

Considered: _____

Vested Right
WATER PERMIT NO. 232A-1

HAP No. same

Name of Applicant Cant Hook E Ranch c/o Mike Butler

Post Office Address Buffalo SD 57720

Amount of Water Claimed 0.50 Total Acres 35

Source of Water Supply Cottonwood and Boot Creeks

Water to be used for irrigation County Harding

About 11 miles N of Buffalo

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Dec 20, 1984 Fee \$15.00 Remarks _____

Corrected Application Received Apr 24, 1987 Period of Annual Use Mar 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point Cottonwood Creek dam: N $\frac{1}{2}$ SE $\frac{1}{4}$

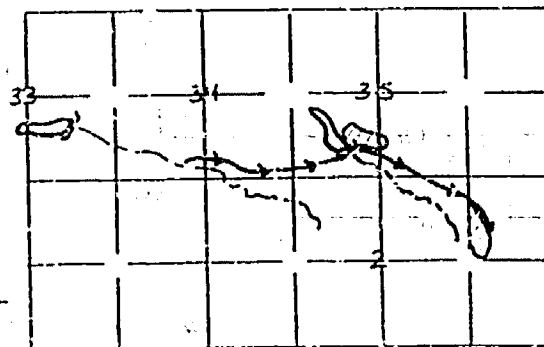
section 33; Boot Creek dam: SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 35;

both in T21N-R4E

Land to be Irrigated E $\frac{1}{2}$ SW $\frac{1}{4}$ (12ac), SW $\frac{1}{4}$ SE $\frac{1}{4}$ (2ac)

section 35 - T21N-R4E; W $\frac{1}{2}$ NW $\frac{1}{4}$ section 1 -

T20N-R4E



Well Log: Driller N/A Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY L.J. Mernough Reviewed and the Number

assigned on May 21, 1987 BY Ron Duval

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

January 28, 1987



NOTICE

TO: Mike Butler, Cant Hook E Ranch, Buffalo, SD 57720

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

SUBJECT: Notice of Requirement to File Vested Water Right Claim

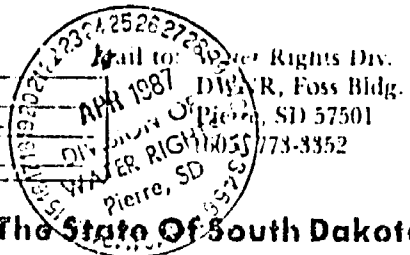
This Notice is in regard to your two water spreading systems located in Harding County, South Dakota. LeRoy Mernaugh, Engineer, with the Division of Water Rights inspected your systems June 21, 1984. Portions of these systems were covered under Water Permit Nos. 231-1 and 232-1. The investigation findings showed that the wells authorized under the permits were not used for irrigation, although a surface water source had been developed and used since the start of construction. November 20, 1984, partially completed application forms were sent to you for filing a vested right claim for each system. The forms were received December 20, 1984; however, a filing fee was not received. The fee was requested December 21, 1984, but to date, we have not received the required filing fee from you.

Upon reviewing your application forms, it was noted that all of them were not signed and notarized. Enclosed are the copies that need to be signed and notarized. Please complete and return them to our office with the required filing fee.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the Chief Engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file the vested right claim within 90 days. Any claim filed after the 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to return your applications. The filing fee is \$15.00 per application (a total of \$30.00 for your applications).

If these forms and the \$30.00 in filing fees are not received within the 90 days your systems do not qualify for vested right status. The filing fee for your applications would then be \$150.00 each. If you have any questions, please contact us.

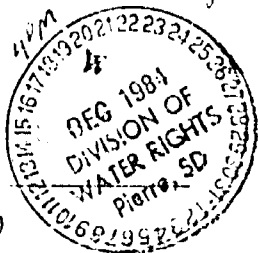
No. 232-A-1 Hydrologic Unit 10130302
 Map No. same Basin Grand River
 Newspaper Buffalo Center News, Box 107
Buffalo, WY



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

Type of Application: Check one or more of the following:

- New ☐ Vested Right ☒ Future Use ☐ Incorporates Permit No. 232-1
☐ Application to amend Permit No. _____ with old priority date retained
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐
☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant Cant Hook E Ranch, & Mike Butler Phone No. 375-3393
 Post Office Address Buffalo State SD 57720
(Street, R.F. or Box) Zip Code
 2. Amount of water claimed (c.f.s.) 94.50 Total acres irrigated 59 35
 3. Source of Water supply Cottonwood Creek and Boot Creek
 4. Location of point of diversion Div. pt #1 - 1430'N and 1500'W of the SE corner Section 33;
Pt #2 - 620'N and 1720'E of the SW corner Section 35, all in T21N, R4E
 _____ County Harding
 5. Counties where water will be used Harding
 6. Annual period during which water is to be used March thru October 31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each

Land Description	No. Acres Irr.
NE 1/4 SW 1/4 35, T21N, R4E	3
SE 1/4 SW 1/4 "	9
SW 1/4 SE 1/4 "	2

Land Description	No. Acres Irr.
NW 1/4 NW 1/4 1, T20N, R4E	2
SW 1/4 NW 1/4 "	19
NE 1/4 NE 1/4 "	13
SE 1/4 NE 1/4 "	11

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water is diverted from a dam in Section 33 to a dam in Section 35, T21N, R4E.
 From this dam water is diverted into a flood irrigation system using dike and ditches to spread water.

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

STATE OF SOUTH DAKOTA
 County of Harding

I, MIKE BUTLER the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Mike Butler

subscribed and sworn to before me this 21 day of April 1987

Carol K. Baird

Notary Public for other qualified officers Comm. exp. 7/1/92

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 232A-1

Cant Hook E Ranch, c/o Mike Butler Buffalo
(Applicant) (Post Office Address)

South Dakota 57720 With the following qualifications.
(State) (Zip Code)

SEE VE-1

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions.

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 232A-1

Cant Hook E Ranch c/o Mike Butler
(applicant)

Buffalo
(post office address)

SD
(state)

57720
(zip code)

Date of receipt of Application December 20, 1984.

Validated July 8, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is July 2, 1951.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed 150 acre-feet annually 0.50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Apr 1 - Oct 31. The applicable portions of Water Permit No. 232-1 were incorporated into this Vested Water Right No. 232A-1 with the abandoned portions of the permit cancelled.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

JOHN HATCH

Division of Water Rights

Dept. of Water and Natural Resources

OCT 30 1987

, 1987.

Supplemental Information

(type or print in ink)

Dam in section 33-T21NR4E

1. Well Information - Proposed construction

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

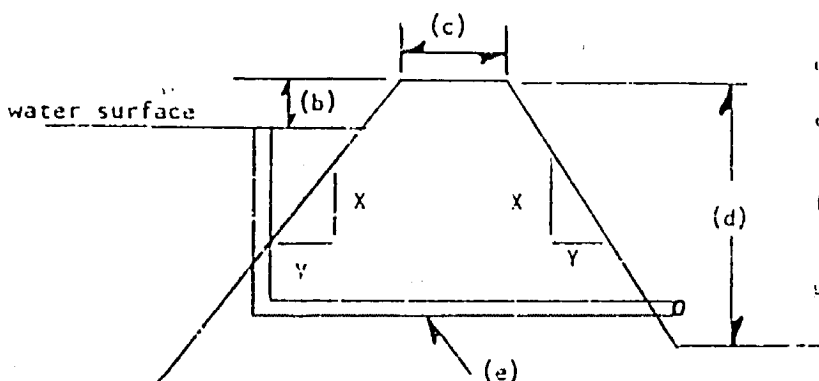
2. Dugout Information Estimates

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

3. Water Storage Dams

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

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



- b) Freeboard 3.0
- c) Crest Width 15
Crest Length 900
- d) Height 26'
- e) Primary Outlet Capacity 7.0 cfs
If Pipe, diameter 12" CMP / 14" gate
- f) Secondary Spillway Capacity _____
spillway width 50' +
- g) X & Y Slope
Upstream 4:1
Downstream 2:1
- Surface Area of Impoundment 25
- Storage 150 acre feet
- Drainage area above dam 2200 Ac

Signature of Applicant _____

Supplemental Information

(type or print in ink) DAM IN SECTION 35 T21NR4E

1. Well Information - Proposed construction

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

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard 3.0

c) Crest Width 12

Crest Length 1000

d) Height 16'

e) Primary Outlet Capacity 7.0 cfs
 If Pipe, diameter 12" CMP / HD 6010

f) Secondary Spillway Capacity _____
 Spillway width 50' ft + 68" CMP

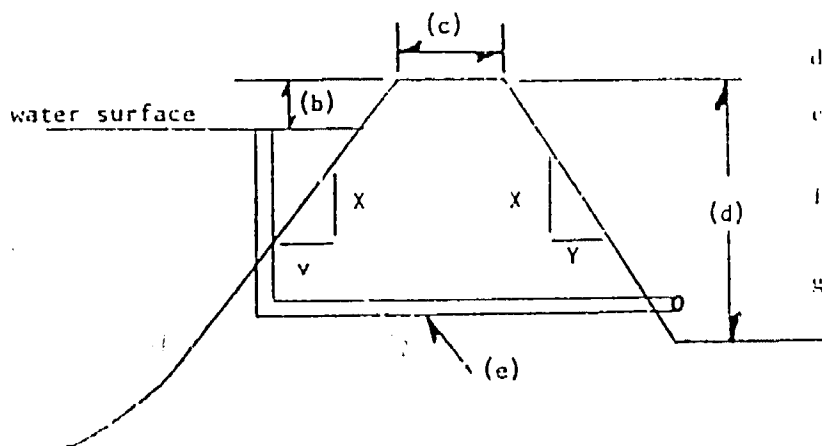
g) X & Y Slope
 Upstream 4:1

Downstream 2:1

Surface Area of Impoundment 25 Ac

Storage 150 acre feet

Drainage area above dam 5500 Ac



 Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Cant Hook E Ranch & Mike ButlerPost Office Address Buffalo, SD 57720

(Street, RR or Box)

(State)

(Zip Code)

A. Notice of Appropriation July 2, 1951 Date of Posting _____

Date of recording _____ Recording date _____

Where

Book

Page

B. Date of start of construction of water supply system 1951C. Date that water was first applied to beneficial use 1952D. Name of owner of original water supply system O.E. HaivalaE. Amount of water originally applied to beneficial use 13.0F. Present Use of Water - Amount of water now being used 13.0Date that this water was first used 1952

G. Chronological History of Water Use

1951 O.E. Haivala constructed the system under Water Permit No. 232-1. The permit was for a well that was not used for irrigation. Run-off water has been used for irrigation since construction.

1956 Mike Butler obtained the property and has continued to use the system

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 Hauke) ss

I, MIKE BUTLER the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Mike Butler

Subscribed and sworn to before me

April 21, 1982

Notary Public or other qualified officer

Carol K. DavisComm exp 7/16/92

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

(Print name)

19

(Print name)

19

REPORT ON VESTED RIGHT APPLICATION NO. 232A-1
CANT HOOK E RANCH
May 21, 1987

Application No. 232A-1 requests validation of a vested right claim, appropriating 0.50 cfs from Cottonwood Creek and Boot Creek to irrigate 35 acres. The water has been used since the system was constructed. The recording date for the system is July 2, 1951. The point of diversion is located in the NW 1/4 SE 1/4 of Section 33 and in the SE 1/4 SW 1/4 of Section 35 all in T21N, R4E. The irrigated acreage is located in the E 1/2 SW 1/4 and the SW 1/4 SE 1/4 of Section 35, T21N, R4E and in the W 1/2 NW 1/4 of Section 1, T20N, R4E.

Conclusions

1. The project is a water spreading system. It was inspected by Leroy J Mernaugh and found to exist as described.
2. Water has been put to beneficial use since the time that the system was constructed.
3. It is recommended that the vested right claim be validated with a priority date of July 2, 1951.

Le Roy Mernaugh /KS
LEROY J MERNAUGH
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 232A-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 232A-1, Cant Hook E Ranch, Mike Butler, Buffalo SD.

The Chief Engineer is recommending VALIDATION of Application No. 231A-1 because 1) water has been appropriated as described for irrigation use with a priority date of July 2, 1951, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over a horizontal line.

JOHN HATCH, Chief Engineer
May 26, 1967

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

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

May 29, 1987

NATIONAL CENTER NEWS
Box 107
Buffalo SD 57720

Dear Sir:

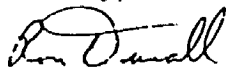
Enclosed is a Notice of Hearing to Validate Vested Right Application Nos. 231A-1 and 232A-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before June 3, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication 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 before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

Date _____

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

Name

Newspaper

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

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

May 29, 1987

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

Mike Butler
Cant Hook E Ranch
Buffalo SD 57720

Dear Mr. Butler:

Your Application Nos. 231A-1 and 232A-1 for a vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claims has been sent to the Publisher of the NATION'S CENTER NEWS printed at Buffalo SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper will 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

Instruction to Newspaper - Publish first publication of the following Notice on or before June 3, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application Nos. 231A-1 and 232A-1 to Appropriate Water

Notice is hereby given that Cant Hook E Ranch & Mike Butler whose mailing address is Buffalo, South Dakota has filed Application No. 231A-1 to validate a vested right claim to appropriate 0.37 cubic feet of water per second and store 24 acre-feet of water annually from side draws and a dam on Boot Creek to irrigate 26 acres with a claimed priority date of July 2, 1951. The dam on Boot Creek is located in the NE 1/4 NW 1/4 and water is spread on acreage in the S 1/2 NE 1/4, NW 1/4 NE 1/4; all in Section 34, T21N, R4E. Application No. 232A-1 proposes validation of a vested right claim to appropriate 0.50 cfs and store 150 acre-feet annually in each of two dams located on Cottonwood Creek and Boot Creek. Water is used for irrigation of 35 acres with a claimed priority date of July 2, 1951. The Cottonwood Creek dam is located in the N 1/2 SE 1/4 Section 33; the Boot Creek dam is located in the SE 1/4 SW 1/4 Section 35; both in T21N, R4E. Water is diverted via creek and ditch from the dam in Section 33 to the dam in Section 35 and then spread on acreage in the S 1/2 SW 1/4, NE 1/4 SW 1/4 Section 35, T21N, R4E and in the W 1/2 NW 1/4 Section 1, T20N, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 231A-1 and 232A-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of July 2, 1951 for each application, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, July 8, 1987 at 10:00 am.

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

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

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the applications. The request for extension must be filed with the Chief Engineer by June 26, 1987.

NOTICE OF HEARING
To Validate Vested Right
Application Nos. 231A-1 and 232A-1
To Appropriate Water

Notice is hereby given that Cant Hook E Ranch, % Mike Butler whose mailing address is Buffalo, South Dakota has filed Application No. 231A-1 to validate a vested right claim to appropriate 0.37 cubic feet of water per second and store 24 acre-feet of water annually from side draws and a dam on Boot Creek to irrigate 26 acres with a claimed priority date of July 2, 1951. The dam on Boot Creek is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and water is spread on acreage in the S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 34, T21N, R4E. Application No. 232A-1 proposes validation of a vested right claim to appropriate 0.50 cfs and store 150 acre-feet annually in each of two dams located on Cottonwood Creek and Boot Creek. Water is used for irrigation of 35 acres with a claimed priority date of July 2, 1951. The Cottonwood Creek dam is located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33; the Boot Creek dam is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35; both in T21N, R4E. Water is diverted via creek and ditch from the dam in Section 33 to the dam in Section 35 and then spread on acreage in the S $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35, T21N, R4E and in the W $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T20N, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 231A-1 and 232A-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of July 2, 1951 for each application, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre, SD, July 8, 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validations, 2) approve the validations with qualifications, 3) defer, or 4) deny validation of the applications after it reaches a conclusion based upon facts presented at the public hear-

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

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

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the applications. The request for extension must be filed with the Chief Engineer by June 26, 1987.

6-3, 10

Permit No. 232A-1

232-1

Grand River Water District # 10130302**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 Cant Hook E Ranch% Mike Butler, Buffalo, S.D. a 57720 holder ofPermit No. 232A-1, bearing the priority of July 2 1951 authorizingthe diversion of 0.50 cu. ft. per second of the waters of Cottonwood Creek + Boot Creek.for Irrigation purposes, in Harding County.

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

A. Works used to divert the water:

Div Pt #1 Dam - Height 20', 4:1 2:1 SS
Water depth 15', 25' surface Ac. 150 AF Storage
12" CMP/Hd gate. 7.0 cfs, 16' Top Width
Em Spill 2-18" CMP. Dam 900' long

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

Irrigation diversion ditches

C. Works used to apply water to beneficial use:

Dikes and ditches to flood IrrigateDiv. Pt 2. Dam 16' High
4:1 + 2:1 SS - 12' Top Width
3.0' Freeboard, 12" CMP/Hd gate
7.0 cfs discharge to irrigate
in sec. 14. 18" CMP/Hd gate
6.0 cfs to irrigate in sec. 35
Water depth 15', surface Ac.
25 Ac. Storage 150 AF
Dam 1000' LongThe system is in the following condition GoodThe point of diversion is located Pt #1 = 1430' N and 1500' W. of SE Cor Sec. 33.Pt #2 = 620' N and 1720' E of the SW Cor. Sec. 35. All in T21N R4EThe works are capable of diverting and conveying to the place of use 1.00cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in T20N R4EThe following in T21N R4ENE 1/4 SW 1/4 - 35 = 3 Ac.SE 1/4 SW 1/4 - 35 = 9 Ac.SW 1/4 SE 1/4 - 35 = 2 Ac.NE 1/4 NE 1/4 - 2 = 15 Ac.SE 1/4 NE 1/4 - 2 = 11 Ac.NW 1/4 NW 1/4 - 1 = 2 Ac.SW 1/4 NW 1/4 - 1 = 19 Ac.comprising a total of 35 acres of land and the license should be issued for 0.50 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date June 21, 1984LeRoy J. McNamee
(signature)

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 232A-1 FOR IRRIGATION

(1) Cant Hook E Ranch c/o Mike Butler
of Buffalo, South Dakota 57720
made Application No. 232A-1 , December 20, 1984
for validation of a vested right claim to appropriate 0.50
cubic feet of water per second and store 150 acre feet of water annually
from Cottonwood Creek and Boot Creek ,
Harding County, South Dakota for irrigation purposes.
Vested Water Right No. 232A-1 was validated July 8, 1987
with a priority date of July 2, 1951 . Construction of the
described water supply system and application of water to
beneficial use has been completed and complies with applicable
provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.50 cubic
feet of water per second and store 150 acre-feet of water annually
for beneficial use. The location of the
diversion point(s) are: point #1 - 1430' North and 1500' West of the
SE Corner Section 33; point #2 - 620' North and 1720' East of the SW Corner
Section 35, all in T21N, R4E

The location of the irrigated acreage is: -----

T21N, R4E Section 35 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 Acres -----

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 9 Acres -----

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2 Acres -----

T20N, R4E Section 1 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 2 Acres -----

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19 Acres -----

TOTAL 35 ACRES -----

(3) Pursuant to Section 45-5-30.1 Cant Hook E Ranch, c/o Mike Butler
of Buffalo, South Dakota 57720 -----

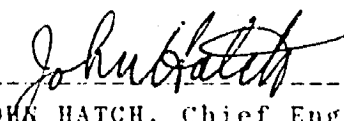
the holder(s) and/or owners(s) of Vested Water Right No. 232A-1 -----

is issued a license to appropriate 0.50 " cubic feet of
water per second and to store 150 acre feet of water annually
from Cottonwood Creek and Boot Creek -----

with a priority date of July 2, 1951 ----- 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.

232A-1 ----- and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer -----

Water Rights Division

Department of Water and Natural
Resources

OCT 30 1987 -----

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

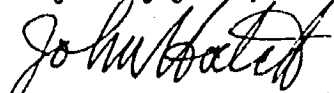
OCT 30 1987

Cant Hook E Ranch
Mike Butler
Buffalo, South Dakota 57720

Dear Mr. Butler:

Enclosed are your Validated Vested Water Right and Water License Nos. 231A-1 and 232A-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division

JH:ms
Enc.

Note. The applicable portions of Water Permit Nos. 231-1 and 232-1 have been incorporated into Vested Water Right Nos. 231A-1 and 232A-1 with the abandoned portions of the permits cancelled.

