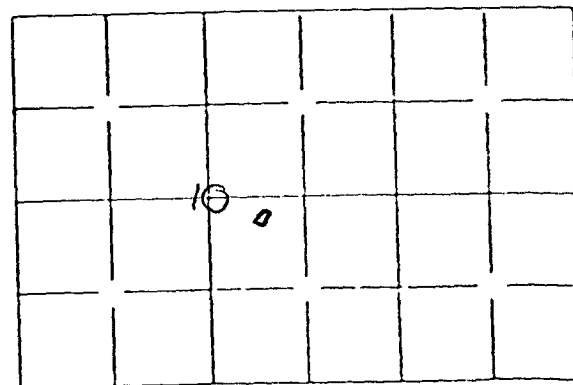
Corrected Application Received Sept 22, 1989 Period of Annual Use Apr 1 - Oct 1

WATER QUALITY APPROVAL RECEIVED 10/6/89 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point NW 1/4 SE 1/4 Sect 10 - T6N - R2E

Land to be Irrigated same as above



Well Log: Driller NA Licensed YES ☐ NO ☐

Depth of Well _____ REMARKS _____

Type of Map Surveyor's PREPARED BY Theodore Voge Reviewed and the Number

assigned on November 17, 1989 BY Ron Duval

**SOUTH DAKOTA
WATER PERMIT No. 1475-1 FOR IRRIGATION**

Date of first receipt of application September 12, 1989.
Date Soil/Water Compatibility Permit received October 6, 1989.
Date of return to applicant for corrections, amendments or changes
September 19, 1989.
Date of receipt of corrected application September 22, 1989.

The Water Management Board approved Water Permit Application No. 1475-1 on July 25, 1990 for Philip Hammond, 304 East Michigan, Spearfish, SD 57783 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1475-1 authorizes diversion of 0.05 cubic feet of water per second from Ramsdell Ditch to irrigate 0.27 acres of trees and lawn at 304 East Michigan, Spearfish, SD. Water is to be diverted from the Ramsdell Ditch split box located at 1015 8th Street, Spearfish, SD. The legal description of the diversion point and the 0.27 acres to be irrigated within the Spearfish City limits is the NW1/4 SE1/4 Section 10 T6N-R2E.
2. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is October 1, 1876.
4. One-fifth of the construction is to be completed on or before January 25, 1993.
5. All construction is to be completed on or before July 25, 1995.
6. Water is to be put to beneficial use on or before July 25, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this diversion.

QUALIFICATIONS

1. Approval of Permit No. 1475-1 appropriates no additional water from Spearfish Creek.
2. Approval of No. 1475-1 is subject to an agreement with owner(s) of 945 8th Street, Spearfish, South Dakota (Cliff Daiss present owner) to lease a portion of the water to which the owner(s) are entitled to divert from Ramsdell Ditch.
3. Approval of No. 1475-1 limits diversion to 22.5 gallons per minute.

(continued)

Water Permit No. 1475-1
Page 2

4. Approval of Permit No. 1475-1 is subject to blockage of Ramsdell Ditch on the North side of 304 East Michigan, Spearfish, South Dakota pursuant to approved plans to prevent flow beyond 304 East Michigan.
5. Approval of No. 1475-1 is subject to installation and maintenance of a control gate at the split box located at 1015 8th Street, Spearfish, South Dakota (Charles Linander present owner).

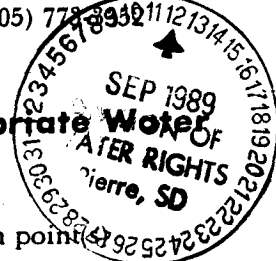
WATER MANAGEMENT BOARD

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

SEP 17 1990
(date)

(See instructions)

No. 1475-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Spearfish Daily Queen City Mail Box 7
57783



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 Philip Hammond Phone No. 642-2668
Post Office Address 304 E. Michigan Spearfish State SD 57783
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s.) 0.5 c.f.s. (22.50) Total acres irrigated one lot (85' x 135')
approx. 0.27 ac
- Source of Water supply Spearfish Creek, Spearfish, S.D.
- Location of point of diversion NW 1/4 Sec 10-T6N-R2E, Block 27 of Uhlig addn. (Doc. Charles Linander property) to be used on Lot D of Lot 3 of Mathew Addn. on (Philip Hammond) property. County Lawrence
NW 1/4 Sec 10-T6N-R2E
- Counties where water will be used Lawrence
- Annual period during which water is to be used 1st of April to 1st of October
- 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.
<u>One lot 85' x 135'</u>	
<u>NW 1/4 Sec 10-T6N-R2E</u>	<u>0.27</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) _____
- Crops to be Irrigated: trees and lawn
- Give a description of proposed project. (Attach sheet if more space is needed) Lease of water from Cliff Davis who lives at 945 8th & Lincoln and Doc. Charles Linander at 1015 8th & Lincoln on Ramadell ditch (see map) Diversion point is on Ramadell ditch and branch ditch running west on Doc. Linander's property. Pipe & valve will be installed at diversion point. North end of Hammond's property (304 E. Michigan St. & 8th) will be sealed. The valve will be used to control water flow.
- Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of LAWRENCE) ss

I, Philip Hammond, 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 Philip Hammond

Subscribed and sworn to before me this 1st day of Sept. 1989

[Signature]
Notary Public

RECEIPT

411901

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 72, 19 89RECEIVED OF Philip Hammond, 304 E. Michigan, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1475-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	5000
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	5000

By [Signature]

Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

WR#

OWNERS NAME: Phillip Cannon OWNERS ADDRESS: 300 E. Hennigan
Spearman, SD 57760

COUNTY LAND LOCATED IN: Lawrence PHONE: (605) 642-2662

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Sec. 10 T6N R2E

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>Sec. 10 T6N R2E</u>	<u>.27</u>		

2. TYPE OF IRRIGATION: GRAVITY: X TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____
(Specify) _____

3. CROPS TO BE IRRIGATED: Wheat and Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 33-0001 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 650 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:



[Signature]
Director, Division of Conservation

Date 11/1/87

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Temple Street

unnamed branch

erroneously

called

Ramsdell ditch

my
house

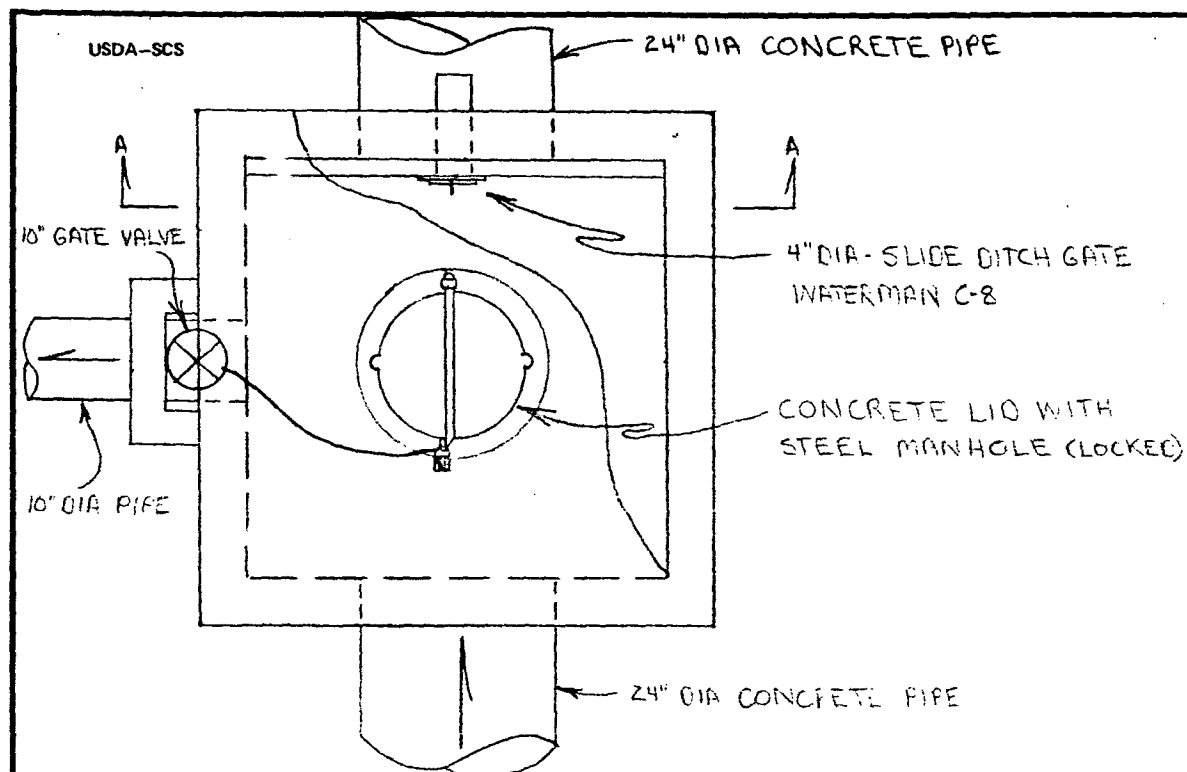
8TH STREET

Ramsdell Ditch
(all covered)

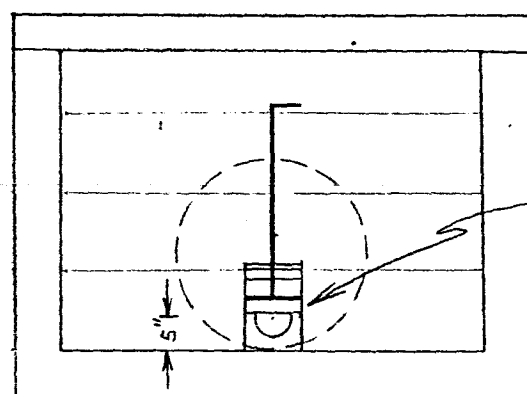
Michigan St.

Ramsdell
Ditch

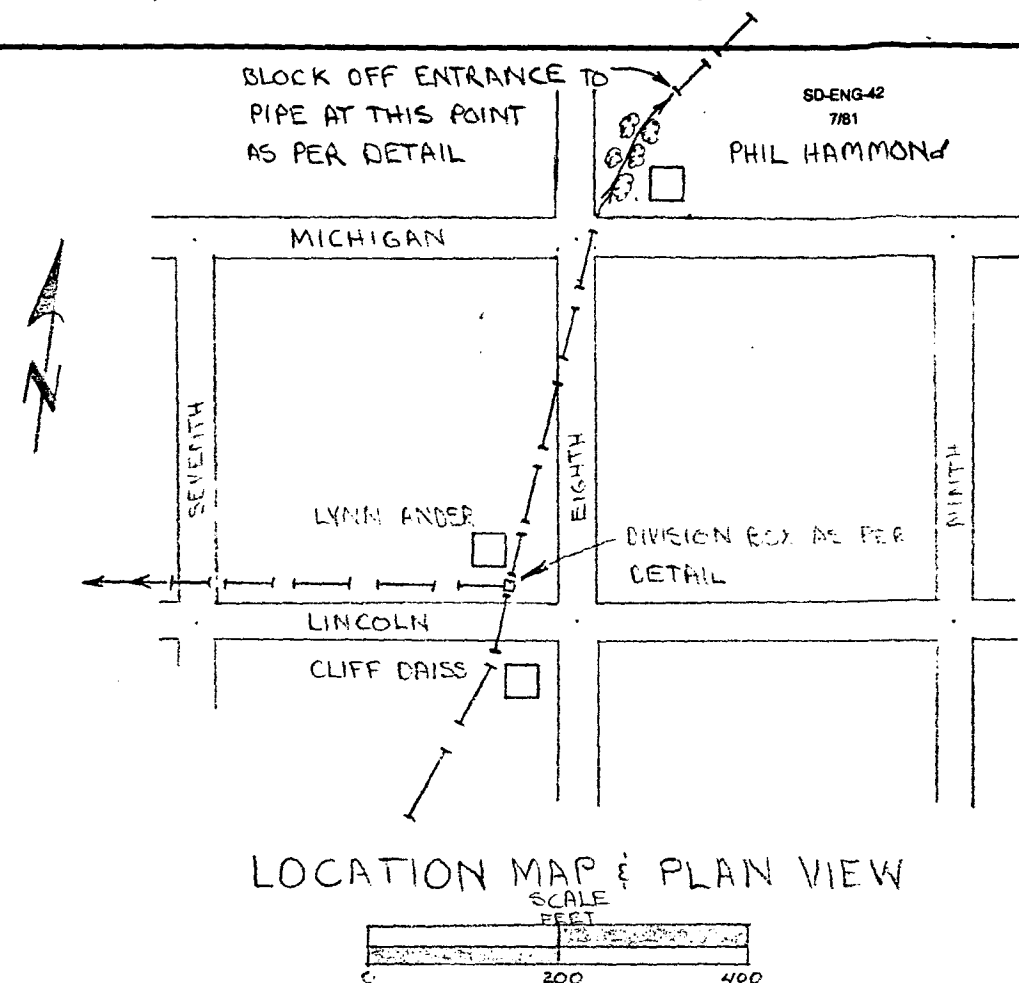
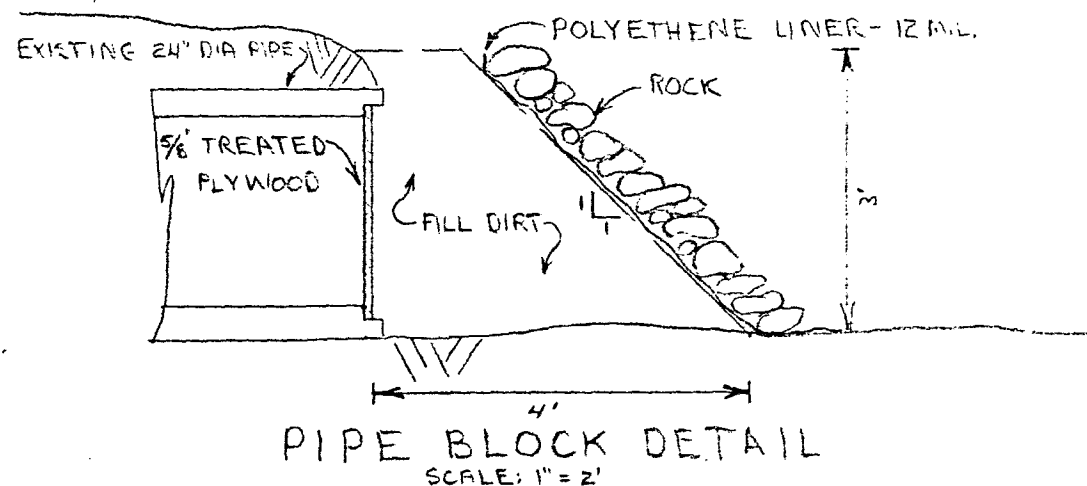
2



TOP VIEW



SECTION A-A
DIVISION BOX DETAIL



NOTE: 1) SINCE 4" SLIDE GATE WILL FLOW $\approx$.23 CFS WHEN FULLY OPENED & WITH 5" OF HEAD THE GATE SHOULD BE LEFT OPEN 1.52 DAYS TO GET THE EQUIVALENT WATER VOLUME ACHIEVED WITH .05 CFS FOR A WEEK. IF LOWER WATER LEVELS ARE ENCOUNTERED IN THE DIVISION BOX LOWER FLOWS CAN BE EXPECTED THRU THE SLIDE GATE, THUS ALLOWING LONGER OPENED VALVE TIMES.

RAMSDALL DITCH TURNOUT
TO PHIL HAMMOND

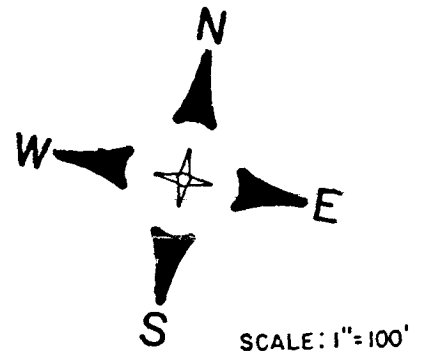
SECTION TOWN OF LAWRENCE CO.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

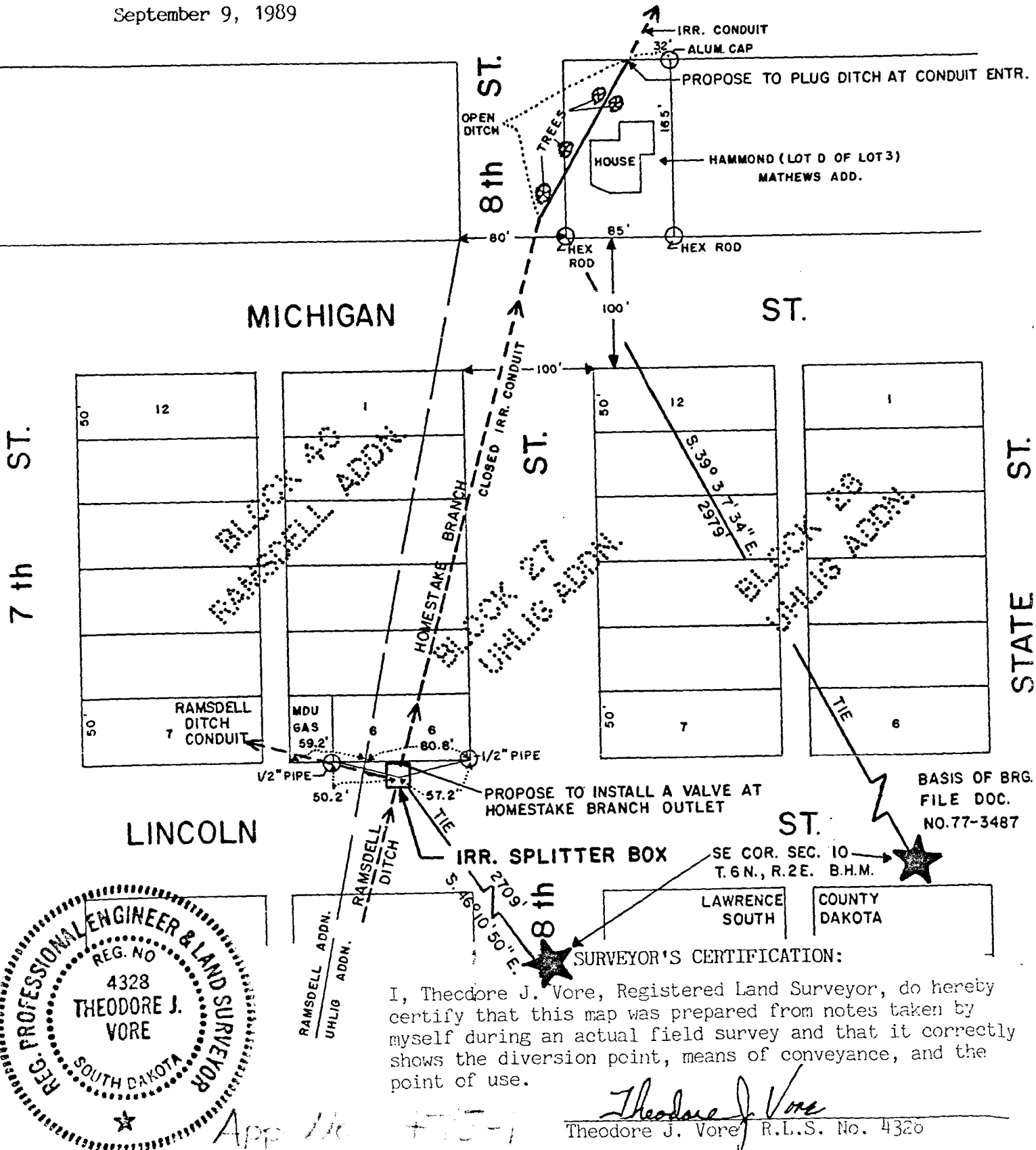
Designed	T. VERHEIJST	Date	2/5/80	Approved by	Tommy White
Drawn	T. VERHEIJST	Date	2/5/80	Title	Ag. Engineer
Traced				Title	
Checked				Sheet	Drawing No.
				No	
				of	



WATER RIGHT APPLICATION
FOR
Phil & Teresa Hammond
304 E. Michigan St.
Spearfish, South Dakota



September 9, 1989



STATE <u>SD</u>	PROJECT <u>Phil Hammond Turnout (Ramsdell Ditch)</u>			
BY <u>T. Ver Helst</u>	DATE <u>1/29/90</u>	CHECKED BY	DATE	JOB NO.
SUBJECT <u>Turnout Gate Hydraulics</u>				SHEET _____ OF _____

- Note:
- 1) EXISTING COVERED CONCRETE TURNOUT BOX HAS 1-10" DIA CANAL GATE OUTLET & 1-24" DIA CONCRETE PIPE BLOCKED OFF BY 2x10 PLANKS
 - 2) NORMAL WATER LEVEL IN BOX IS $\approx$ 10-12 INCHES, BY EVIDENCE OF STAIN.
 - 3) PLAN TO PUT SLIDE GATE IN BLOCKED OFF PIPE TO CARRY ENOUGH WATER TO IRRIGATE 2 YARDS AND SEVERAL HISTORIC WILLOW TREES

INLET CONTROL - 4" SLIDE GATE

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

$$A = \frac{\pi d^2}{4} = \frac{\pi (.33)^2}{4}$$

$$Q = .15 (.087) \sqrt{2 (32.2) (.416)}$$

$$A = .087 \text{ ft}^2$$

$$Q = \underline{\underline{.23 \text{ cfs}}}$$

$$h = .83' - .417' = .416$$



WATER NEEDS -

$$\text{Yard Area} - 2 \times .2 \text{ ac} = .4 \text{ acres}$$

$$Q = \frac{453 (.4) (2")}{(2 \text{ days}) (8 \text{ hrs})}$$

$$Q = 22.7 \text{ gpm} = .05 \text{ cfs}$$

Trees - Top 5' Root Zone Holding Capacity - 10"
Irrigation Frequency - 45 days
Area = 100' x 60' = 6000 ft² = .138 acres

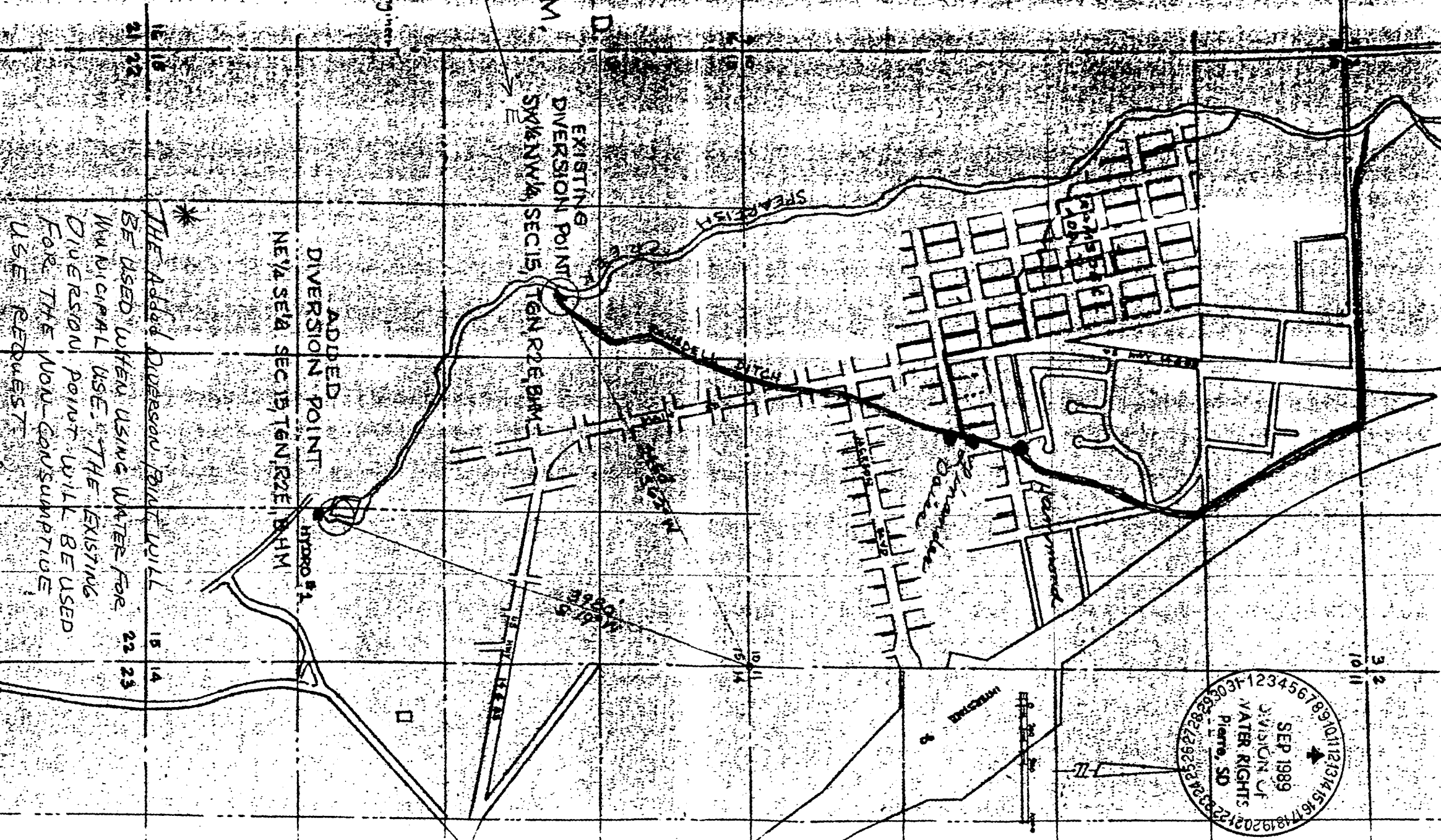
$$Q = \frac{453 (.138 \text{ ac}) (10" \div .5)}{(45 \text{ days}) (12 \text{ hrs})} = 2.3 \text{ gpm} = .005 \text{ cfs}$$

$$\text{TOTAL} - .05 \text{ cfs} + .005 \text{ cfs} = \underline{\underline{.055 \text{ cfs}}}$$

NOTE: 1) WILL USE 4" SLIDE GATE DUE TO UNAVAILABLE SMALLER SIZES & DEBRIS IN DITCH.



ITISH, S.D.
22E, B.H.M.
5/25/87
Correction
by
Daniel
of Resources Engineers



APR 1 NO 1475/1



Department of Water & Natural Resources

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

September 19, 1989

Philip Hammond
304 E. Michigan
Spearfish, SD 57783

Dear Mr. Hammond:

This letter is in response to the water permit application received from you on September 12, 1989. The application is not complete for the following reason(s):

- (1) Of the three different types of maps that you submitted with your application, the enclosed map is the only one that meets the signature requirements. However, it needs to make reference to a government section corner or quarter-corner (see enclosed instruction sheet). The township and range should also be labelled.

The Water Management Board cannot consider a water permit application until it is complete. Please return the enclosed map with additions that make reference to the section, township and range of the project.

Feel free to contact us if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



**Report on Application No. 1475-1
Philip Hammond
November 28, 1989**

Background

Application No. 1475-1 requests appropriation of 0.05 cubic feet of water per second from Spearfish Creek. The water will be transported through Ramsdell Ditch to irrigate 0.27 acres of trees and lawn. The land and the diversion point are both located in the NW1/4 SE1/4 Section 10, T6N-R2E, in Lawrence County.

Discussion

On March 2, 1988, the Water Management Board approved Water Permit Application No. 1385-1. The permit authorized a transfer of diversion point and change of use for 1.67 cubic feet of water per second from the Homestake Branch of Ramsdell Irrigation Ditch to municipal domestic use. The application was approved with four qualifications. Qualification No. 4 states: "...that Permit No. 1385-1 is subject to closure of the Homestake branch of Ramsdell Ditch within 90 days of approval of Permit No. 1385-1".

Application No. 1475-1 requests installation of pipe and a valve at the proposed diversion point where Homestake branch is sealed. A valve will be installed to control the flow of water through a pipe to the property of the applicant. A 2 foot corrugated metal pipe was used to transport water from Ramsdell Ditch to the Homestake branch. The entrance to this 2 foot pipe has been sealed. The applicant states that a new pipe would be installed to transport the water. It is not, however, explained how the pipe will be installed. The size and the capacity of the pipe should also be specified. It is also not clear where the valve would be installed, the size of the valve, and provisions to make the valve tamper proof.

Details on how the applicant will measure the diversion rate and the method of sealing the ditch at the north side of the applicant's property have not been submitted.

The applicant's property is located within the city limits of Spearfish and is connected to city water. City water could be used to water the trees and lawn.

In accordance with the data collected from Ramsdell Ditch during the 1989 irrigation season, the maximum diversion rate diverted by the ditch company was measured at 1.1 cubic feet of water per second. This amount of water, according to Mr. Robert Haag, the ditch president, is the amount of water they actually need and use.

Since the applicant adds acreage to the Ramsdell Ditch acreage, the applicant will receive a new priority date. Irrigation of up to one acre under the definition of domestic use as defined by SDCL 46-1-6(4) is not applicable because the applicant's diversion point is not directly from Spearfish Creek.

The applicant requests more water to irrigate 0.27 acres than is allowed by law. The amount of water allowed by law for irrigation of 0.27 acres 0.004 cubic feet per second (1.80 gallons per minute).

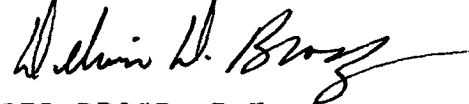
Conclusions and Recommendations

1. No plans have been submitted to show the details of the diversion point structures.
2. No plans have been submitted to show the details of sealing the ditch at the north side of the applicant's property.
3. In accordance with the Water Management Board's order, Homestake branch of Ramsdell Ditch should stay closed unless the Board orders otherwise.
4. Since Spearfish Creek is fully appropriated, no water should be diverted by the applicant until the needs of all irrigators on Spearfish Creek are fulfilled.
5. No justifications have been submitted to show that city water could not be used to water the trees and lawn.
6. It is recommended that the Water Application No. 1475-1 be deferred until the above plans and information have been submitted.



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

Approved by:



DEL BROSZ, P.E.
Natural Resources Engineer IV
(605)773-3352

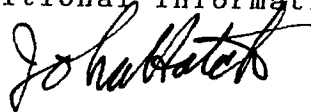
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1475-1, Philip Hammond

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1475-1, Philip Hammond, 304 East Michigan, Spearfish SD.

The Chief Engineer is recommending DEFERRAL of Application No. 1475-1:

1. Until plans and information have been submitted to show:
 - a. How water will be diverted and controlled to less than two gallons per minute beyond Ramsdell Ditch to applicant's property.
 - b. How the former Homestake branch will be plugged or sealed to prevent water movement beyond the applicant's property.
2. Why City water cannot be used.
3. Since unappropriated water is not available, if applicant has a written agreement with Ramsdell Ditch to use Ramsdell ditch water.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
December 4, 1989

 **Department of
Water & Natural Resources**

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

January 17, 1990

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

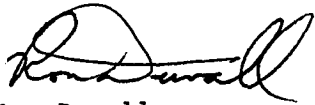
Philip Hammond
304 E. Michigan
Spearfish, SD 57783

Dear Mr. Hammond:

Water Permit Application No. 1475-1 for tree & lawn watering use has been reviewed and a notice of hearing has been sent to the Publisher of the Spearfish Daily Queen City Mail printed at Spearfish SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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

January 17, 1990

Spearfish Daily Queen City Mail
Box 7
Spearfish, SD 57783

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 1475-1 to be published twice. Please publish the first notice on or before January 25, 1990 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 Philip Hammond, 304 E. Michigan, Spearfish, SD 57783.

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

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO:

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before January 25, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1475-1 to Appropriate Water

Notice is given that Philip Hammond, 304 E. Michigan, Spearfish, SD 57783 has filed an application for a water permit to divert 0.05 cubic feet of water per second from Ramsdell Ditch to irrigate 0.27 acres of trees and lawn (Philip Hammond property). Water is to be diverted from Ramsdell Ditch near the junction between Ramsdell Ditch and the former Homestake Branch. The diversion point and the 0.27 acres to be irrigated are both located within the Spearfish City limits in the NW1/4 SE1/4 Section 10-T6N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application No. 1475-1 for the following reasons: 1) Until plans and information have been submitted to show: a. How water will be diverted and controlled to average less than two gallons per minute beyond Ramsdell Ditch to applicant's property. b) How the former Homestake branch will be plugged or sealed to prevent water movement beyond the applicant's property. 2) Why city water cannot be used. 3) Since unappropriated water is not available, if applicant has a written agreement with Ramsdell Ditch to use Ramsdell Ditch water. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 11:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. 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 February 23, 1990.

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

Affidavit of Publication



STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE } SS.

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

S-016 NOTICE OF HEARING ON APPLICATION NO.

1475-1 TO APPROPRIATE WATER

a printed copy of which is hereto attached, was printed and published in said newspaper for one successive and consecutive weeks, the first publication being made on the 8th day of February, 19 90, and the last publication on the day of , 19 , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 41.08 inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 8th day of February 19 90

Adith Johnson
NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA

My Commission Expires
10-24-1996

My commission expires

NOTICE OF HEARING on Application No. 1475-1 to Appropriate Water

Notice is given that Philip Hammond, 304 E. Michigan, Spearfish, SD 57783 has filed an application for a water permit to divert 0.05 cubic feet of water per second from Ramsdell Ditch to irrigate 0.27 acres of trees and lawn (Philip Hammond property). Water is to be diverted from Ramsdell Ditch near the junction between Ramsdell Ditch and the former Homestake Branch. The diversion point and the 0.27 acres to be irrigated are both located within the Spearfish City limits in the NW1/4 SE1/4 Section 10-T6N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Application No. 1475-1 for the following reasons: 1) Until plans and information have been submitted to show: a. How water will be diverted and controlled to average less than two gallons per minute beyond Ramsdell Ditch to applicant's property. b) How the former Homestake branch will be plugged or sealed to prevent water movement beyond the applicant's property. 2) Why city water cannot be used. 3) Since unappropriated water is not available, if applicant has a written agreement with Ramsdell Ditch to use Ramsdell Ditch water. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 11:00 am. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-

examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. 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 has 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 February 23, 1990.

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

Feb. 8
S-016

NAME OF PERSON OR FILE: Dr. Linander

ADDRESS: Spearfish, SD COUNTY _____

DATE: Jan. 29, 1990 TELEPHONE 642-2977

RE: Dr. Linander's letter to Representative Krautschun

COMMENTS:

I discussed this letter with Dr. Linander by telephone.

Dr. Linander is very concerned with the naming of the ditch. He stated the portion of the ditch that we call Hornestake Branch is really Ramsdell Ditch. The branch that goes to the west is an unnamed branch and not Ramsdell Ditch. I told him names were not that important just as long as everyone knows what part of the ditch we are addressing.

I asked him about his statement that R. Ahadi refused to discuss the issue with Vore and Hammond. He stated that this was hearsay and probably a misunderstanding. I informed him that R. Ahadi was unable to recommend a pipe size to Mr. Hammond because he did not know all of the details. He never refused to discuss the issue.

Dr. Linander agreed that they would provide us ^{with} the written details and agreements for Phil. Hammond's application.

Dr. Linander stated that he understood our position and recommendation on the Hammond application.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

February 23, 1990
(date)

page 1

Parties of Record before Water Management Board regarding Water
Permit Application No. 1475-1, Philip Hammond

Proponents:

Philip Hammond
304 E Michigan
Spearfish SD 57783

Opponents:

Cook ditch members
Frank Ward
Evan Breeding
Ed Stensaas, Jr
Dick Cundy
Billy J Evans
Jay Krautschun
James R Eddy

c/o

Michael McGuigan, President
RR1, Box 146A
Spearfish SD 57783

DEAR FRIEND HARVE:

I FEEL YOU NEED SOME AMMUNITION BEFORE YOU GO INTO THE BOARD. AS YOU CAN SEE I HAVE MY APPROVAL TO WATER OUT OF THE RAMSDELL DITCH. I DO NOT WANT TO JEOPARDIZE THIS BUT I FEEL THE WATER BOARD IS BEING TOTALLY BUREAUCRATIC. THERE IS ABSOLUTELY NO GOOD AND REASONABLE, COMMON SENSE DECISION FOR THEM TO SHUT OFF THE RAMSDELL DITCH.

RAMSDELL DITCH WAS CREATED BEFORE SOUTH DAKOTA BECAME A STATE, BEFORE THE CITY OF SPEARFISH WAS INCORPORATED. WATER HAS FLOWN IN THIS DITCH FOR OVER 100 YEARS. THE DITCH RUNS ACROSS MY PROPERTY FROM SOUTH TO NORTH DIAGONALLY.

A MRS. ROBERT HAAG IS A BORN TROUBLE MAKER AND YET SO PERSISTENT AND OBSTREPEROUS THAT EVENTUALLY PEOPLE GIVE IN:TO HER. I AM CONVINCED IT IS SHE WHO CONVICED THE WATER BOARD KTHAT THE LITTLE UNNAMED BRANCH OFF OF THE RAMSDELL DITCH IS IN REALITY THE RAMSDELL DITCH. THIS IS VERY:IMPORTANT. THEA CORRECTION OF THIS NAME MUST BE MADE. THE STATE BOARD REFERS TO AND HAS A MAP SAYING THE RAMSDELL DITCH IS 'THE HOMESTAKE BRANCH'. I HAVE DISCUSSED THIS WITH JOHN HATCH SEVERAL TIMES AND HE STILL CARRIES THE NAME HOMESTAKE BRANCH ON HIS MEPS.

THE RAMSDELL DITCH RUNS FROM THE SPEARFISH PARK UNDER MAIN STREET, ACROSS MY PROPERTY SOUTH TO NORTH AND ON UP TO WHERE IT ALMOST TOUCHES INTERSTATE 90. AT THAT POINT IT TURNS WEST AND GOES ON THE NORTH SIDE OF UTAH STREET. IT THEN TURNS NORTH WEST AND EMPTIES INTO :SPEARFISH RIVER. THIS IS ALL RAMSDELL DITCH. THE LITTLE TRIBUTARY NAMED ON THE STATE MAPS AS RAMSDELL DITCH IS IN ACTUALITY AUNNAMED.. IF THE STATE AND MRS. HAAG CAN MAKE THIS NAME STICK THEN THEY CAN SAY THAT ACTUALLY THEY ~~CLOSED~~ THE HOMESTAKE BRANCH OF THE RAMSDELL DITCH AND THAT THE RAMSDELL DITCH STILL FLOWS.. THE MAP I HAVE DRAWN SHOWS THE DITCHES AS THEY: ACTUALLY ARE. THE RECORDS IN THE COUNTY COKRT HOUSE SHOWS THE RAMSDELL DITCH THE SAME AS MY MAP. THE SO CALLED 'HOMESTAKE BRANCH OF THE RAMSDELL DITCH' IS A FIGMENT OF SOMEONES IMAGINATION. FRED BEETS, WHO WITH HIS LATE FATHER IN LAW EMMETT RYAN, HAVE LEASED THIS PROPERTY FOR OVER 60 YEARS. THE PROPERTY DID EXTEND FROM MICHIGAN STREET NORTH INCLUDING ALL SCHOOL PROPERTY, HOPSITAL, SAFEWAY, ETC. ON EAST INCLUDING ALL OF LOOKOUT. FRED STILL LEASES LOOKOUT. THE PROPERTY WAS OWNED BY A MAN NAMED METTHEWS AND I ASSUME HE WAS ONE OF THE ORIGINAL FAMILY THAT ALSO BUILT THE MATTHEWS BDOCK MATTHEWS SOLD THIS PROPERTY TO THE HOMESTAKE IN THE EARLY30'S. AT THAT TIME THE:DITCH, AS DO ALL MAPS,SHOW, WAS NAMED AND CALLED THE RAMSDELL DITCH. FRED IN ALL HIS DEALINGS NEVER ONCE HEARD IT REFERRED TO AS THE HOMESTAKE BRANCH OF THE RAMSDELL DITCH.

NOW, I LIKE JOHN HATCH, BUT HE AND HIS DEPARTMENT IN PIERRE FOR SOME UNKNOWN REASON HAVE THEIR BACKS UP AND ARE THROWING EVERY OBSTACLE IN THE WAY OFJOUR KEEPING THIS DITCH OPEN. PHIL HAMMOND WAS JUST IN TO SEE ME AND HE IS MAKING EVERY ATTEMPT TO SATISFY THE ASSININE DEMANDS OF THE WATER DEPARTMENT. AHATA ? I MAY NOT HAVE HIS NAME SPELLED RIGHT, REFUSED ON:A LONG DISTANCE CALL FROM OUR WATER DEPARTMENT HERE IN SPEARFIHSREFUSED TO DISUS THE ISSUE WITH VORE AND HAMMOND. WHAT:ARE THEY:BEING PAID FOR? THIS RAISES SEVERAL QUESTIONS....WHY ARE THEY INSISTING THIS DITGH BE CLOSED? WHY ARE THEY BEING SO MEAN WITH HAMMOND? WHY: DID THEY CHANGE THEIR MIND AND RESCIND HAMMONDS APPROVAL FROM THEIR DEPARTMENT?

THE WATER DEPTMENT IN PEIRRE SPEAKS OF WATER LOSS. YET THEY ALLOW THE SIDE BRANCH OFF RAMSDELL TO RUN WATER THAT THEY CANNOT USE OVERFLOW AT THE END OF THE PIPE AND RUN OUT INTO THE SCHOOL PROPERTY. :IT RUNS OUT INTO THE:STREET AND THEN ONTO THE SCHOOL PROPERTY.

HATCH IN HIS LETTER TO ME STATES I WILL HAVE TO TAKE THE WAEER OUT OF THE BOX AND YET MY WATER RIGHT EXTENDS OVER 125' TO THE NORTH OF THE BOX. I SHOULD BE ALLOWED TO TAKE WATER OUT AST ANY KGIVEN POINT ALONG THIS125'. PHIL AND I IN ACCORDANCAE WITH THE WATER LOSS QUESTION, WALKEDA THE DITCH FROM ITS ORIGIN IN THE PARK DOWN TO WHERE IT EMPTIES:INTO SPEARFISH RIVER. WE MEASURAD THE DITCH WHERE ID WAS COVERED AND WHERE WE FOUND IT TO BE IN THE OPEN. 74% OF THE DITCH IS COVERED AND WOULD PREVENT WATER LOSS.

IN DEFENSE OF JOHN HATCH, WHOM I PERSONALLY LIKE, LET ME SAY HE WAS ORIGINALLY TOLD THAT THE HOMESTAKE OWNED THE PROPERTY ALL THE WAY UP TO:THE CONTROL BOX. OF COURSE THIS IS NOT TRUE FOR THE HOMESTAKE PROPERTY:ENDED AT THE SOUTH END OF PHIL HAMMONS PROPERTY. THIS GIVES MARCE AND I EQ VESTED WATER RIGHTS FROM THE END OF OUT PROPERTY BACK UP TO AND INCLUDING THE CONTROL BOX.

THE RAMSDELL DITCH BOTH TO THE SOUTH OF MY PROPERTY AND TO" THE NORTH (PHIL'S PROPERTY AND ON TO THE NORTH) CONSISTS OF A DITCH FROM 5 TO 8 FEET WIDE AND FROM 4 TO 5 FEET DEEP?.. ACROSS MY PROPERTY AND UNDER THE STREET THE TUBING IS A 24 INCH K TUBE. THIS TUBE FOR THE LAST 26 YEARS IN THE SUMMERTIME HAS RUN FULL OF WATER. THE NAMELESS DITCH (THE ONE THE STATE AND MRS. HAAG AND THE STATE CALL THE RAMSDELL DITCH) CONSISTS OF A DITCH 8 INCHES WIDE ANDDD 8 TO 10 INCHES DEEP. IT COKLD NEVER AND HAS NEVER HANDLED THE FLOW ACROSS RAMSDELL DITCH.

I HAVE APPEALED TO THE STATE TO LET SPEARFISH HAVE THEIR HERITAGE AND LET THIS BEAUTIFUL DITCH RUN, AS IT HAS FOR THE PAST 100 YEARS. I CAN SEE LK FROM THEIR HANDLING OF PHIL THAT THEY ARE HARD NOSED AND IN NO WAY INTEND TO LET US HAVE THIS BEAUTIFUL LITTLE DITCH RUN THROUGH:OUR CITY.

HARVE, AS A SPEARFISH RESIDENT, I HOPE YOU CAN MAKE THEM SEE THAT THEIR DECISION IN ABRASIVE, EVEN CRUEL AND SMACKS OF GROSS BUREAUCRACY.

FORGIVE MY TYPING, BUT REMEMBER HARVE, MY WRITING IS EVEN WORSE.

YOUR ~~LET-FRIEND~~ FRIEND
DR. LINANDER

also Harve I +
Cliff Diass (who lives directly south of me) have both offered to sell Phil water. (Perfectly legal!)
The state fights this but say if we do no water will be allowed to go past phil's property. Why??



Department of Water & Natural Resources

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

February 1, 1990

MEMO TO: Representative Harvey Krautschun

FROM: John Hatch, Chief Engineer
Water Rights Division
773-3352

A handwritten signature in dark ink, appearing to read "John Hatch", written over the typed name and title.

SUBJECT: Dr. Linander's Letter Concerning Ramsdell Ditch

Del Brosz, Engineer with the Division of Water Rights, called Dr. Linander on January 29, 1990.

Dr. Linander was very concerned with the names that were given to certain sections of the ditch. Mr. Brosz informed Dr. Linander that the important thing was that everyone knew what portion of the ditch was being discussed.

Dr. Linander was asked about his statement that Rassool Ahadi had refused to discuss the issue with Mr. Vore and Mr. Hammond. Mr. Brosz informed Dr. Linander that Mr. Vore has asked for advice as to the size of pipe that Mr. Hammond should install. Mr. Ahadi was unable to recommend a pipe size because he did not know the details of the proposed project. Mr. Ahadi never refused to discuss the issue. Dr. Linander stated that his statement was based on hearsay and probably a misunderstanding.

Dr. Linander stated that he understood why the portion of Ramsdell Ditch serving the former Homestake property was plugged. He also understood why Philip Hammond's application is for a new appropriation.

Dr. Linander stated that they would provide the Division of Water Rights written details as to how he and Philip Hammond would get water past the Ramsdell Ditch closure for his water right and Philip Hammond's water permit application. They will also provide a written agreement where Mr. Daiss would provide water for Mr. Hammond's application.

If you have any other questions concerning this issue, please contact me or Del Brosz.

February 6, 1990



SOUTH DAKOTA WATER MANAGEMENT BOARD

Dear Sirs:

Regarding the Phillip Hammond Application No. 1475-1 to appropriate water.

Being holders of prior agricultural irrigation rights to the waters of Spearfish Creek, the members of the Cook Irrigation Ditch in Spearfish Valley of Lawrence County respectfully wish to register a protest to the issuance of this permit for the following reasons.

1. Unappropriated water is not available.
2. The loss of water thru seepage in the gravel bottom, Ramsdell Ditch will decrease the amount water available to the Cook Ditch because our diversion is below the Ramsdell Ditch.
3. Because the probability that many home owners with lawns bordering the Ramsdell Ditch discharge will illegally pump water to their lawns & gardens and decrease the amount of water that will be returned to Spearfish Creek.
4. The enforcement to stop illegal pumping will cost the members of the Cook Ditch time, money and create undue hardships.
5. Other requests have been denied for lack of unappropriated water.

We respectfully request that you deny the permit for Application No. 1475-1 to appropriate water.

Sincerely,

Michael McGuigan

Cook Ditch
c/o Michael McGuigan, President
R R 1, Box 146A
Spearfish, SD 57783

Frank Ward

*RR1 Box 145
Spearfish, S. Dak 57783*

Sam Breeding

Deck Candy

Billy Evans

*Jay Knautschun
James R. Eddy*

Spearfish. S.D.
Feb 9th 1990

Dept. of Water & Natural Resources
Pierre. S.D.

We're sending you a copy of an agreement between Cliff Davis and Mr. & Mrs. Philip Hammond to leave water from the main Ramsdell ditch — The measurement of the amount of water, how diverted, how controlled, how locked and how plugged on the north end of our property is shown on the drawing enclosed.

As far as using City water, we'll have to use both to get enough to the trees.

This drawing is for both Doc. Charles Lenander and the Hammonds' yards.

Thank you

Sincerely

Mr. & Mrs. Philip Hammond
304 E. Michigan St.

Spearfish. S.D. 57783



Spearfish, S.D.
Jan 10th 1990

Dept of Water & Natural Resources
Pierre, S.D.

I (Mr. Cliff Davis - 945 8th St.
Spearfish, South Dakota) have agreed to lease
water that is on the main Ramsdell ditch
to Mr. & Mrs. Philip Hammond - 304 East
Michigan St. Spearfish, S.D. at \$27⁰⁰ per
season.

This water will run through the existing
covered pipe leading to Hammond's
property one block away.

Thank you

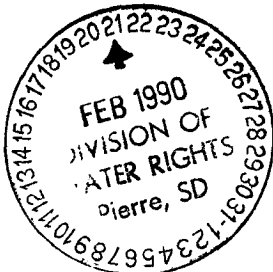
sincerely

Clifford V. Davis

Ruth Loewel

FEB 10 1990

RUTH LOEWEL, Notary Public
My Commission Expires November 21, 1991



MR. DEL BROSZ
SOUTH DAKOTA DEPARTMENT
WATER & NATURAL RESOURCES
PIERRE, SOUTH DAKOTA

DEAR DEL:

IN ACCORDANCE WITH OUR TELEPHONE CONVERSATION I SUBMIT THE FOLLOWING.

I WILL IRRIGATE MY LAWN AND TREES FROM FLOW OF WATER DOWN THE RAMSDELL DITCH WHICH FLOWS ACROSS MY PROPERTY. THIS WATER WILL BE TAKEN FROM THE DITCH VIA A PIPE THAT INSERTS INTO THE 24" TUBING THAT RUNS ACROSS MY PROPERTY, FLOW THROUGH THIS PIPE WILL BE REGULATED AND COORDINATED WITH MR. PHIL HAMMOND SO AS NOT TO CAUSE AN OVERFLOW AT THE SHUT OFF ON HIS PROPERTY.

RESPECTFULLY,

Dr. C. H. Linander
DR. C. H. LINANDER



MR. DEL BROSZ:
SOUTH DAKOTA DEPARTMENT
WATER & NATURAL RESOURCES
PIERRE, SOUTH DAKOTA

DEAR DEL:

ENCLOSED FIND COPY OF MAP RECORDED IN THE REGISTER OF DEEDS OFFICE LAWRENCE COKNTY COURT HOUSE, DEADWOOD, SOUTH DAKOTA. THE MAP SHOWS RAMSDELL DITCH AS FLOWING ACROSS MY PROPERTY SOUTH TO MORTH. THERE IS A CONTROL BOX LOCATED AT THE SOUTH END OF MY PROPERTY WHICH HAS A SMALL UNNAMED DIVERSION THAT FLOWS TO THE WEST. THIS DIVERSION IS APPROXIMATELY ONE-TENTH THE SIZE OF THE RAMSDELL DITCH. SOMEHOW, ON THE STATE MAP IT HAS BECOME KNOWN AS THE RAMSDELL DITCH AND THE RAMSDELL DITCH FROM THE BOX NORTH HAS BEEN LABLED THEKHOMESTAKE BRANCH OF THE RAMSDELL DITCH. BOTH NAMES ARE FIGMENTS OF THE IMAGINATION. TO THE BEST OF MY KNOWLEDGE THIS SIDE BRANCH DOES NOT HAVE A NAME.

FRED BEETS WHO WITH HIS FATHER IN LAW, THE LATE EMMET RYAN, HAVE IRRIGATED FROM THE RAMSDELL DITCH FOR OVER 60 YEARS, TELLS ME THIS MAIN FLOW, AS THE MAP SHOWS, HAS ALWAYS BEEN THE RAMSDELL DITCH. HE ALSO STATES THAT TO THE BEST OF HIS KNOWLEDGE THE LITTLE SIDE BRANCH HAS NEVER BEEN NAMED.

I RESPECTFULLY REQUEST THIS ERROR BE CORRECTED IN THE INTEREST OF ACCURACY AND CONFORMAMENT WITH THE TRUE RECORDS IN THE LAWRENCE COUNTY COURT HOUSE. I REQUEST THE NAME 'HOMESTAKE BRANCH BE STRICKEN FROM THE RECRD AND THE CORRECT NAME RAMSDELL DITCH BE RESTORED TO ITS RIGHTFUL POSITION. IT IS ALSO REQUESTED THAT THE UNNAMED BRANCH GO BACK TO BEING JUST THAT A UNNAMED BRANCH.



RESPECTFULLY

Dr. C. H. Linander
DR. C. H. LINANDER

SOUTH DAKOTA DEPARTMENT OF WATER & NATURAL RESOURCES
GENTLEMEN:

IT IS HEREBY RESPECTFULLY REQUESTED THE DR. C. H. LINANDER,
MR. PHIL HAMMOND, MR. CLIFFORD DAISS AND MR. DWAYNE GARLICK
BE ALLOWED TO APPEAR AT THE MEETING TO BE HELD IN RAPID CITY ON
THE 7TH OF MARCH.

OUR REASON FOR SUCH AN APPEARANCE IS TO DISCUS THE WATER RIGHT
OF THE RAMSDELL DITCH AND THE WROND NAMES APPEARFING ON THE STATE
MAP OF THIS DITCH.

RESPECTFULLY SUBMITTED,
Dr. C. H. Linander
DR. C. H. LINANDER





Department of Water & Natural Resources

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

February 22, 1990

MEMO TO: Representative Harvey Krautschun
House of Representatives
Capitol Building

FROM: Delvin D. Brosz, Engineer *DAB*
Water Rights Division
773-3352

SUBJECT: Dr. C. H. Linander Correspondence

Enclosed are copies of the correspondence that was received from Dr. C. H. Linander. I have also enclosed the original copy of the map.

We will change our terminology, regarding the ditch names, to conform with local records.

If I can answer any questions, please contact me.

enclosure



Department of Water & Natural Resources

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

February 23, 1990

Philip Hammond
304 E Michigan
Spearfish SD 57783

Dear Mr. Hammond:

Enclosed is a copy of a petition received by the Division of Water Rights regarding Water Permit Application No. 1475-1. The petition was received February 20, 1990 from representatives of the Cook Ditch and this copy is to inform you of opposition to your application.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

SOUTH Dakota Department of
Water & Natural Resources

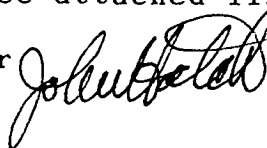
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 9, 1990

NOTICE

TO: Philip Hammond
304 E Michigan
Spearfish SD 57783
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Deferral of Water Permit Application No. 1475-1

On March 7, 1990, the Water Management Board deferred consideration of Application No. 1475-1 pursuant to the Chief Engineer's recommendation dated December 4, 1989 (copy attached). Application No. 1475-1 will be rescheduled for consideration by the Board after the completed plans and information are received by the Division of Water Rights. Notice will be given of the time and place of hearing.

cc: John Haak, Assistant Attorney General

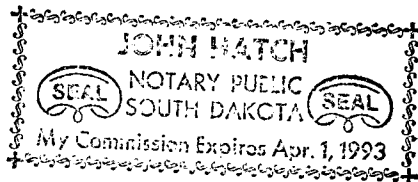
CERTIFICATION

I hereby certify that on March 12, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Deferral of Water Permit Application No. 1475-1, Philip Hammond addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1990.



John Hatch
Notary Public

**Revised Report on Application No. 1475-1
Philip Hammond
April 25, 1990**

Background

On March 7, 1990, the Water Management Board deferred consideration of Application No. 1475-1 based on the Chief Engineer's recommendation to defer dated December 4, 1989.

The deferral was due to lack of information and data to justify a recommendation of approval by the Chief Engineer.

Since that time, the applicant has submitted plans and specifications regarding water use from Ramsdell Ditch, the method of measuring the diversion rate, and the blocking of the north end of the ditch on the applicant's property.

According to the plans, a 4 inch sliding gate will be installed in the split box to control the diversion rate. A 90-degree V-notch weir will be installed in the south part of the ditch, on the applicant's property, to measure the diversion rate. To prevent the flow of water beyond the applicant's property, the north 24 inch corrugated metal pipe will be blocked using 5/8 inch plywood covered with 12-mil. Polyethylene liner, soil and rocks.

The maximum volume of water that the applicant is allowed to divert would be 0.54 acre feet. According to the design, if the applicant fills the 130 feet length of the ditch, 1 foot in depth, 5 times during irrigation season, the volume of water would be 0.045 acre feet per year. This amount of water would be enough to water the trees.

Conclusions and Recommendations

1. No additional water will be diverted through Ramsdell Ditch.
2. The plans are adequate to control and measure the diversion rate.
3. It is recommended that Water Permit Application No. 1475-1 be approved for a diversion rate of 0.05 cubic feet per second (22.5 gallons per minute) for irrigation of 0.27 acres of trees and lawn.



M. RASSOOL AHADI
Natural Resources Engineer II

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

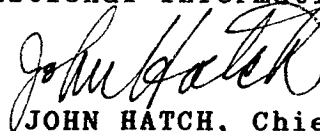
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1475-1, Philip Hammond

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1475-1, Philip Hammond, 304 East Michigan, Spearfish SD.

The Chief Engineer is recommending APPROVAL of Application No. 1475-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Permit No. 1475-1 appropriates no additional water from Spearfish Creek.
2. Approval of No. 1475-1 is subject to an agreement with the owner(s) of 945 8th Street, Spearfish, South Dakota (Cliff Daiss present owner) to lease a portion of the water to which the owner(s) are entitled to divert from Ramsdell Ditch.
3. Approval of No. 1475-1 limits diversion to 22.5 gallons per minute.
4. Approval of Permit No. 1475-1 is subject to blockage of Ramsdell Ditch on the North side of 304 East Michigan, Spearfish, South Dakota pursuant to approved plans to prevent flow beyond 304 East Michigan.
5. Approval of No. 1475-1 is subject to installation and maintenance of a control gate at the split box located at 1015 8th Street, Spearfish, South Dakota (Charles Linander present owner).

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 17, 1990



Department of Water & Natural Resources

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

May 22, 1990

Philip Hammond
304 E. Michigan
Spearfish, SD 57783

RE: Approval of Plans and Specifications for a Measuring Device,
Water Permit Application No. 1475-1.

Dear Mr. Hammond:

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 flow in the Ramsdell Ditch in your property as proposed in your application. According to the proposed plan, a 90-degree V notch weir will be used. The plans and specifications are approved as submitted. Please note that the installation of your measuring device must be supervised by a qualified engineer. Recommendations of the Soil Conservation Service engineer must also be followed.

Enclosed is the revised report and recommendation prepared for Water Permit Application No. 1475-1.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Delvin D. Brosz". The signature is written in a cursive, flowing style.

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV
(605)773-3352

enclosures



Department of Water & Natural Resources

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

May 31, 1990

NOTICE

TO: Philip Hammond
304 E. Michigan
Spearfish, SD 57783
and Parties of Record (see attached sheet)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 

SUBJECT: Reconsideration of Deferred Water Permit Application
No. 1475-1

The Water Management Board will reconsider Water Permit Application No. 1475-1 at 11:30 am, July 25, 1990 in Room 216, Joe Foss Building, 523 East Capitol, Pierre, SD. Application No. 1475-1 was deferred March 7, 1990 because of insufficient data to justify a recommendation for approval or denial of this application.

Enclosed is a copy of the Report on Application No. 1475-1 and the Revised Recommendation of the Chief Engineer to Approve No. 1475-1. The applicable provisions of the Notice published January 25, February 1 and February 8, 1990 will still apply at this hearing.

enclosures

CERTIFICATION

I hereby certify that on May 31, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Reconsideration of Deferred Water Permit Application No. 1475-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

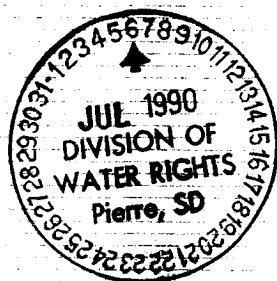
Sworn to, before me, this 1st day of June, 1990.



John Hatch
Notary Public

Spearfish, S.D.
July 3rd 1990

S.D. Dept of
Water & Natural Resources
Pierre, S.D.



Dear Resour Abadi,

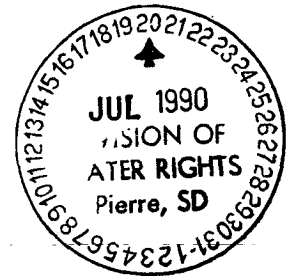
We have the impression that it
is necessary to be at the July 25th
meeting at Pierre in regards to the
dam that we are to install in
our ditch.

If we are to be at the meeting,
Please notify us as to time and
place and date.

If we need not be there, just
ignore this note.

Thank you in advance
Philip Hammond
304 East Michigan St.
Spearfish, S.D. 57783.

telephone 642-2668



July 18, 1990

SOUTH DAKOTA WATER MANAGEMENT BOARD

Dear Sirs:

Regarding Water Permit Application No. 1475-1, Philip Hammond, 304 E. Michigan, Spearfish, SD.

Being holders of prior agricultural irrigation rights to the waters of Spearfish Creek, the members of the Cook Irrigation Ditch in Spearfish Valley of Lawrence County respectfully wish to register a protest to the issuance of this permit for the following reason.

1. We do not feel that it is appropriate for (Cliff Dias present owner) to have the option to lease or sell a portion of water diverted from Ramsdell Ditch. If the present owner is not using the water it should be put back in the Creek for people who have water rights, because there is not enough water, as it is to fill the rights of others.

We respectfully request that you deny the permit for Application No. 1475-1 to appropriate water.

Sincerely,

Cook Ditch
% Michael McGuigan, President
R R 1, Box 146A
Spearfish, SD 57783

Michael McGuigan
Jim Eddy
Hank Ward
Billy Evans
Ed Sturgis Jr.
Frank Cundy
Ernest Breeding

July 20, 1990

Philip Hammond
304 E. Michigan
Spearfish, SD 57783

Dear Mr. Hammond:

Enclosed is a letter we received in regards to your permit application (No. 1475-1). The hearing on your application is set for 11:30 am on July 25, 1990 in Room 216, Joe Foss Bldg, Pierre, SD.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.



Department of Water & Natural Resources

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

July 30, 1990

NOTICE

TO: Philip Hammond
304 E. Michigan
Spearfish, SD 57783
and Parties of Record (see attached sheet)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

SUBJECT: Approval of Water Permit No. 1475-1

On July 25, 1990, the Water Management Board approved Water Permit No. 1475-1 with qualifications as specified in the Chief Engineer's recommendation dated May 17, 1990. Water Permit No. 1475-1 authorizes diversion of 0.05 cubic feet of water per second from Ramsdell Ditch to irrigate 0.27 acres.

Decisions of the Board may be appealed to the Circuit and State Supreme court as provided by law.

CERTIFICATION

I hereby certify that on July 30, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Approval of Water Permit No. 1475-1 addressed as stated on the Parties of Record sheet.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of August, 1990.

John Hatch
Notary Public





Department of Water & Natural Resources

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

1475-1

SEP 17 1990

Philip Hammond
304 E. Michigan
Spearfish SD 57783

Dear Mr. Hammond:

Enclosed is Water Permit No. 1475-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures

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

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

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Sept 24 1990TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Philip HAMMOND 304 E Michigan St. SPEARFISH
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1475-1.

Water Permit No. 1475-1 states that the diversion system is to be constructed by Philip HAMMOND, and that the water it put to beneficial use by Philip HAMMOND.

The diversion system was completed on 25 AUG 1990.
Applying the water to beneficial use was completed on 25 AUG 1990.

You may schedule an inspection so that the Water License may be issued.

Philip Hammond
signature





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 5, 1991

1475-1

Philip Hammond
304 E Michigan
Spearfish, SD 57783

Dear Mr. Hammond:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1475-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



Spearfish S.D.
July 1st 1991

Dept of Environment
and Natural Resources
Pierre, S.D.

Dear Lenny McMath.

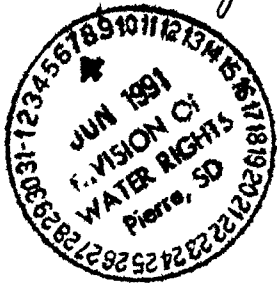
The inspection of the water permit
no. 1475-1 has been completed by Natural
Water Resources and we mailed our \$50⁰⁰
inspection fee June 7th 1991, and are
waiting for the license.

Thank you in advance
Philip & Theresa Hammond
304 East Michigan St.
Spearfish, S.D. 57783

Spearfish S.D.
June 7 - 1991

Dept of Environment
& Natural Resources.

Please find check for \$50⁰⁰ to cover inspection
of water system. Water permit no. 1475-1



Thank you.

Philip & Theresa Hammond
304 East Michigan St.
Spearfish, S.D. 57783

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

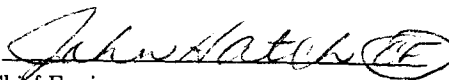
412698

Pierre, _____ June 7, 19 91

RECEIVED OF Philip or Theresa Hammond, 304 E. Michigan, Spearfish, SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1475-1</u>	50	00
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	50 00

By *J. H. Hatcher* 
Chief Engineer

Belle Fourche R Water District**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 Philip Hammond
 of 304 E. Michigan, Spearfish SD 57783 holder of
 Permit No. 1475-1, bearing the priority of October 1, 1876 19____ authorizing
 the diversion of 0.05 cu. ft. per second of the waters of Surface water-Spearfish Creek
 for Irrigation purposes, in Lawrence County.

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

A. Works used to divert the water:

Water is transported through Ramsdell Ditch to a split box located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T6N-R2E.

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

Water from the split box is transported through a 24 inch corrugated metal pipe(CMP) to a ditch on Mr. Hammond's property.

C. Works used to apply water to beneficial use:

A very small electric pump(according to Mr. Hammond 2.0 gpm capacity) and 5/8 inch garden hose are used to apply water to Mr. Hammond's lawn and also to water trees.

The system is in the following condition Very good

The point of diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T6N-R2E, approximately 2330 feet north, 1941 feet west from the southeast corner of Section 10, T6N-R2E.

The works are capable of diverting and conveying to the place of use 2.0 gallons per minute.

~~XXXXXX~~ of water which is to be used for irrigation-trees and lawn watering

Water has been put to beneficial use to the maximum extent as follows: T6N, R2E

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10 0.27 acres

** The ditch is plugged at the north side of Mr. Hammond's property. No water flows beyond Mr. Hammond's property.

comprising a total of 0.27 acres of land and the license should be issued for 2.0 GPM as

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 4/24/91

(signature)

MR Shadi

Date: 4/24/91

LICENSE FOR PERMIT NUMBER 1475-1

1. Legal location of wells: NA

~~dam~~ structures: NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T6N-R2E

2. Well Information: Well Drilling Firm NA

Completion Report Yes___ No___ No. of Wells___ Depth___

Casing a) diameter___ Screen a) type___

b) length___ b) length___

c) type___ Static Water Level___

Pump a) make A very old pump Motor a) make Very old electric motor

b) model No tag b) model No. ___

c) size 3/4 in. c) horsepower rating 3/4

d) capacity 2.0 ** gpm

e) turbine pump - no. of stages___

f) operating PSI___

Water is diverted from Ramsdell Ditch, thru a 24 inch pipe into a ditch. Water is then pumped from this ditch to water lawn and trees.

** Pump capacity according to Mr. Hammond.

3. Distribution lines or canals

a) size 5/8 in.

b) type Rubber

c) length 75-85 feet

4. Dam Information:

a) height to crest___ m) Outlet tubes:

b) height to primary spillway___ 1) diameter___

c) height to secondary spillway___ 2) type___

d) crest width___ 3) valved (Y/N)___

e) crest length___ 4) valve type___

f) spillway length___ 5) location on structure___

g) spillway width___

h) approx. storage___ n) Category of Dam___

i) approx. storage to crest___

j) date constructed___

k) inspection sheet completed (Y/N)___

l) Name of Contractor___

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

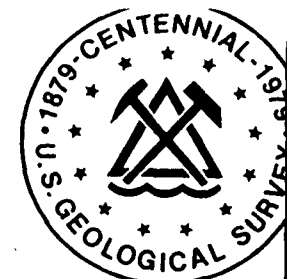
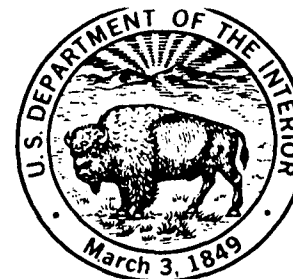
Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☐	NA ☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

5273 III
LE FOURCHE)
1:62 500

UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY

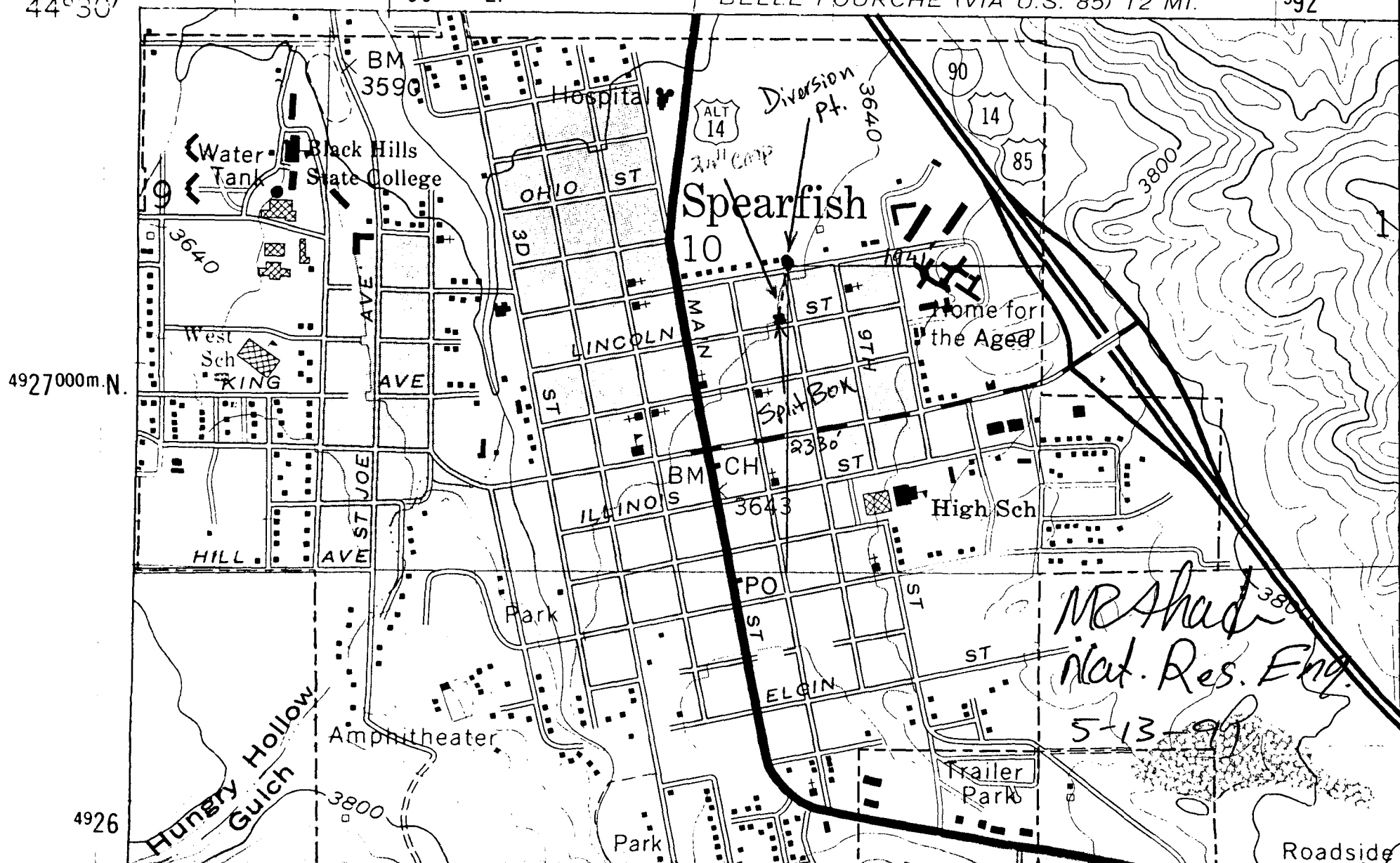


103°52'30"
44°30'

590000m.E.

BUFFALO 86 MI.
BELLE FOURCHE (VIA U.S. 85) 12 MI.

#1475-1
592



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1475-1

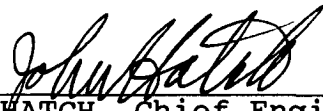
(1) Philip Hammond of 304 E. Michigan, Spearfish, SD 57783 made Application No. 1475-1, September 12, 1989 for a water permit to authorize diversion of 0.05 cubic feet of water per second from Ramsdell Ditch, Lawrence County, South Dakota for irrigation purposes. Permit No. 1475-1 with a priority date of October 1, 1876 was approved July 25, 1990, subject to an agreement with the owner of 945 8th Street, Spearfish, SD (Cliff Daiss present owner) to lease a portion of the water to which the owner is entitled to divert from Ramsdell Ditch. Approval of No. 1475-1 appropriated no additional water from Spearfish Creek. Construction of the described water supply system was to be completed on or before July 25, 1995 and for the application to beneficial use of said water on or before July 25, 1999.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is authorized to divert 2 gallons of water per minute, subject to the lease agreement, for beneficial use. The location of the diversion point is: approximately 2,330 feet North and 1,941 feet West of the SE corner of Section 10, T6N, R2E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T6N, R2E Section 10 NW 1/4 SE 1/4 0.27 Acres

(4) Pursuant to Section 46-5-30.1 Philip Hammond of 304 E. Michigan, Spearfish, SD 57783 the holder(s) and/or owner(s) of Water Permit No. 1475-1 is issued a license authorizing diversion of 2 gallons of water per minute, from Ramsdell Ditch, pursuant to the lease agreement with the owner of 945 8th Street, Spearfish, SD, with a priority date of October 1, 1876 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1475-1 and subject to South Dakota State Law.

 JUL 29 1991

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

JUL 29 1991

1475-1

Philip Hammond
304 E. Michigan
Spearfish, SD 57783

Dear Mr. Hammond:

Enclosed is Water License No. 1475-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412698 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, subject to the lease agreement with the owner of 945 8th Street, Spearfish, SD, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,

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

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

enclosures