

No.

48 572-1

Water Division No. 1

Belle Fourche River

District

(Blanks to be filled by the Engineer for the W. R. C.)

MAY 18 1961

8:15 AM

STATE WATER RESOURCES COMM.

SOUTH DAKOTA

VESTED RIGHT
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Wilbur Bachand
 Postoffice address Sturgis, South Butte County Meade, State So. Dak.

I. If a corporation Not a corporation

- (a) Name of name _____
 (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)

Completed

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Wilbur Bachand Irrigation Project #1
 3. Amount of water claimed 1.279 cubic feet per second
 4. Source of water supply Tributaries of Bear Butte Creek
 5. Location of point of diversion See remarks section
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used Year Around
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination Gravity(a) Number of acres to be irrigated 29.5 acres.(b) Legal subdivisions to be irrigated See Remarks section

(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 (drinking location, etc.) None

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

(a) Nature of use Stock watering in reservoir
 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 _____

MAP No 485-1

8. Estimated cost of work: Completed

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Dams and Dikes

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....

material used in construction

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet 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.....0.....years.

11. Time required for complete application of water to the proposed beneficial use.....0.....years.

12. Notice of newspaper for publication of notice of intention to appropriate

Sturgis Tribune

STATE OF SOUTH DAKOTA

County of Meade

ss.

I, Wilbur Bachand, 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 personal knowledge that the matters therein stated and shown are true.

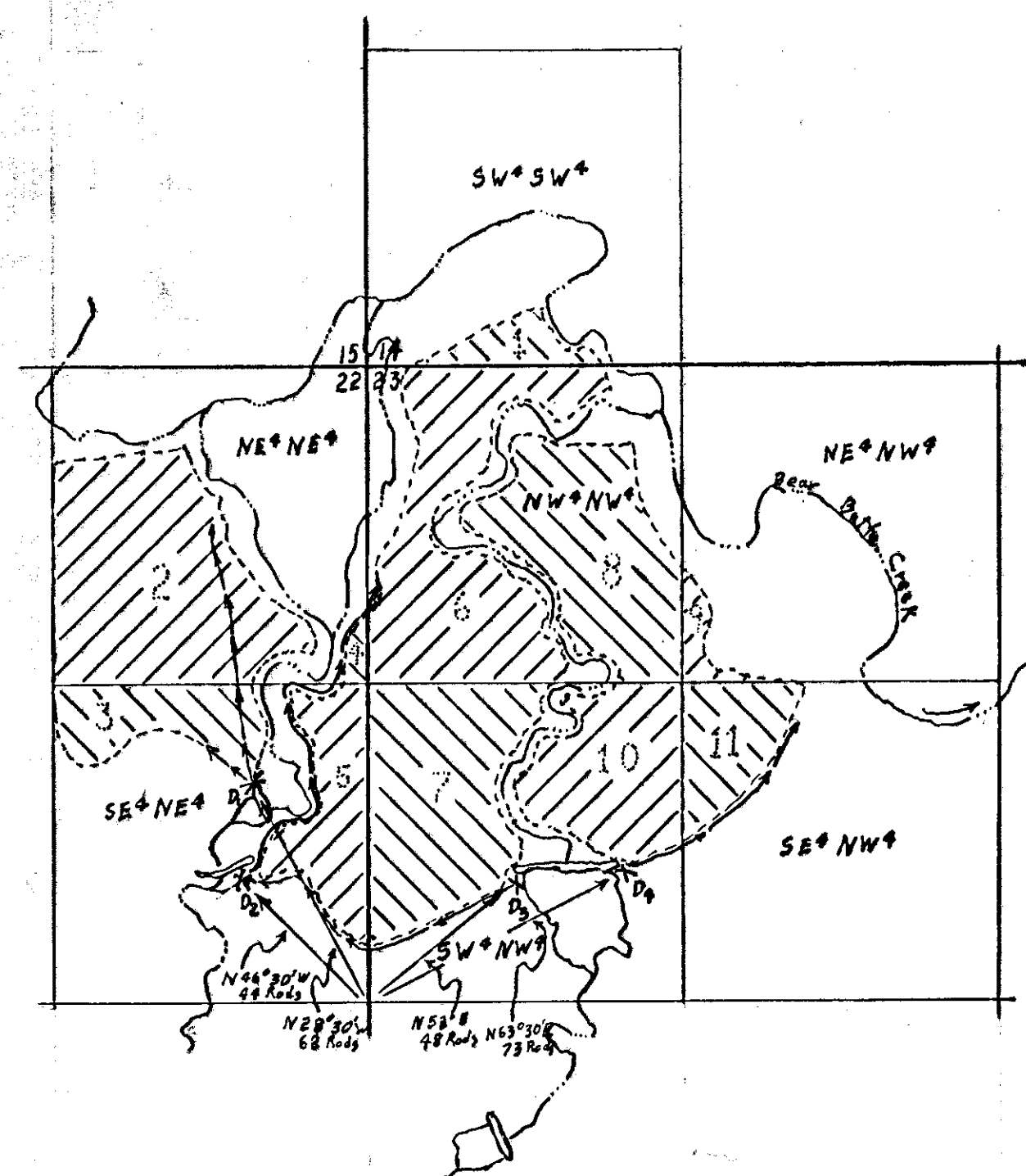
Signed

Wilbur Bachand

Subscribed and sworn to before me this 6th day of May, 1961

My commission expires 12/7/68

James D. Berry
Notary Public (or other qualified officer.)



Scale: 8" = 1 Mile
(from aerial photo)
Irrigable (dashed line)
Dikes (dashed line)
D₁, D₂, D₃ and D₄ are
points of diversion

Location of Lands to be Irrigated				
Area	Location	Sec.	T _{1/4}	Range Acres
1	SW 1/4 SW 22	14	6N 7E	2.2
2	NE 1/4 NE 22	22	6N 7E	12.8
3	SE 1/4 NE 22	22	6N 7E	5.6
4	NE 1/4 NE 22	22	6N 7E	0.5
5	SE 1/4 NE 22	22	6N 7E	6.7
6	NW 1/4 NW 23	23	6N 7E	15.5
7	SW 1/4 NW 23	23	6N 7E	13.2
8	NW 1/4 NW 23	23	6N 7E	13.1
9	NE 1/4 NW 23	23	6N 7E	1.5
10	SW 1/4 NW 23	23	6N 7E	8.7
11	SE 1/4 NW 23	23	6N 7E	4.7
Total				89.5

WILBUR BACHAND IRRIGATION PROJECT #1

ALL LANDS DESCRIBED HEREIN ARE OWNED BY ELMER BACHAND
UNDER CONTRACT FOR DEED TO WILBUR BACHAND

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

I, Merio D. Gigeer, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I hereunto set my hand and official seal on this 6th day of May, 1961.

Merio D. Gigeer
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE

On this 6th day of May, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Merio D. Gigeer, known to me to be the person whose name is subscribed to the above written instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

My commission expires 12/7/68. James B. Kinney Notary Public

Remarks by State Water Resources Commission:

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 Black Hills ss.

Pierre, South Dakota, August 14, 1961

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
a.m. upon the 18th day of May, 1961.

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Number of permit 572-1

Date of first receipt of application May 18, 1961

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 83 - 1940, 19---

Approved August 10, 1961, Recorded in Book 6 Page 313

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

10-1961

2nd. The whole of said work is ~~to be~~ completed on or before

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed

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 1.27 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 used

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Whenever available

Witness my hand this 10th day of August, 1961

State Water Resources Commission

By:

John B. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued August 10, 1961

Water License Issued August 11, 1961

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES
1	SW-3W	14	6N	7E	2.2
2	NE-NE	22	6N	7E	17.8
3	SE-NE	22	6 N	7E	5.6
4	NE-NE	22	6N	7E	0.5
5	SE-NE	22	6N	7E	6.7
6	NW-NE	23	6N	7E	15.5
7	SW-NW	23	6N	7E	13.2
8	NW-NW	23	6N	7E	13.1
9	N-NW	23	6N	7E	1.5
10	SW-NW	23	6N	7E	8.7
11	SE-NW	23	6N	7E	4.7
TOTAL					89.5

Diversion points are as follows:
D-1, being a point 62 rods distant on a bearing of N28° 30' W from the west quarter corner of section 23.
D-2, being a point 44 rods distant on a bearing of N46° 30' W from the west quarter corner of section 23.
D-3, being a point 48 rods distant on a bearing of N52° E from the west quarter corner of section 23.
D-4, being a point 73 rods distant on a bearing of N63° 30' E from the west quarter corner of section 23.
All points being in T6N, R7E, BHM, County of Meade, South Dakota.

Address any engineering corrections to: Gigger Surveying
1954 Park Street
Sturgis, So. Dak.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 572-1

WHEREAS, On the 18th day of May A. D. 1961

Wilbur Bachand

of Sturgis County of Meade and State of South Dakota duly made application (No. 572-1) to us for a vested right permit to use 1.27 cubic feet per second of the waters of tributaries of Bear Butte Creek County of Meade, State of South Dakota, for irrigation purposes; and

vested right WHEREAS, On the 10th day of August A. D. 1961 **recognizing the** Permit No. 572-1 was issued to said applicant... for the diversion of said water, ~~XXXXXXXXXXXX~~ completion of the works of diversion therein described ~~XXXXXXXXXXXX~~ ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said water ~~XXXXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~ and,

WHEREAS, On the 18th day of May A. D. 1961 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.27 cubic feet per second of said waters, as evidenced by our Certificate No. 572-1 dated August 10, 1961 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.27 cubic feet per second of water, with date of priority of 1940 and, 1950 and,

WHEREAS, On the 10th day of May A. D. 1961 proof was duly made of the application to beneficial use of 1.27 cubic feet per second of said water; to be used for irrigating 89.5 acres in Sections 14, 22 and 23, T 6N, R 7E

NOW, WHEREFORE, By the virtue of the authority vested in us by the law of the State of South Dakota,
We hereby grant and confirm to Wilbur Bachand vested right
of Sturgis the holder and owner of said permit No. 572-1
a water right, dating from 1940 and 1950 to the use of 1.22
cubic feet per second of the waters of tributaries of Bear Butte Creek
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 two points in the SE 1/4 NE 1/4
Section 22, and two points in the SW 1/4 NW 1/4, Section 23, T. 6N, R. 7E
and conducted to and upon portions of Sections 14, 22 and 23, more specifically
described in the Certificate of Completion of Work

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 10th day of August A. D. Nineteen
Hundred and sixty-one

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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. 572-1Water Division No. 1 Boile Youreha River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Wilbur Bachand

of Sturgis, County of Meade, and State of South Dakota, vested right the holder of Permit No. 572-1, issued upon Application No. 572-1, bearing date of priority of 1940 and 1950, authorizing the diversion of 1.27 cu. ft. per second of the waters of tributaries of Bear Butte Creek County of Meade, State of South Dakota, at two points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22 and two points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, T 6N, R 7E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are satisfactory ~~comparable~~ for diverting and conveying to the place of intended use 1.27 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: all in T 6N R 7E

Section 22	NE $\frac{1}{4}$ NE $\frac{1}{4}$,	18.3 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$,	12.3 acres
Section 14	SW $\frac{1}{4}$ SW $\frac{1}{4}$,	2.2 acres
Section 23	NW $\frac{1}{4}$ NW $\frac{1}{4}$,	28.6 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$,	21.9 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$,	1.5 acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	4.7 acres

Witness my hand this 10th day of August A. D. 1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. Wilbur Bachand Sec. 14, T6N, R7E Farming and Ranching
Sturgis So. Dak. Faith Route

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. None

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

Ans. Tributaries of Bear Butte Creek For diversion points see
included sheet

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. Small spreader dikes from stock watering dam

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. See included sheet

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

Ans. Not applicable

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

Ans. 1.279 cubic feet per second

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. Not applicable

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 been used to the extent of the available supply since 1940 on the small reservoir and 1950 on the large reservoir. Only the water which overflows the stockwatering reservoir is used for irrigation.

(Sign) William Backlund

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 Sturgis, County of Meade

State of South Dakota, on this 6th day of May A. D. 1961

Witnesses. James B. Kinney Notary Public
My commission expires 12/7/63

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.

S. J. Bertalotto
Earl Backlund

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 _____	

WILBUR BACHAND IRRIGATION PROJECT #1

LOCATION OF LANDS TO BE IRRIGATED

AREA	LOCATION	SEC.	T'SHP	RANGE	ACRES	ACRES
1	SW-27	14	6N	7E	XXXXXX	2.2
2	NE-NE	22	6N	7E	XXXXXX	17.8
3	SE-NE	22	6N	7E	XXXXXX	5.6
4	NE-NE	22	6N	7E	XXXXXX	0.5
5	SE-NE	22	6N	7E		0.7
6	NW-NW	23	6N	7E		15.5
7	SW-NW	23	6N	7E		13.2
8	NW-NW	23	6N	7E		13.1
9	NE-NW	23	6N	7E		1.5
10	SW-NW	23	6N	7E		8.7
11	SE-NW	23	6N	7E		4.7
TOTAL						89.5

Diversion points ate as follows:

- D-1, being a point 62 rods distant on a bearing of N28° 30' W from the west quarter corner of section 23.
 - D-2, being a point 44 rods distant on a bearing of N46° 30' W from the west quarter corner of section 23.
 - D-3, being a point 48 rods distant on a bearing of N52° E from the west quarter corner of section 23.
 - D-4, being a point XXX 73 rods distant on a bearing of N63° 30' E from the west quarter corner of section 23.
- All points being in T6N, R7E, BHM, County of Meade, South Dakota.

The primary purpose of these dams is for stockwatering, and the only water used for irrigation is overflow due to spring runoffs and heavy rains producing flood conditions.

Water Rights Division (005) 774 3352

May 13, 1981

Wilbur Bachand
Faith Route
Sturgis, SD 57785

Dear Mr. Bachand:

This letter is in reference to the telephone conversation May 13, 1981 and your statement that you should not have received the Rescission of Order letter dated May 12, 1981 that was issued to rescind the shutoff order dated April 28, 1981. The reason you were sent a copy of the rescission of order letter is that your Permit No. 572-1 is for tributaries of Bear Butte Creek which is a tributary to the Belle Fourche River. You were included in the original shutoff order issued April 28, 1981. We are now allowing pumping in the Belle Fourche River System based upon priority. Our rescission of order letter dated May 12, 1981 should have included the Belle Fourche River and "tributaries".

I hope that this explains why you received the rescission of order. Your Permit is considered to be part of the Belle Fourche River System which includes Bear Butte Creek. We are not advising other persons receiving the May 12 letter. Other Belle Fourche River tributary water right owners were also included in the May 12 letter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

SOUTH DAKOTA Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

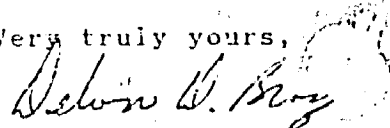
Wilbur Bachand
Faith Rt.
Sturgis SD 57785

Dear Mr. Bachand:

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). 572-1 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



Conversation or File Documentation

NAME OF PERSON OR FILE: Wilbur Bachand
 ADDRESS: Sturgis, SD COUNTY Meade
 DATE: 4-10-89 TELEPHONE 347-3237
 RE: Validation of Vested Right # 572-1

COMMENTS:

On this date I spoke with Mr. Bachand and inspected the spreader system irrigation. The majority of the acreage has been developed and used, however, a portion of the land is no longer irrigated. This Vested Right # 572-1 should be validated for a reduced acreage and a reduced water amount as described below. Only two of the diversion points are still used (see map).

Irrigated Acreage

SW $\frac{1}{4}$ SW $\frac{1}{4}$	14-6N-7E -	2.2 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	22-6N-7E -	0.5 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$	" " " -	6.7 "
NW $\frac{1}{4}$ NW $\frac{1}{4}$	23-6N-7E -	28.6 "
NE $\frac{1}{4}$ NW $\frac{1}{4}$	" " " -	1.5 "
SE $\frac{1}{4}$ NW $\frac{1}{4}$	" " " -	4.7 "
SW $\frac{1}{4}$ NW $\frac{1}{4}$	" " " -	21.9 "
		66.1 acres $\Rightarrow$ 0.94 c.

The two diversion points which are used are in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23-6N-7E.

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

Fact/Conte

Water Rights Division - DVNR
Conversation or File Documentation

File No. 572-1

NAME OF PERSON OR FILE: Wilbur Bachand
ADDRESS: Sturgis, SD 57785 COUNTY Meade
DATE: 4-10-89 TELEPHONE 347-3237
RE: Validation of Vested Right # 572-1

COMMENTS:

On this date I spoke with Mr. Bachand and inspected the spreader system irrigation. The majority of the acreage has been developed and used, however, a portion of the land is no longer irrigated. This Vested Right # 572-1 should be validated for a reduced acreage and reduced water amount as described below. Only two of the diversion points are still used (see map).

Irrigated Acreage:

✓ SW 1/4 SW 1/4	14-6N-7E	-	2.2	acres
✓ NE 1/4 NE 1/4	22-6N-7E	-	0.5	"
✓ SE 1/4 NE 1/4	" "	"	6.7	"
NW 1/4 NW 1/4	23-6N-7E	-	28.6	"
✓ NE 1/4 NW 1/4	" "	"	1.5	"
SE 1/4 NW 1/4	" "	"	4.7	"
SW 1/4 NW 1/4	" "	"	21.9	"

66.1 acres $\Rightarrow$ 0.94 cfs

The two diversion points which are used are in the SW 1/4 NW 1/4 23-6N-7E.

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



572-1

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 28, 1992

NOTICE

TO: Wilbur Bachand
Faith Rt
Sturgis SD 57785

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 572-1

A Notice of Intent to validate Claim No. 572-1 was published on July 6 and 13, 1992 in the Black Hills Press, Sturgis SD. The Water Rights Division opposed validation of No. 572-1 for purposes of completing an on-site inspection of the claim. The inspection of Claim No. 572-1 was completed on April 10, 1989, by Jim Wendte, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 89.5 acres to 66.1 acres due to a portion of the land no longer being irrigated. The diversion rate is to be reduced, accordingly, from 1.27 cubic feet of water per second (cfs) to 0.94 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres ($66.1 \text{ acres} / 70 = 0.94 \text{ cfs}$).

The Water Management Board will consider validation of Claim No. 572-1 at 10:00 am, September 30, 1992, in the Floyd Matthew 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.

Pursuant to the findings of the on-site inspection, validation of Claim No. 572-1 is recommended for a diversion rate of 0.94 cfs from a dry draw to irrigate 66.1 acres with a priority date of January 1, 1950. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 66.1 acres and 0.94 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. 572-1 will still apply at this hearing. A copy of the July 6 and 13, 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

CERTIFICATION

I hereby certify that on August 28, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 28, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

- V.R. Claim #334-1: Nancy L. Collins, Todd J. Collins and Randy Cammack, HC 75, Box 280, Sturgis, SD 57785.
- V.R. Claim #352-1: Lyle D. Weiss, HCR 71, Box 39, Faith, SD 57626.
- V.R. Claim #380-1: Walter C. Miller, HC 75, Box 14, Sturgis, SD 57785.
- V.R. Claim #391-3: Arthur Bieber, RR 1, Box 87, Java, SD 57452.
- V.R. Claim #564-1: John Miller, Star Rt. 1, Box 5A, Red Owl, SD 57777.
- V.R. Claim #572-1: Wilbur Bachand, Faith Rt., Sturgis, SD 57785.
- V.R. Claim #610-1: Lillie Holst, Box 377, Newell, SD 57760.
- V.R. Claim #746-1: Rick Soelzer, P.O. Box 196, Piedmont, SD 57769.
- V.R. Claim #746-1: Angenetta Schemmel, 801 2nd Ave. SE, Pipestone, MN 56164.
- V.R. Claim #460-2: Willard Bloom, Rt 2, Box 1, Wall, SD 57790.
- V.R. Claim #523-2: William Beaudette, Horse Creek Campground, HC 33, Box 2800, Rapid City, SD 57702.
- V.R. Claim #4794-3: Thomas M. Tobin and Larry Lovett, Box 1766, Aberdeen, SD 57401.

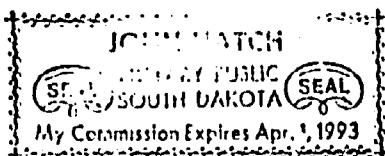
A copy of the above listed Notices was sent Inter-office to:
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 17th day of September, 1992.



John Hatch
Notary Public

VESTED WATER RIGHT NO. 572-1 FOR IRRIGATION

Date of Validation September 30, 1992.

1. Vested Water Right No. 572-1 appropriates 0.94 cubic feet per second of water from a dry draw to irrigate 66.1 acres. The points of diversion are located in the SW1/4 NW1/4 SEC 23, T6N, R7E. The irrigated lands are located in the SW1/4 SW1/4 SEC 14, E1/2 NE1/4 SEC 22 and in the NW1/4 SEC 23; all in T6N, R7E.
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, 1950.
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.

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.

By: John H. Bates
Chief Engineer

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 572-1 FOR IRRIGATION

(1) Wilbur Bachand of Faith Route, Sturgis, SD 57785, made Application No. 572-1, May 18, 1961 for validation of a vested right claim to appropriate 1.27 cubic feet of water per second from a dry draw, Meade County, South Dakota, for irrigation purposes. Vested Water Right No. 572-1 was validated September 30, 1992 with a priority date of January 1, 1950. 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.

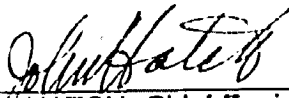
The original vested right claim described irrigation of 89.5 acres. An April 10, 1989 inspection of the water use system found only 66.1 acres were still being irrigated. Based upon the inspection and subsequent validation of the vested right claim, the water license is being issued for the acreage actually irrigated.

(2) The vested right owner is entitled to divert 0.94 cubic feet of water per second for beneficial use. The location of the two diversion points are in the SW 1/4 NW 1/4 Section 23, T6N, R7E.

The location of the irrigated acreage is:

T6N, R7E	Section 14	SW 1/4 SW 1/4	2.2 acres
	Section 22	NE 1/4 NE 1/4	0.5 "
		SE 1/4 NE 1/4	6.7 "
Section 23	NW 1/4 NW 1/4		28.6 "
	NE 1/4 NW 1/4		1.5 "
	SE 1/4 NW 1/4		4.7 "
	SW 1/4 NW 1/4		21.9 "
TOTAL			66.1 acres

(3) Pursuant to Section 46-5-30.1 Wilbur Bachand of Faith Route, Sturgis, SD 57785 the holder and/or owner of Vested Water Right No. 572-1 is issued a license to appropriate 0.94 cubic feet of water per second from a dry draw with a priority date of January 1, 1950 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. 572-1 and subject to South Dakota State Law.



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

572-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Wilbur Bachand
Faith Rt
Sturgis SD 57785

Dear Mr. Bachand:

The Water Management Board has validated the en-closed Vested Water Right No. 572-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 572-1

Date: 3/10/2004

I/We request that Water Right/Permit No. 572-1 formerly owned by:
Wilbur Bachand be transferred to:

New Owner Name: Rockingtree Ranch, LLC
Address: 1745 Davenport Street
City, State, Zip Sturgis SD 57785 Telephone No. (605) 347-5119

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

Township 6 North, Range 7 East of the Black Hills Meridian, Meade County, South Dakota:
Section 14: SW1/4SW1/4 (2.2 acres)
Section 22: NE1/4NE1/4 (0.5 acres); SE1/4NE1/4 (6.7 acres)
Section 23: NW1/4NW1/4 (28.6 acres); NE1/4NW1/4 (1.5 acres); SE1/4NW1/4 (4.7 acres);
SW1/4NW1/4 (21.9 acres)
TOTAL: 66.1 acres

☒ I understand that the validity of Water Right/Permit No. 572-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Rockingtree Ranch, LLC, the new owner, certify that the above information is true and correct.

ROCKINGTREE RANCH, LLC

By: Randolph Hallock
Randolph Hallock, Manager

By: Carol M. Hallock
Carol M. Hallock, Manager (Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 11, 2004

RECEIVED OF High Plains Title Services, Inc., PO Box 909, 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>572-1</u>		2 50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

011279

By

Darland Elbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 16, 2004

572-1

Randolph and Carol Hallock, Mgrs
Rockingtree Ranch LLC
1745 Davenport Street
Sturgis SD 57785

Dear Mr. & Mrs. Hallock:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee for Vested Water Right No. 572-1. The transfer has been completed. The vested water right formerly listed in the name of Wilbur Bachand is now listed in the name of Rockingtree Ranch LLC.

Receipt No. 001229 in the amount of \$2.50 is being forwarded to the High Plains Title Services with a copy of this letter.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: High Plains Title Services Inc

NOT TO SCALE



James L. Wemeth
N.R. Engineer
4-19-89