

WATER PERMIT NO. VR 1584-1

Phone: 642-2220

Name of Applicant: Richard D. Sleep

Post Office Address: HC 66, Box 14, Spearfish SD 57783

Amount of Water Claimed: 0.07 Total Acres: 4.6 add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Lawrence

About 4 miles NW of Spearfish

PRIORITY Date Received: 6-28-93 Fee: \$15.00 Remarks: Add'l acreage

on Vested Right Claim No. 657-1

Corrected Application Received: _____ Period of Annual Use: April 1 - Oct 31

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

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

Diversion Point: SW 1/4 SW 1/4 Sec 23-T7N-R1E

Land to be Irrigated: NE 1/4 ^S NE 1/4, SE 1/4 SE 1/4
Sec 22, NE 1/4 NE 1/4 Sec 27, NW 1/4 NW 1/4 Sec
26, W 1/2 SW 1/4, SE 1/4 SW 1/4 Sec 23; all in
T7N-R1E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 425' REMARKS: _____

Type of Map: aerial PREPARED BY: Susan Bowar Reviewed and the Number

Assigned on: 8-3-93 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1584-1 FOR IRRIGATION

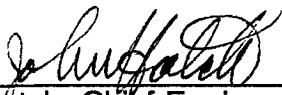
Date of Receipt of Claim June 28, 1993.

Date of Validation November 1, 1993.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1584-1 for irrigation purposes for Richard D. Sleep, HC 66, Box 14, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1584-1 appropriates 0.07 cubic feet of water per second (cfs) to irrigate 4.6 additional acres. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs from one well located in the SW 1/4 SW 1/4 Section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 Section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26, NE 1/4 NE 1/4 Section 27; all in T7N-R1E. This permit claims 0.07 cfs from this same well to irrigate 4.6 acres located in the areas listed above.
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 irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is: June 10, 1955.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

DEC 23 1993
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1584-1 FOR IRRIGATION

(1) Richard D. Sleep of HC 66, Box 14, Spearfish SD 57783, made Application No. 1584-1, June 28, 1993 for validation of a vested right claim to appropriate 0.07 cubic feet of water per second from groundwater (one well), Lawrence County, South Dakota, for irrigation purposes. Vested Water Right No. 1584-1 was validated November 1, 1993 with a priority date of June 10, 1955. 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.

Vested Right No. 1584-1 authorizes irrigation of 4.6 additional acreages that were developed but not permitted under Vested Water Right No. 657-1. A field inspection conducted of the water use system found a total of 63 acres being irrigated. Based on the inspection and subsequent validation of the vested right claims, the license is being reissued to the extent of what is actually being irrigated.

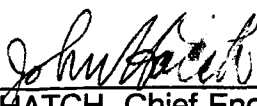
The applicable portions of Vested Water Right No. 657-1, validated December 1, 1993, have been incorporated into this Vested Water Right License No. 1584-1. A priority date of June 10, 1955 (established by No. 657-1) is retained.

(2) The vested right owner is entitled to divert 0.90 cubic feet of water per second for beneficial use. The location of the diversion point is: SW 1/4 SW 1/4 Section 23-T7N-R1E (990'N and 660'E of the SW corner Section 23)

The location of the irrigated acreage is:

T7N-R1E	Section 22	NE 1/4 SE 1/4	3 acres
		SE 1/4 SE 1/4	10 acres
Section 23		NW 1/4 SW 1/4	9 acres
		SE 1/4 SW 1/4	8 acres
		SW 1/4 SW 1/4	25 acres
Section 26		NW 1/4 NW 1/4	5 acres
		NE 1/4 NE 1/4	3 acres
Total			63 acres

(3) Pursuant to Section 46-5-30.1 Richard D. Sleep of HC 66, Box 14, Spearfish SD 57783 the holder and owner of Vested Water Right No. 1584-1 is issued a license to appropriate 0.90 cubic feet of water per second from groundwater (one well) with a priority date of June 10, 1955 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. 1584-1 and subject to South Dakota State Law.


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

DEC 23 1993

date

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1584-1 Hydrologic Unit 10120203
Basin Belle Fourche River
Newspaper Spearfish Daily Queen City Mail
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: New ✓ Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Richard D. Sleep Phone 642-2220
(check one) ✓ Owner Tenant/lessee
Mailing Address HCCG Box 14 Spearfish State S. Dak. 57783
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.07 *CFS or **GPM ***AF Total Acreage 4.6 add'
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable) 63 total
- Source of water supply groundwater - 1 well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 SW1/4 section 23-T7N-R1E
 County Lawrence
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Apr 1 - Oct 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres
<u>NE 1/4 SE 1/4 sec 22-T7N-R1E</u>	<u>3</u>
<u>SE 1/4 SE 1/4 " "</u>	<u>10</u>
<u>NE 1/4 NE 1/4 sec 27-T7N-R1E</u>	<u>3</u>
<u>NW 1/4 NW 1/4 sec 26-T7N-R1E</u>	<u>5</u>

Land Description	Acres
<u>NW 1/4 SW 1/4 sec 23-T7N-R1E</u>	<u>9</u>
<u>SE 1/4 SW 1/4 " "</u>	<u>8</u>
<u>SW 1/4 SW 1/4 " "</u>	<u>25</u>

Land Description	Acres
<u>NW 1/4 SW 1/4 sec 23-T7N-R1E</u>	<u>9</u>
<u>SE 1/4 SW 1/4 " "</u>	<u>8</u>
<u>SW 1/4 SW 1/4 " "</u>	<u>25</u>

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

This vested right claim is to add 4.6 acres omitted from the irrigated area (58.4 acres) described on Vested Right Claim No. 657-1. The entire irrigated area, including the omitted acreage, is described on this claim.

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

STATE OF SOUTH DAKOTA)

County of Lawrence)^{SS}

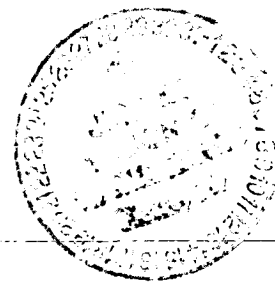
I, Richard D. Sleep, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated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

Signed Richard D. Sleep

Subscribed and sworn to before me this 15 day of June 19 93

[Signature]
Notary Public

Affidavit of Water Use



No. _____

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) Richard D. Sleep
Mailing Address HCCG Box 14 Spearfish S.Dak. 57783
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
B. Date of start of construction of water supply system June 10, 1955 *
C. Date that water was first applied to beneficial use Summer of 1955
D. Name of owner of original water supply system Eugene A Sleep
E. Amount of water originally applied to beneficial use 0.90 cfs to irrigate 63 acres
F. Present use of water - amount of water now being used 0.90 cfs
Date that this water was first used summer of 1955
G. Chronological History of Water Use

The water has been used for irrigation every year since completion
* A vested right for groundwater use must have a February 28, 1955, or earlier priority date. Claim
No. 657-1 was given vested status even though the priority date is June 10, 1955. This discrepancy
was corrected by SDCL 46-5-4.1. This claim is for 4.6 acres that was omitted from No. 657-1
and should retain the same priority date (June 10, 1955) given to No. 657-1.

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 Minnehaha) ss

I, Richard D. Sleep the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Richard D. Sleep

Subscribed and sworn to before me Eva McElvick, 19 93

Eva McElvick
Notary Public

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.

_____, 19____
(Print name)

_____, 19____
(Print name)

RECEIPT

413818

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 28, 19 93

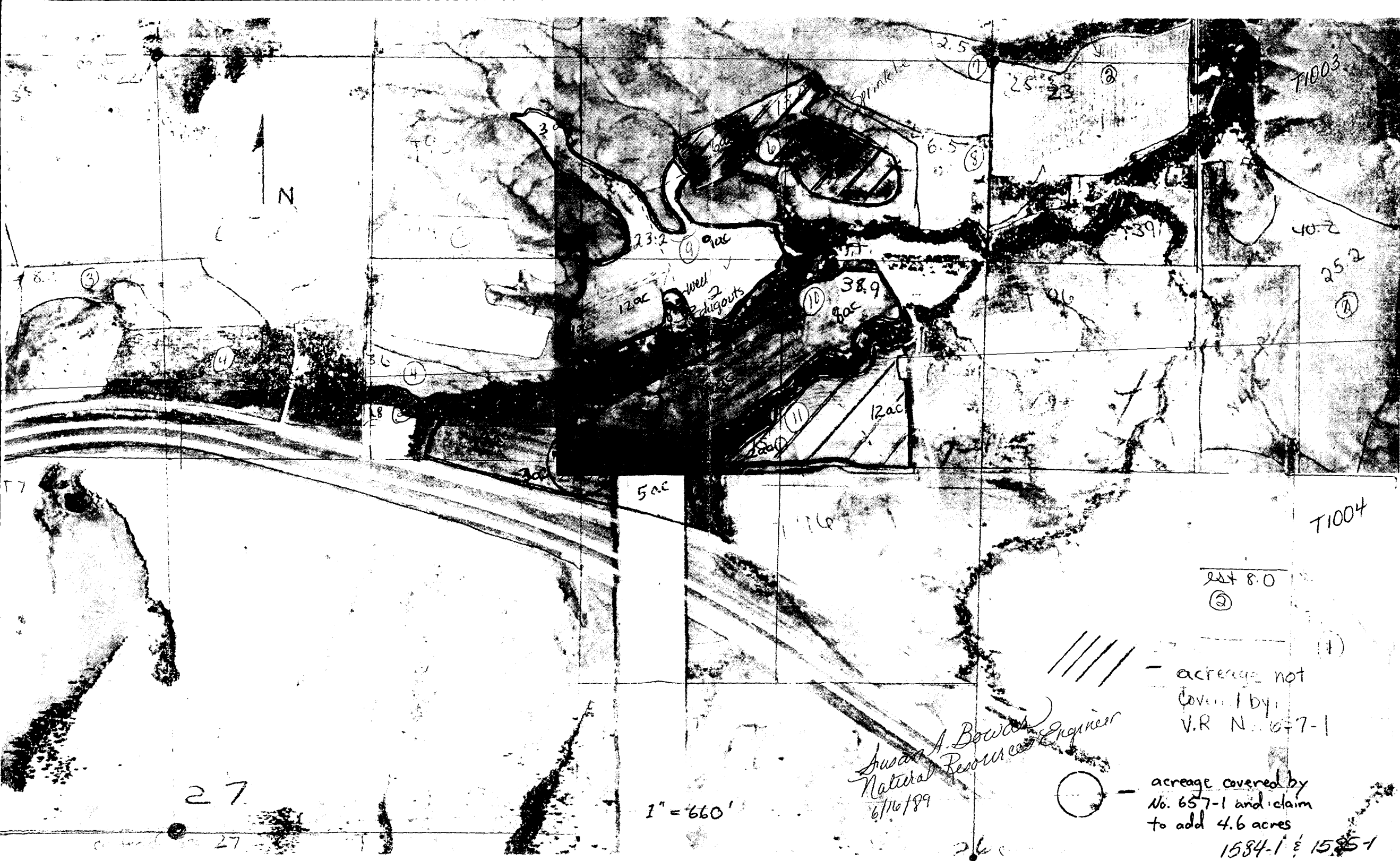
RECEIVED OF Richard D. Sleep, Sleep Ranch, HC 66 Box 14, Spearfish, SD 57783

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

Fee for Application for Permit No. <u>1584-1</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	15 00

By John Blatchford
Chief Engineer



N

5 ac

23.2

9 ac

12 ac

Well 2

Dugouts

10

38.9

8 ac

11

12 ac

2.5

6.5

25.2

23

39

40.2

25.2

14.2

11.6

8.0

1.1

1.1

1.1

1.1

25.2
8.0
2

acres not
covered by
V.R. No. 657-1

acres covered by
No. 657-1 and claim
to add 4.6 acres

1584-1 & 1585-1

1" = 660'

Juan A. Bowles
Natural Resources Engineer
6/16/89

27

27

T1003

T1004

REPORT ON VESTED RIGHT APPLICATION NO. 1584-1 AND WATER PERMIT
APPLICATION NO. 1585-1
for Richard D. Sleep
August 24, 1993

Vested Right Application No. 1584-1 proposes to add 4.6 acres of irrigated land. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs (374 gpm) from one well located in the SW 1/4 SW 1/4 of section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 of section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 of section 23, NW 1/4 NW 1/4 of section 26, NE 1/4 NE 1/4 of section 27; all in T7N R1E in Lawrence County. This application claims 0.07 cfs to irrigate 4.6 acres located in the areas listed above. The water use has a claimed priority date of June 10, 1955.

Water Permit Application No. 1585-1 proposes to appropriate 0.53 cfs (239 GPM) (0.38 cfs for irrigation and 0.15 cfs for fish propagation) from one well 425 feet deep located in the SW 1/4 SW 1/4 of section 23, T7N R1E. The 27 acres to be irrigated are located in the SW 1/4 of section 23, T7N R1E. This is the same well used to irrigate lands covered by Vested Water Right Claims Nos. 657-1 and 1584-1.

The fish propagation operation proposed by Application No. 1585-1 consists of eight tanks in which fish are raised on a periodic basis. Overflow from the tanks is discharged to two small dugouts which are intended to function as settling ponds. Overflow from the dugouts discharge into Chicken Creek.

AQUIFER - MINNELUSA FORMATION (MNLS)

The Minnelusa Formation consists of interbedded sands, sandstones, limestone and dolomite and is approximately 500 feet thick in this area (Peter, 1987). The upper part of the Minnelusa Formation consists of mostly sandstones and is considered the Minnelusa aquifer (Peter, 1987). The general direction of water movement in the Minnelusa in the area of this application is from south to north. The Minnelusa underlies 199,680 acres and contains an estimated 5.591 million acre feet of recoverable water in storage in Lawrence County (Allen, 1984). The aquifer is areally extensive around the entire Black Hills. The aquifer is confined and under artesian conditions at this location. This is a free flowing well and must be valved or controlled in order to prevent the waste of water.

Information supplied by the driller A.L. Draine indicates that the well is cased with 64 feet of 12" surface casing, 180 feet of 8" casing cemented in hole and 126.5 feet of 6" casing from the Minnekahta to the Minnelusa. The well reportedly flowed 900 to 1000 gpm when drilled in 1955.

The Division of Water Rights monitors two Minnelusa observation wells which are within 5 miles of this site. Water levels for these wells do respond to climatic conditions, that is, rising

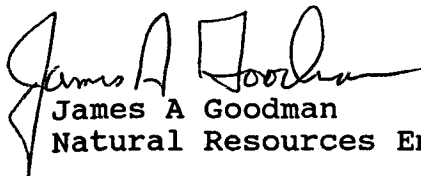
water levels during wet years and declining water levels during dry years. In the Peters report, the hydrographs for the Minnelusa aquifer have shown little change or trends since the 1950's. Although the report does indicate a decline in head in the Spearfish area of as much as 99 feet. The two Water Right observation wells in the area indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit/right is about 1 mile to the north. Interference is not expected to be a concern. This is an existing well and has been in use for many years with no apparent problems. Since this is a flowing well and the aquifer is confined and under artesian conditions drawdown will occur when diversions take place. Apparently the drawdown is not significant enough to cause any problems with the production well so it is not anticipated that drawdown is adverse in the area.

CONCLUSIONS

1. Water is available from the Minnelusa Formation.
2. The aquifer is confined and under artesian conditions. Drawdown will occur as a result of diversions. This is not expected to be adverse.
3. ~~This is an existing well and has been in use for many years.~~
4. The information available indicates that the well was drilled in 1955. The well completion would not comply with existing SD Well Construction Standards. The new standards would require grouting of the Opeche Formation (116 feet) which was not done originally. This well has been in service for many years with no apparent problems.
5. There is a discharge of water into Chicken Creek as part of the fish raising operation portion of Application No. 1585-1. An NPDES permit is not required at this time.
6. This a free flowing well. The well must be controlled and managed to prevent the waste of water.
7. The additional 0.07 cfs and 4.6 acres can be recognized as a vested right.



James A Goodman
Natural Resources Engineer

Allen, J.C., D.L.Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Peter, K.D., D.P. Kyllonen, 1987, Geohydrology and Water Quality of the Inyan Kara, Minnelusa, and Madison Aquifers of the Northern Black Hills, South Dakota and Wyoming, and Bear Lodge Mountains, Wyoming, USGS WRI 86-4158, USGS, Rapid City, SD, 57701.

Water Rights, 1993, Unpublished Observation Well Data for Lawrence County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1584-1, Richard D. Sleep

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1584-1, Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783.

The Chief Engineer is recommending VALIDATION of Application No. 1584-1 for 0.07 cfs because 1) water has been appropriated as described for irrigation use with a priority date of June 10, 1955, 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 report on application for additional information.



JOHN HATCH, Chief Engineer
August 25, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 5, 1993

Richard D. Sleep
HC 66 Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Vested Water Right Application No. 1584-1 and Water Permit Application No. 1585-1 for irrigation and fish propagation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Spearfish Daily Queen City Mail printed at Spearfish, SD (Ph # 642-2761). For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 1993

Spearfish Daily Queen City Mail
Box 7
Spearfish, SD 57783

ATTENTION: Legal Department

Enclosed is a Notice on Application Nos. 1584-1 and 1585-1 to be published twice. Please publish the first notice on October 13, 1993, 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 Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 (Ph # 642-2220).

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. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 October 13, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 1584-1
and NOTICE OF APPLICATION NO. 1585-1 to Appropriate Water

Notice is given that Richard D. Sleep, HC 66 Box 14, Spearfish, SD 57783 has filed applications to validate a vested water right claim and for a water permit.

Vested Water Right Application No. 1584-1 is for 0.07 cubic feet of water per second (cfs) to irrigate 4.6 additional acres. Vested Water Right Claim No. 657-1 appropriates 0.83 cfs from one well located in the SW 1/4 SW 1/4 Section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 Section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26, NE 1/4 NE 1/4 Section 27; all in T7N-R1E with a priority date of June 10, 1955. This application claims 0.07 cfs from this same well to irrigate 4.6 acres located in the areas listed above. The water use has a claimed priority date of June 10, 1955.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1584-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of June 10, 1955, 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.

Application No. 1585-1 is for a water permit to appropriate 0.53 cfs (0.38 cfs for irrigation and 0.15 cfs for fish propagation) from one well 425 feet deep (Minnelusa Formation) located in the SW 1/4 SW 1/4 Section 23-T7N-R1E. The 27 acres irrigated are located in portions of the SW 1/4 Section 23-T7N-R1E. This is the same well used to irrigate lands covered by Vested Water Right Claim Nos. 657-1 and 1584-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1585-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting the applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 1, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing

address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to the applications. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Lawrence) ssI, Laurie Hardin

certify that the attached printed Notice was

taken from the Dept of Env.printed and published in BH PioneerCounty of Lawrence and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:OCT 13, 1993OCT 20, 1993Cost of Printing: \$57.35Laurie Hardin

(Signature)

Accts. Receivable

(Title)

10-20-93

(Date Signed)

**NOTICE TO VALIDATE
VESTED WATER RIGHT
APPLICATION NO. 1584-1
and NOTICE OF APPLICATION
NO. 1585-1 to Appropriate Water**

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Application No. 1585-1 is for a water permit to appropriate 0.53 cfs (0.38 cfs for irrigation and 0.15 cfs for fish propagation) from one well 425 feet deep (Minnelusa Formation) located in the SW 1/4 SW 1/4 Section 23-T7N-R1E. The 27 acres irrigated are located in portions of the SW 1/4 Section 23-T7N-R1E. This is the same well used to irrigate lands covered by Vested Water Right Claim Nos. 657-1 and 1584-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1585-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting the applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 1, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to the applications. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

#127

October 13, 20



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 23 1993

Richard D. Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

The Water Management Board has validated the enclosed Vested Water Right Nos. 657-1 and 1584-1. These validations give legal status to the claims and are the final documents for your vested rights. Enclosed is Vested Right Water License No. 1584-1 which reflects the acreage and diversion rate as validated by the Board. The applicable portions of No. 657-1 have been incorporated into this Water License.

Water Permit No. 1585-1 for irrigation and fish propagation is also enclosed.

As long as you use the water beneficially, as stated in the validation, 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

enclosure