

No. 326-1
 Water Division No. 1 LOWER CHEYENNE
Supper Creek District
 (Blanks to be Filled by the Engineer or the W. R. C.)

STATE WATER RESOURCES COM. 17M
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Irvin V. Richardson
 Postoffice address Plainview, Mars, County Lead State S. Dak.

- I. If a corporation N
 (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Contract

- (b) Cash on hand, \$ Sufficient (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ Gov't-Cost Share

2. Name of diversion work Water spreader (ditch)
 3. Amount of water claimed Max. of 0.91 cubic feet per second or 507 acre feet (Max. 3.0 acre ft./acre)
 4. Source of water supply Surface runoff (798 acre watershed) DRY DRAW
 5. Location of point of diversion 2320' East, 210' N of the SE Corner of Sec. 8-T1N-R15E
and numerous small draws along the south side of the proposed area
on Right bank Lead County.
 6. Annual period or periods during which water is to be used Whenever available
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irriga., gravity

- (a) Number of acres to be irrigated 74.1692 acres.

SE 1/4 Sec. 14 & SW 1/4 Sec. 15, T1N, R15E (05A)

- (b) Legal subdivisions to be irrigated lot 31-63.6 acres Sec. 8-T1N-R15E
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use _____
 Name any of the above uses claimed
 (b) Amount of power to be generated _____ Horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Plumbing, \$-----
 (e) Other structures Dam (stock & diversion) \$ 224.00
 (b) Pumping plant, \$-----
 (d) Canal-earth, Ditch \$ 196.70
 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
Stock dam (capacity, 14.0 Ac. Ft.) When filled will divert water through spillway into ditch canals #1, 2 & 3 by gravity feed as indicated by sketch.

II. Dimensions of works:

(a) Dam: Height 10.0 feet; length at bottom 60 feet; length at top 24.0 feet; thickness at bottom 60 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 3:1
 material used in construction Earth filled
 (b) Reservoir: Capacity when filled 14.0 acre feet. Surface area at highwater mark 3.5 acres.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
 Material-----
 (d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1.50 years. ~~Completed~~
 11. Time required for complete application of water to the proposed beneficial use No. 1 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Old system--
developed before 1 July 1957--need not publish.

STATE OF SOUTH DAKOTA
 County of Meade ss.

I, Armin H. Richardson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own person I know that the matters therein stated and shown are true.

Signed Armin H. Richardson

Subscribed and sworn to before me this 14 day of May 1958

A. H. Hildebrand
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed.

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes } is.

Pierre, South Dakota, May 28, 1958

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
a.m. upon the 19 day of May, 1958

State Water Resources Commission

By:

Jed Bremer
Chief Engineer, Executive Officer

Vested Right
Number of permit 326-1

Date of first receipt of application May 19, 1958

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1958

Approved May 28, 1958, Recorded in Book 4 Page 236

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 28, 1958
- 2nd. The whole of said work is to be completed on or before May 28, 1959
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 28, 1959
- 4th. The water appropriated shall be used for the purpose of irrigation

5th. 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 injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.41 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 May 28, 1959; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 28 day of May, 1958

State Water Resources Commission

By:

Jed Bremer
Chief Engineer, Executive Officer

Certificate of Construction Issued September 29, 1959

Water License Issued September 29, 1959

STATE OF SOUTH DAKOTA

Verified Right

WATER LICENSE No. 326-1

WHEREAS, On the 19th day of May A. D. 1958Irvin V. Richardson

of Marous County of Meade and State of
South Dakota duly made application (No. 326-1) to us for a permit to use 2.11
cubic feet per second of the waters of dry draws
County of Meade, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 28th day of May A. D. 1958
Permit No. 326-1 was issued to said applicant for the diversion of said water and providing for the
completion of the works of diversion therein described on or before the 28th day of
May A. D. 1959 and for the application to beneficial use of said
water on or before the 28th day of May A. D. 1959
and,

WHEREAS, On the 23rd day of August A. D. 1958
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.11
cubic feet per second of said waters, as evidenced by our Certificate No. 326-1
dated September 29, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.11 cubic feet per second of water, with date of
priority of 1953 ~~and~~ ~~and~~,

WHEREAS, On the 29th day of September A. D. 1959
proof was duly made of the application to beneficial use of 2.11 cubic feet per second of said water;
to 169 acres in Section 8 and 9 T 30 N R 15 E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to **Irwin V. Richardson**

of **Harous** the holder and owner of said permit No. **326-1**

a water right, dating from **1953** to the use of **2.61**

cubic feet per second of the waters of **dry draws**

In the County of **Meade** and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at **a point 2320' W I.P., 240' N**

of the SE corner Section 8 T 8N R 15E

and conducted to and upon **169 acres in Section 8 and 9 T 8N R 15E, more specifically**

described in Certificate of Completion of works 326-1

for the purpose of **irrigation**

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this **29th** day of **September** A. D. Nineteen
Hundred and **fifty-nine**

State Water Resources Commission

By:

J.W. GRINES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.	
To	
Source of Supply	
County	
Am't c. f. s.	
Point of Diversion	
Place of Use	
Purpose	
Date of Priority	
Recorded	
in Book of Page	

Permit No. 326-1Water Division No. 1 Sulphur Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Irwin V. Richardson

of Marcus, County of Meade, and State of South Dakota, the holder of Permit No. 326-1, issued upon Application No. 326-1, bearing date of priority of 1953, authorizing the diversion of 2.41 cu. ft. per second of the waters of dry draws County of Meade, State of South Dakota, at a point 2320' west I.P. 240' N of the SE corner of Section 8 T 8N R 15E, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.41 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

105 acres in SE $\frac{1}{4}$ Section 8 and SW $\frac{1}{4}$ Section 9 T 8N R 15E63.5 acres in Lot 1 Section 8 T 8N R 15E

Witness my hand this 29th day of September A. D. 1959.

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

Location No.

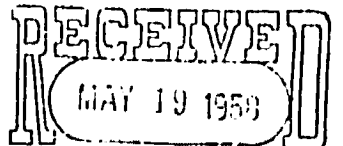
326-1

Water Division No.

1

Sulphur
Creek

Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Irvin V. Richardson, Meade County, rancher, Plainview, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Not applicable

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Not applicable

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Surface run off.

Point of diversion-2320' West 40' East, 240' N. 1' SE corner of sec 8 T8N-R15E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Dam (stock and diversion) is 240' long and 14' high. Dam is capable of diverting all runoff of 798 Acres in excess of 14.6 Acre storage in reservoir. Ditch canals #1, 2 & 3 pick up diverted water and spreads it.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water is used for irrigation of grass land in Section 8 T8N-R15E described as Lot #1 consisting of 63.6 acres.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. No.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 192 Acre feet 0.91 cubic feet

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Water has not been used for any purpose prior to this. Water runoff into natural streams. ^{started} ~~Project was started~~ in 1953 and water has been used since then at all times. ~~When flows have been available to the system, Ditch was designed by S.C.S. to drain area and to put these areas in irrigated.~~ L.P. 64A compl. 12, 1955 still being completed.
(Sign) Arvin V. Richardson

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PIERRE, County of Hughes

State of South Dakota, on this 22nd day of May A. D. 1958

Lloyd R. Bishop }
Jesse M. Price } Witnesses, Alvin Hall
My Comm. Expires 2-20-59

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Lloyd R. Bishop
Jesse M. Price

Location No. _____	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water _____ c. f. s.	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____	Received and filed _____
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RECEIVED SOUTH DAKOTA
PIERRE MAY 20 1958

Permit No. 326-1Water Division No. 1 Sulphur Creek Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated 12 I have this day made a thorough examination of the diversion works constructed by Irvin V. Richardson, of Marcus Meade County, South Dakota, holder of Permit No. 326-1, issued upon Application No. 326-1, bearing date of priority of 1953, authorizing the diversion of 2.41 cu. ft. per second of the waters of a dry draw for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 10' high dam, 60' long at bottom, 240' long at top with a capacity of 14 acre feet, and ditches adequate to divert for spreader use the water available

and the system is in the following condition: good

The point of diversion is located 2320' west I.P. 240' N. of the SE corner of Section 8 T 8N R 15E

The works are capable of diverting and conveying to the place of use 2.41 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: Lot 1- Section 8-43.6 acres SE 1/4 Sec 8 and SW 1/4 Section 9- T 8N R 15E- 105 acres

comprising a total of 169 acres of land.

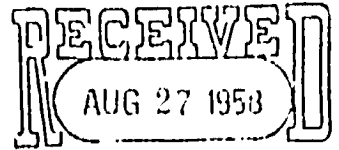
The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 25th day of May, A. D. 19 59

—SEAL—

Les Wyborny,
By: E.F.J. Examining Engineer.

Permit No. 326-1Water Division No. 1SULPHUR CREEK

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) MARCUS, S. DAK.(Date) 8/23/58

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.41cubic feet per second of the waters of the state from RUN OFFthrough the WATER SPREADING SYSTEMfor IRRIGATION purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is

IRWIN V. RICHARDSON2. The postoffice address of such person or the place of business of such corporation is MARCUSCounty of MEADE State of S. DAK.3. The number of such permit is 326-1 and the date set for the completion of such work is5/28/594. Said water to be used for IRRIGATION purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.41 cubic feet per second.

6. The amount of land for which said water is available is 169 acres,
particularly described as follows: SE⁴ Sec 8 & SW⁴ Sec 9, Twp 6 N, Rge 15 E

I hereby certify that the facts set forth in the above notice are true.

Irwin V. Richardson

(signature of Owners)

Township - 8 N

Sec-18

Sec-17

Sec-16

Sec-9

100-105 ACRES

Old Creek

Road

Legend

Intermittent stream

Fence

Public Road

Section line

Impoundment Area

Watershed Boundary

Project - Water Impoundment
Name - Irving J. Richardson
Date - 23 April 1958
Tracing - W. H. Christman, Eng. Sec

Sec-21

Sec-20

Sec-19

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

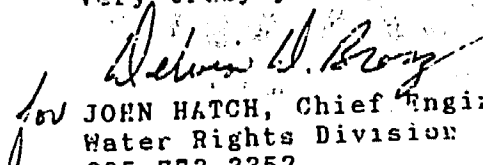
Irwin R. Richardson
Marcus SD 57757

Dear Mr. Richardson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 326-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



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Water Rights Division - CWR
Conversation or File Documentation

File No. 326-1

NAME OF PERSON OR FILE: Irwin Richardson

ADDRESS: Marcus, SD COUNTY Meade

DATE: 5-16-89 TELEPHONE 347-3316

RE: Validation of Vested Right No. 326-1

COMMENTS:

On this date I inspected this V.R. and was accompanied by Mr. Richardson. The diversion dam and ditches have been developed and are used. However, we must ^{reduce} the acreage on the license since there isn't as much irrigated acreage as shown on the original license. The irrigated acreage is listed below.

SW ¹ / ₄	Section 8, T8N, R15E	- 30 acres
SE ¹ / ₄	" " "	- 6.5 "
SW ¹ / ₄	Section 9 " "	- 38 "

13.3 acres
1.9 cfs

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.

NAME:

James L. Wendt



326-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1993

NOTICE

TO: Irwin R. Richardson
Marcus SD 57757

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 326-1

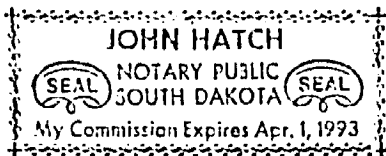
A Notice of Intent to validate Claim No. 326-1 was published on June 22 and 29, 1988 in the Meade County Times-Tribune, Sturgis SD. The Water Rights Division opposed validation of No. 326-1 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 326-1 was completed on May 16, 1989, by Jim Wendre, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 169 acres to 133 acres. The diversion rate is to be reduced, accordingly, from 2.41 cubic feet of water per second (cfs) to 1.9 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (133 acres/70 = 1.9 cfs).

The Water Management Board will consider validation of Claim No. 326-1 at 10:00 am, March 3, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to February 22, 1993, contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Pursuant to the findings of the on-site inspection, validation of Claim No. 326-1 is recommended for a diversion rate of 1.9 cfs from dry draws to irrigate 133 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 133 acres and 1.9 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 326-1 will still apply at this hearing. A copy of the June 22 and 29, 1988, publication is available upon request.

This hearing is an adversary proceeding. You 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.

cc: Diane Best, Assistant Attorney General



326-1

Red Owl Ranch

MARCUS, SOUTH DAKOTA 57767 • 402-5512 • 861-5552 • 875-5540

Sturgis, S. D.
2/8/93

Mr. John Ketch, Chief Eng.
Water Rights Div.
Pierre, S.D.

Re: Claim #326-1

Garrison,

The project was reviewed and constructed
by the Tri-County Conservation District and
there has been no change since. Is it pos-
sible for the average and entitled diversion
rate to be checked with them before making
any change? Please let me know before the
hearing date.

Yours truly,
Arvin T. Richardson
1343 S. Fulton St.
Sturgis,
S. D. 57785





326-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1993

Irwin R Richardson
Marcus SD 57757

Dear Mr. Richardson:

I am writing in response to your letter dated February 8, 1993, concerning the amount of acreage irrigated under Vested Water Right Claim No. 326-1.

Enclosed is a copy of the original map filed with Claim No. 326-1 and a copy of a map prepared by Jim Wendte, staff engineer, based on an inspection completed May 16, 1989. A copy of the file documentation prepared by Mr. Wendte is also enclosed. According to the maps prepared by Mr. Wendte, the area outlined in red is irrigated and the area outlined in green is not being irrigated. I have also tried to outline the approximate area not being irrigated on the original map.

I have recounted the acreage Mr. Wendte outlined on the aerial photos and counted the same number of acres. Please review the enclosed maps to see if your concerns have been addressed regarding the number of irrigated acres. If you are still concerned, the March 3, 1993, hearing can be delayed until this issue is settled.

I hope this information addresses your concerns, if not, please let me know as soon as possible at (605 773-3352).

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

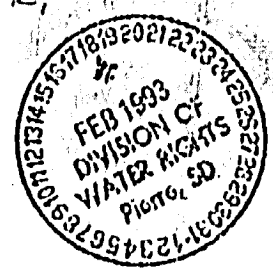
enclosures

326-1

Red Owl Ranch

MARCUS, SOUTH DAKOTA 57757 • 025-5513 • 095-5552 • 481-5510

Sturgis, S. D.
2/17/93



Mr. Ron Nunnall
Natural Resources Eng.
Pierre, S. D.

Dear Ron;

In answer to your letter of 2/11, which I don't see. The objection to Claim #326-1, a big issue for spreader irrigation, I don't think that your map shows enough of section 9 to give full credit for the area irrigated. I hope that this will save the necessity of holding a hearing for change.

Letters to the Red Owl Ranch and myself continue to go to Marcus. Would you please have the department change the mailing address.

Sincerely,
Gavin C. Richardson
1343 Sutton St,
Sturgis,
S. D.
57785
Ph. (605) 347-3316





326-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1993

Irwin J Richardson
1343 Fulton St.
Sturgis SD 57785

Dear Mr. Richardson:

I am writing concerning your February 17, 1993, letter regarding the number of acres irrigated by your waterspreading system.

This letter is to inform you that the hearing scheduled for March 3, 1993, to consider validation of Vested Right Claim No. 326-1 is postponed until further notice. Another onsite inspection will be completed to recheck the acreage. You will be contacted for purposes of scheduling a meeting time to complete the onsite inspection. After completion of the inspection, notice will be given rescheduling No. 326-1 for a Water Management Board hearing.

Hopefully, the inspection will clarify the amount of acreage being irrigated. Please contact me if you have any further questions (605 773-3352).

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

Form 12

326-

Vested Water Right Claim No. 326-1
Lower Cheyenne River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Irwin Richardson of Sturgis, SD holder of Vested Water Right Claim No. 326-1, bearing the priority of 1953 authorizing the diversion of 2.41 cu. ft. per second of the waters of surface water for irrigation purposes, in Meade County.

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

- A. Works used to divert the water:
Series of spreader dikes.

The system is in the following condition fair. The point of diversion is located in the SE1/4 of Section 8 and the SW1/4 of Section 9 all in T8N-R15E. The works are capable of diverting and conveying to the place of use 2.41 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land located in T8N-R15E:

SW1/4 - 29 ac SE1/4 - 97 ac, Section 8

SW1/4 - 43 ac, Section 9

comprising a total of 169 acres of land and the license should be issued for 2.41 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 4/6/1993


Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Division



326-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 10, 1993

Irwin J Richardson
1343 Fulton St.
Sturgis SD 57785

Dear Mr. Richardson:

I am writing in regard to completion of an inspection of your irrigation system by Mark Rath, staff engineer, on April 6, 1993.

Mr. Rath found that the irrigated acreage is larger than the 133 acres described on the first inspection report. According to Mr. Rath's inspection report, the area irrigated is approximately 169 acres as originally claimed on your vested water right. Therefore, I will schedule your claim for validation by the Water Management Board for the amount of water and acreage listed on your original claim which is 2.41 cubic feet of water per second to irrigate 169 acres. The claim (No. 326-1) will be considered by the Water Management Board at the next board meeting scheduled for July 7 and 8, 1993. After the board takes action, a copy of the validation document will be sent to you.

Thank you for bringing this acreage issue to our attention. I am glad the acreage question is answered and I apologize for any inconvenience this may have caused.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

326-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 326-1 FOR IRRIGATION

Date of Receipt of Claim May 19, 1958.

Date of Validation July 7, 1993.

The Water Management Board validated Vested Water Right Claim No. 326-1 for irrigation purposes for Irwin R. Richardson, 1343 Fulton St, Sturgis SD 57785 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 326-1 appropriates 2.41 cubic feet per second of water from dry draws to irrigate 169 acres. The point of diversion is located in the SW1/4 SE1/4 SEC 8, T8N, R15E. The irrigated acres are located in the E1/2 SW1/4 (Lot 1), SE1/4 SEC 8 and in the SW1/4 SEC 9; all in T8N, R15E.
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. Water is to be used during the following annual period: January 1 to December 31.
3. The priority date of the Vested Water Right is January 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this dry draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

WATER MANAGEMENT BOARD

By: _____

John H. Hattis
Chief Engineer

SEP 17 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



326-
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-318

SEP 17 1993

Irwin R. Richardson
1343 Fulton St
Sturgis SD 57785

Dear Mr. Richardson:

The Water Management Board has validated the enclosed Vested Water Right No. 326-1. This validation gives legal status to the claim and is the final document for your vested right.

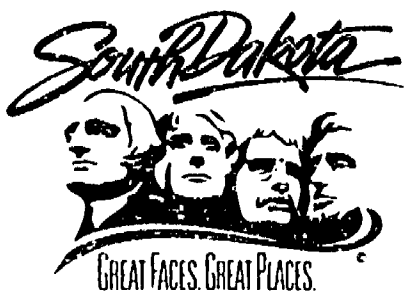
As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

L



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 9, 1999

326-1

Dale R Hansen
Hansen, Hubbard & Swanson
PO Box 580
Sturgis, SD 57785-0580

Dear Mr. Hansen:

Enclosed, as we discussed, is a "Notice of Transfer of Ownership" form for use in filing an ownership change with Vested Water Right No. 326-1. It is my understanding that Paul and Laurel Schultes now own the land described in the water right.

Please have them review the transfer form for accuracy and make any necessary changes. The form will need to be signed by them in the presence of a notary and returned to our office with a required filing fee of \$2.50.

I am including a copy of Vested Water Right No. 326-1. The Schultes' may keep this for their records. If I can answer any questions, please get in touch with me.

Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

LAW OFFICES

**HANSEN, HUBBARD
& SWANSON**

1010 Ball Park Road, Suite No. 6
Sturgis, South Dakota 57785

Mailing Address:

P. O. Box 580
Sturgis, SD 57785-0580

September 20, 1999

DALE R. HANSEN
BRUCE A. HUBBARD
GORDON D. SWANSON



Telephone: (605)347-2551
FAX: (605)347-4466
E-Mail: hanslaw@sturgis.com

Genny McMath
Environmental Scientist
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Dear Ms McMath:

Enclosed please find the Notice of Transfer of Ownership form concerning water right 326-1, Richardson/Schultes. Would you please file this with your office. I enclose a check payable to South Dakota Department of Environment and Natural Resources in the amount of \$2.50 for the filing fee.

Thank you very much for your cooperation.

Yours truly,

Dale R. Hansen

DRH:bjh

Enclosures.

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 326-1



Date: 9/23/99

We request that Vested Water Right No. 326-1

formerly owned by: Irwin Richardson

be transferred to: (name & address) Paul Schultes and Laurel Schultes, joint tenants with right of survivorship

18772 Owl Creek Road, Marcus, SD 57757

Telephone No. (605) 985-5233

Title to the following described land(s)/property has been transferred as described above:

169 acres - S 1/2 Section 8 and SW 1/4 Section 9, T8N, R15E

We understand that the validity of Vested Water Right No. 326-1 has not been determined by this transfer action. If we have any questions on validity, we understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of _____)

We, Paul Schultes and Laurel Schultes, husband and wife, as joint tenants with right of survivorship, being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Paul Schultes
Paul Schultes

Laurel Schultes
Laurel Schultes

Subscribed and sworn to before me this 23 day of September, 1999.

Dale B. Hansen
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

DALE B. HANSEN
NOTARY PUBLIC
COMMISSION EXPIRES JANUARY 27, 2004

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

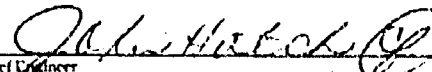
NE 416198

Pierre, September 21, 1999

RECEIVED OF Hansen, Hubbard & Swanson, P.O. Box 580, Sturgis, SD 57785
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 326-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By 
Chief Engineer



September 21, 1999

326-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Dale R Hansen
Hansen, Hubbard & Swanson
PO Box 580
Sturgis, SD 57785-0580

RE: Irwin V Richardson & Paul and Laurel Schultes

Dear Mr. Hansen:

I am writing to confirm receipt of the transfer forms and filing fees you submitted for transferring ownership of Water Right Nos. 202-1, 203-1, 204-1, 205-1 and 326-1. The transfers have been completed and the water rights are now listed as being owned by Paul Schultes and Laurel Schultes, joint tenants with right of survivorship.

Enclosed are your receipts for the filing fees. Thank you for handling the ownership changes. If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Enclosures

c: Paul and Laurel Schultes

326-1

NOT TO SCALE

T2702
MT 3649

9-15
45

9-15
T2702 45

T2707

4

①
108

②
45°

③

④

⑤

8-15

192

57.1

3.4

T2130
MT 3824

45

T2702

T2702
MT 3

⑨
124.9

T2702

⑬	28.9
⑭	12.2
⑮	15.4
⑯	11.2
⑰	9.5
⑱	15.2
⑲	14.2
⑳	28.8
㉑	25.3
㉒	33.0
㉓	14.7



⑮
143.2

8-15

⑱
14.7

8-

Mark D Rath
Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 4/12/1993

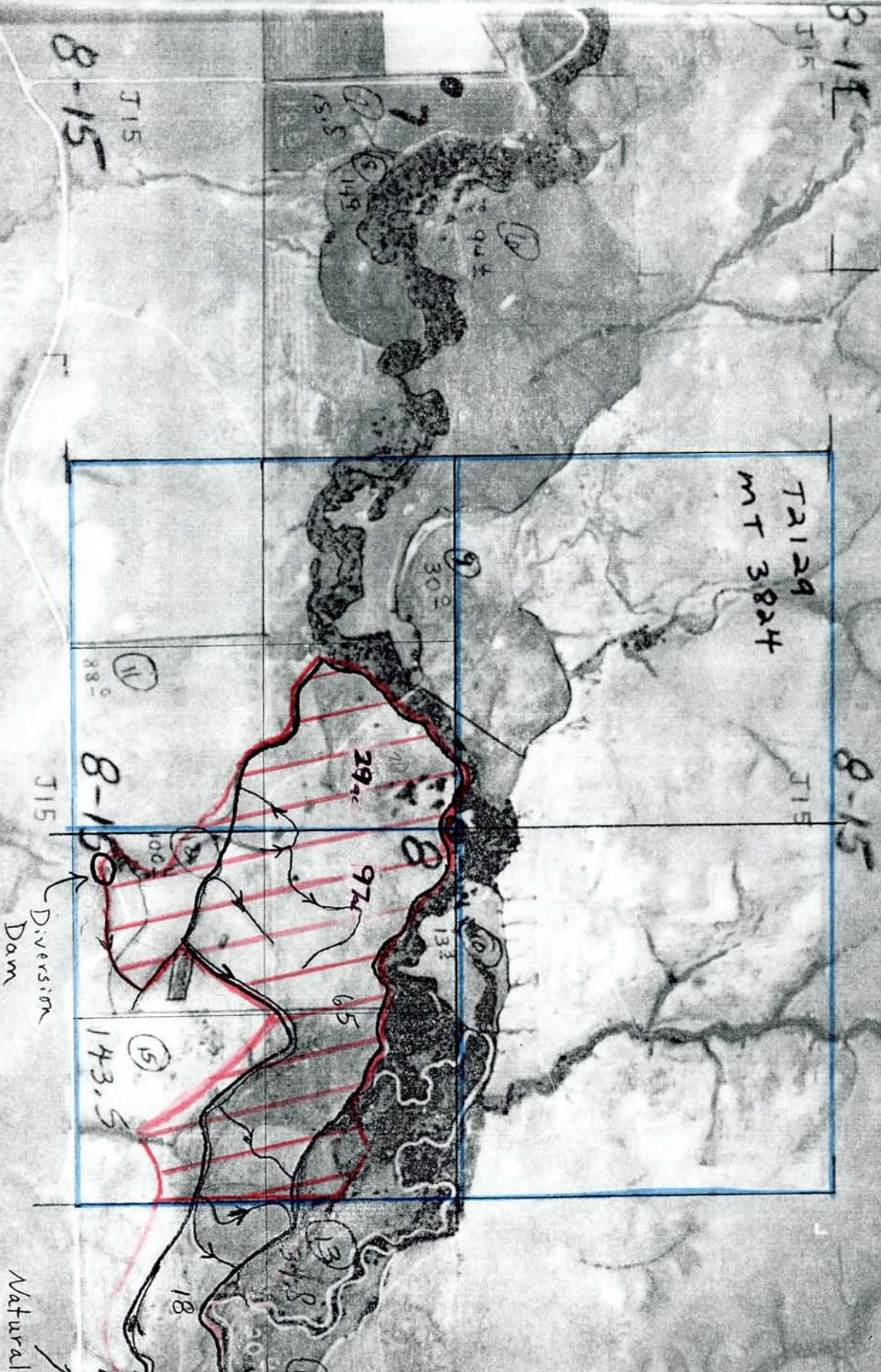
NOT TO SCALE

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 4/12/1993

~ Irrigated
Acreage

Natural
Drainage
+
Ditch

Diversion
Dam



Township - 8 N

Sec - 19

Sec - 18

Sec - 17

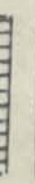
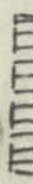
Sec - 16

Sec - 9
66-105 ACRES

Old Creek

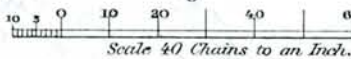
Road

Legend:

-  Intermitent stream
-  Road
-  Section line
-  Irrigable Area
-  water shed boundary

Project - Water Irrigation -
Name - Irwin H. Richardson
Date - 28 April 1958
Tracing - W. H. Christman Eng. sec

Sec - 15

$$b, \quad B, \quad a, \quad A$$
Accepted:

Commissioner's letter "E"
dated Dec. 2, 1891

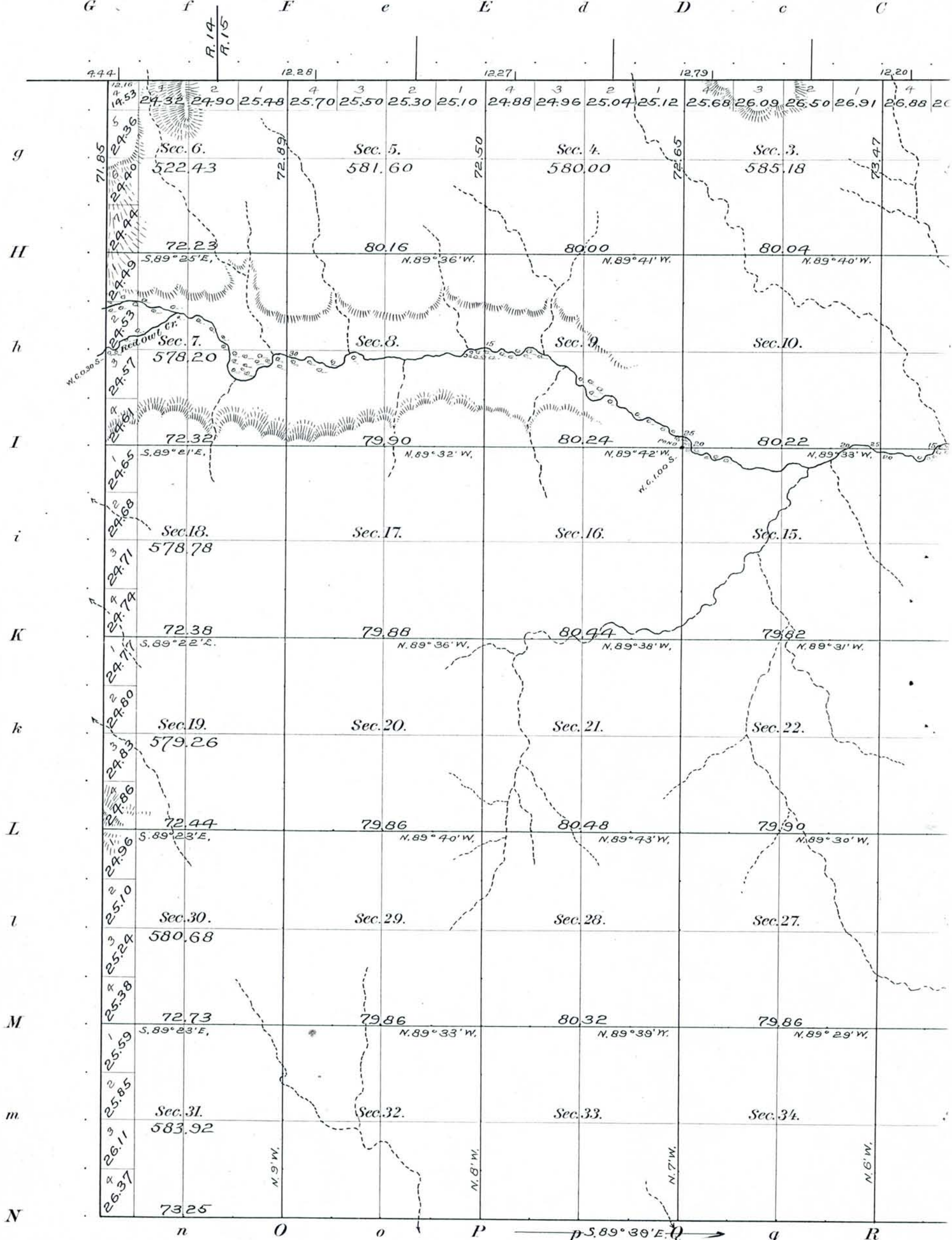
The above Map of Township N. 8 North, of Range N. 15 East of the Black Hills Meridian, South Dakota, is strictly conformable to the field notes of the survey thereof on file in this Office which have been examined and approved.

Surveyor General's Office,
Huron S. D. Oct. 27, 1894.

Stephen H. Sullivan
Sur. Gen.

Township N^o 8 North, Range N^o 15 East, Black E

G f F e E d D c C



Total number of Acres 22,348.71

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. ^s Lk. ^s	When Surveyed	Mean Decl. East
Township lines	R. L. Anderson	March 27 1890		June & July 1890	
Subdivisions	Chas. H. Bates	" " "	59 08 86	Aug " "	15° 06'
Connecting lines	" " "	" " "	62 07	" " "	

The
Blacks
notes
Hu