No. 657-1Water Division No. 1 BELLE FOURCHE RIVER DISTRICT STATE WATER RESOURCES COMM.
(Blanks to be Filled by the Engineer for the W. R. C.) 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 EUGENE A SLEEP Richard D. Sleep
 Postoffice address DEARFISH, County LAWRENCE, State S DAK

- I. If a corporation _____
- (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) _____

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

2. Name of diversion work SLEEP IRRIGATION WELL
3. Amount of water claimed 83 cubic feet per second
4. Source of water supply ARTESIAN GROUND WATER
5. Location of point of diversion 940' N & 660' E of the SW corner, Sec 23, T10 R1E
Lawrence County
6. Annual period or periods during which water is to be used APRIL thru OCTOBER
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION
 (GRAVITY & SPRINKLER)

- (a) Number of acres to be irrigated 58.4 acres.

- (b) Legal subdivisions to be irrigated SEE ATTACHMENT

(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.) _____

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 _____

VIR

7A. LANDS TO BE IRRIGATED

SEC 22	NE ⁴ SE ⁴	3.0 ACRES
	SE ⁴ SE ⁴	8.9 ACRES
SEC 23	NW ⁴ SW ⁴	6.4 ACRES
	SW ⁴ SW ⁴	26.5 ACRES
	SE ⁴ SW ⁴	8.4 ACRES
SEC 26	NW ⁴ W ⁴	3.2 ACRES
SEC 27	NE ⁴ NE ⁴	2.0 ACRES
		58.4 ACRES

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Flum'ing, \$----- (d) Canal-earth, \$-----
 (e) Other structures ----- \$-----
 (b) Pumping plant, \$-----
 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

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

Flowing Artesian Well with 1000' 6" pipe; 800' 5" pipe

II. Dimensions of works.

4 600' 4" pipe
 (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 COMPLETED years.
 11. Time required for complete application of water to the proposed beneficial use COMPLETED years.
 12. Choice of newspaper for publication of notice of intention to appropriate
NOT APPLICABLE - VESTED RIGHT

STATE OF SOUTH DAKOTA.

County of Deuel ss.

I, Eugene A. Sleep, 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 Eugene A. Sleep

Subscribed and sworn to before me this 23 day of May 1962

F. O. Kaiser
 Notary Public (or other qualified officer.)
 F. O. KAISER, NOTARY PUBLIC
 MY COMMISSION EXPIRES MARCH 31, 1966

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" TOP
6" BOTTOM, Depth 425'

Type of casing STEEL
6" - 12" (wood, concrete, steel, etc.)

Size of casing 185' - 8"
126.5' - 6", Thickness of casing

Length of casing 370 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen (diameter) (length)

Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water 185' Character of water bearing materials
FINE SAND

Thickness of water bearing material 39'

(d) Pump and Moto.

Type of pump (centrifugal, propeller, mixed flow, etc.)

Name of pump, size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower, Name of Motor

(e) Complete well

Capacity 900 GPM at drawdown of NONE, Estimated cost

(f) Owner of land upon which well is located EUGENE A SLEEP
Name

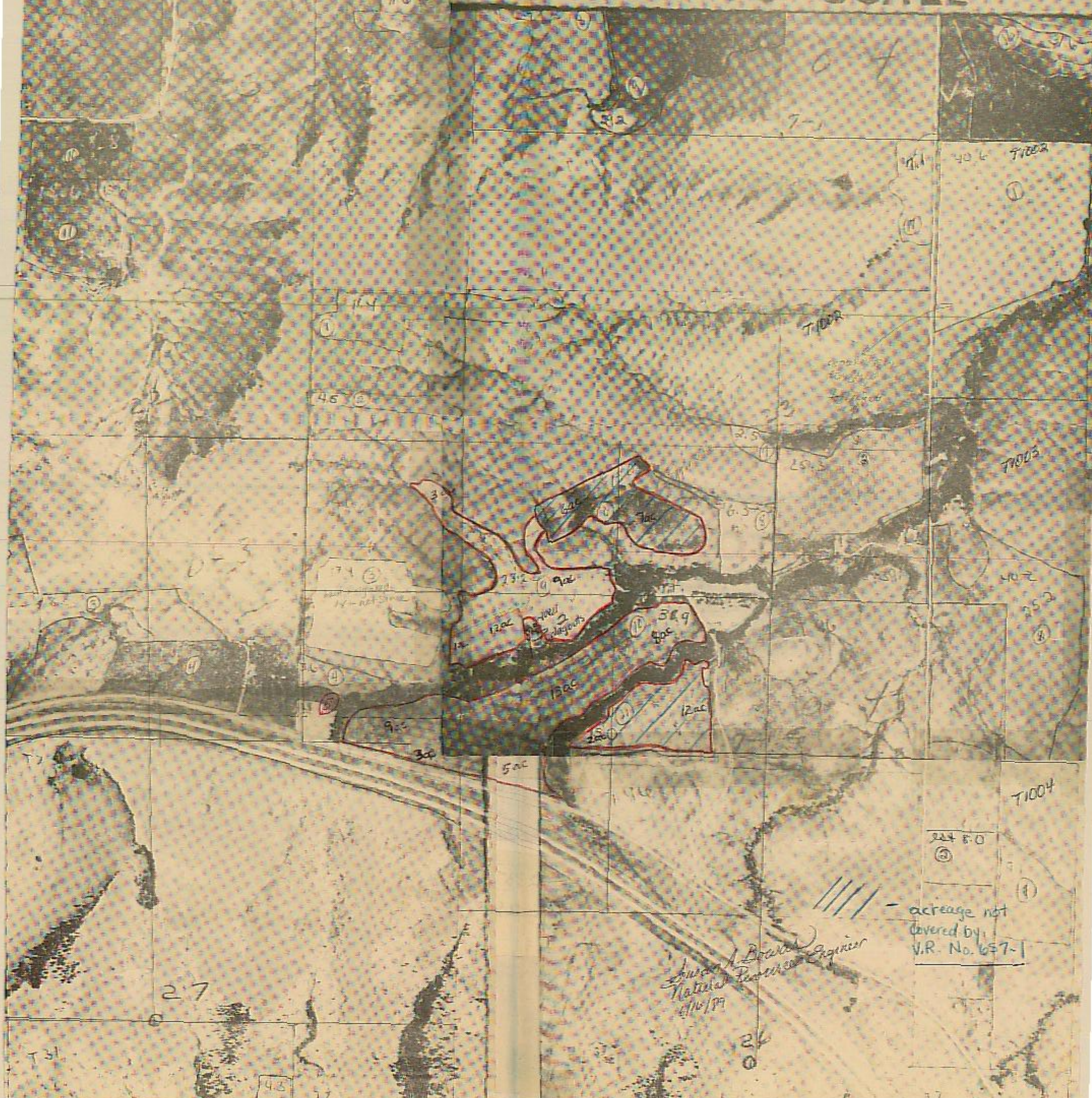
SPEARFISH, S.D.
Address

(g) Distance to nearest existing wells

On same owner's property 60 rods. On property owned by others 360 rods

T TO SCALE

NOT TO SCALE



Remarks by State Water Resources Commission:

THIS WELL MUST BE VALUED & CLOSED WHEN WATER IS NOT
USED FOR IRRIGATION PURPOSES.
THIS WELL APPEARS TO BE IN AN ARTESIAN BASIN HAVING
LIMITED SUPPLIES, AND RESTRICTIONS AS TO FLOW AND TIME
OF FLOW MAY BE MADE BY THE COMMISSION TO PROTECT
PRIOR WATER RIGHTS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JUNE 8, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

am. upon the 5TH day of JUNE, 1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 657-1

Date of first receipt of application JUNE 8, 1962

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 JUNE 10, 1955

Approved JUNE 8, 1962, Recorded in Book 7 Page 127

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 in ~~the~~ completed on or before _____

2nd. The whole of said work ~~complete~~ completed on or before _____

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

COMPLETED, 1955

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 .83 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 was

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

APRIL THRU OCTOBER

Witness my hand this 8TH day of JUNE, 1962

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 8, 1962

Water License issued JUNE 8, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 657-1.....

WHEREAS, On the 8th day of June A. D. 1962

Eugene A. Sloop

of Spearfish County of Lawrence and State of South Dakota duly made application (No. 657-1) to us for a vested right permit to use .83 cubic feet per second of the waters of artesian ground water County of Lawrence, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 8th day of June A. D. 1962 vested right Permit No. 657-1 was issued to said applicant... for the diversion of said water, ~~recognizing~~ the completion of the works of diversion therein described ~~XXXXXX~~ ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said water: ~~XXXXXX~~ ~~XXXXXX~~ and,

WHEREAS, On the 8th day of June A. D. 1962 the holder... of said permit duly made proof of the completion of adequate works for the diversion of .83 cubic feet per second of said waters, as evidenced by our Certificate No. 657-1 dated June 8, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .83 cubic feet per second of water, with date of priority of June 10, 1955 ~~xxx~~ and,

WHEREAS, On the 8th day of June A. D. 1962 proof was duly made of the application to beneficial use of .83 cubic feet per second of said water; for irrigating 58.4 acres in portions of Sections 22, 23, 26 and 27, T7N, 41E.

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 Eugene A. Sleep

of Spearfish vested right
the holder and owner of said permit No. 657-1

a water right, dating from June 10, 1955 to the use of .83

cubic feet per second of the waters of artesian ground water

In the County of Lawrence and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point 990' N & 660' E of
the SW corner, Section 23, T7N, R1E

and conducted to and upon portions of Sections 22, 23, 26 and 27, more spec-
ifically described in the Certificate of Completion of Works

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 8th day of June A. D. Nineteen
Hundred and sixty-two

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. 657-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Eugene A. Sleep

of Spearfish, County of Lawrence, and State of South Dakota,
vested right the holder of Permit No. 657-1, issued upon Application
No. 657-1, bearing date of priority of June 10, 1955, authorizing the diversion of
.83 cu. ft. per second of the waters of artesian ground water
County of Lawrence, State of South Dakota, at a point 30' N and
660' E of the SW corner, Section 23, T7N, R1E
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 recognized as
~~recognized~~ satisfactory for diverting and conveying to the place of intended use .83 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 T7N, R1E

Section 22	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3.0 acres
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	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.9 "
--	-----------------------------------	-------

Section 23	NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.4 "
------------	-----------------------------------	-------

	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26.5 "
--	-----------------------------------	--------

	SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.4 "
--	-----------------------------------	-------

Section 26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	3.2 "
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Section 27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>2.0</u> "
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		58.4 "
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Witness my hand this 8th day of June A. D. 19 62

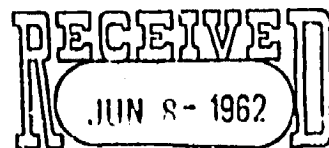
State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No. _____

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
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. EUGENE A. SLEEP, RANCHER, SPOONERSH, 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. _____

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

Ans. Drilling started JUNE 10, 1955 - No previous recording

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

Ans. ARTESIAN GROUND WATER - 990' N & 1260' E of the SW corner Section 23 T7N R1E

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. Flowing artesian well with 2400' of irrigation pipe

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. irrigation of areas as shown on application

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

Ans. _____

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

Ans. .83 cfs

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. Construction of the well started June 10, 1955, and water was used to irrigate the 58.4 acres shown on the application during the summer of 1955. Water has been used each year since well was constructed.

(Sign) Eugene A. Sleep

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 Spanish, County of Lawrence

State of South Dakota, on this 23 day of May A. D. 1962

Witnesses.

F. O. KAISER, NOTARY PUBLIC

MY COMMISSION EXPIRES MARCH 31, 1964

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.

Eugene A. Sleep
Mrs. Nestor M. Sleep

Location No. -----

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

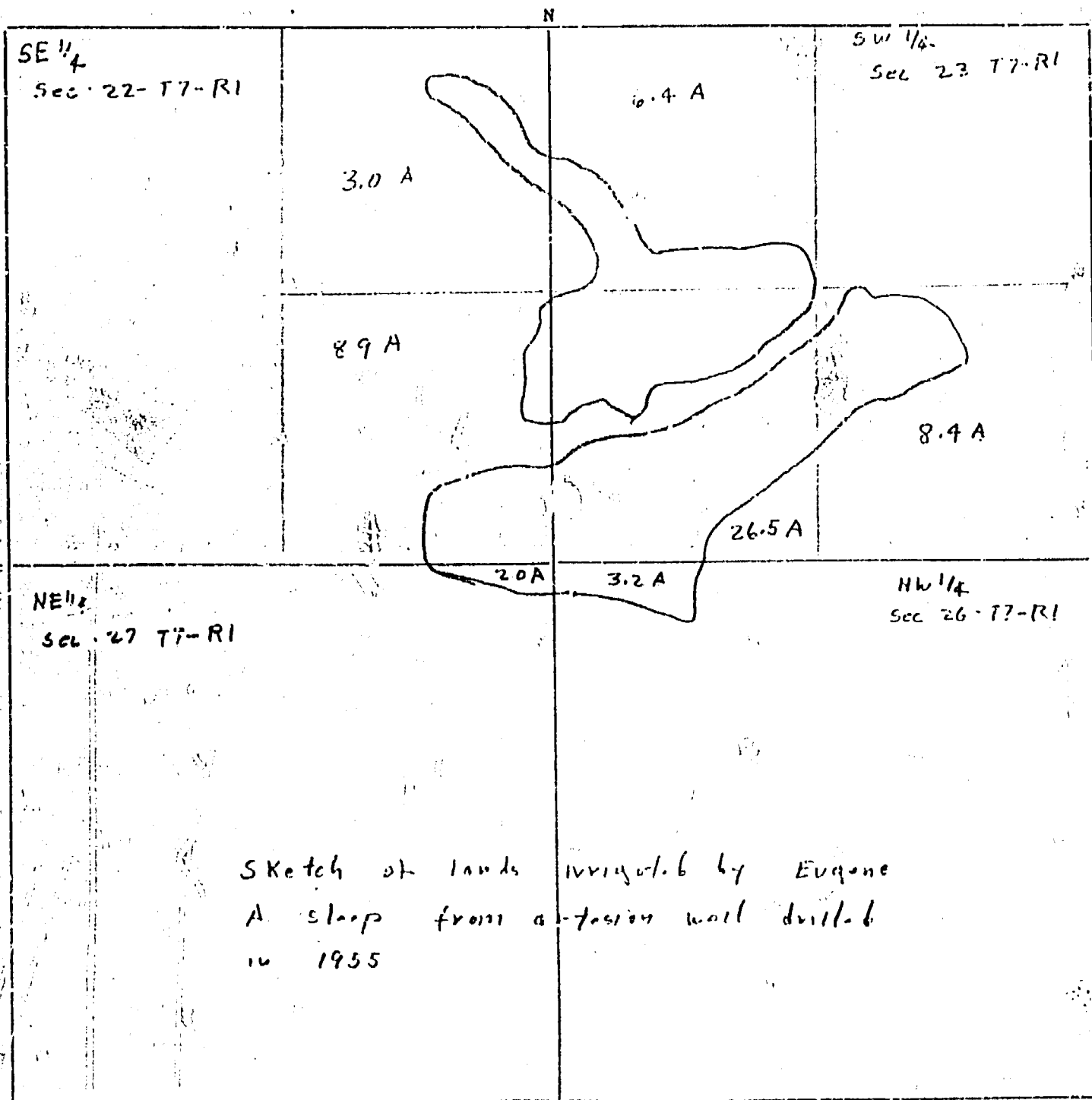
County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----



Drilling estimates from 700 to 1000 gpm.

Drilling started in June 1955

Used on 35.3 across Chickadee Creek

23' on North side of Creek

Mostly gravel, - gravelly sand

Started Drilling June 10, 1955

0-30 5' 10" Top soil

30-52 Gravel & Sand

52-182 Red Beds & siltstone formation

182-222 Hard Red siltstone & shales

222-268 Minnesota formation

268-384 Opaline formation

384-422 Minnesota siltstone

6' 9" 12" surface pipe

180' 8" pipe cemented in hole

126 1/2' 6" pipe from Liberty to Minnesota sand

1" 11" perforated at Minnesota sand & the formation

The well started flowing at 185 ft

Drilled A. L. Drivore

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6438

PIERRE, May 1, 191

RECEIVED OF Richard D. Sleep Sandance St. Route, Spearfish, S.D. 57743
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of Water Right Permit No. 657-1	2	0
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH 97

Form 20.

No. 657-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: February 23, 1978

This is to notify you that title to the lands described as follows:

58.4 acres in portions of Sections 22, 23, 26, and 27, T7N, R1E.

formerly owned by Eugene A. Sleep

has been transferred to Richard D. Sleep, Sundance Star Route, Spearfish, SD 57783

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 657-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Lawrence)

I, Richard D. Sleep 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 I know of my own personal
knowledge that the information herein stated is true.

Richard D. Sleep
(Signed)

Subscribed and sworn to before me this 18th day of April,
19 78.

Dessie L. Junk
(Notary Public)
DESSIE L. JUNK, Notary Public
My Commission Expires March 21, 1983

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

March 23, 1987

RICHARD D. SLEEP
HC 66 BOX 14
SPEARFISH, SD 57783

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

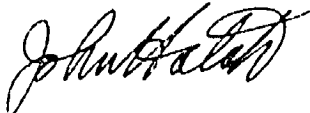
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 372-1, 657-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 372-1, 657-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner 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 the State Supreme Court as provided by law.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

H.C. 6.6 Box 14
L. D. Dole
April 19, 1937

Mr. John Holt
Chief Engineer
Water Right Division
Dear Mr. Holt:

I sent my 1936 discharge questionnaire to your office in December. Before you receive someone of me sending in these questionnaires, do you suppose you could have misplaced it? or it got lost in the mail?

If you want me to fill out another form please send me one.

Sincerely,
Richard D. Dole



372-1
657-1

**Department of
Water & Natural Resources**

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

April 23, 1987

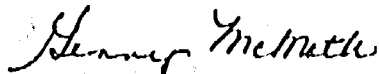
Richard D Sleep
HC 66 Box 14
Spearfish, SD 57783

Dear Mr. Sleep:

Enclosed are additional 1986 irrigation questionnaires for Water Right Nos. 372-1 and 667-1. With reference to your letter dated April 19, 1987, I have rechecked our files and find no record of ever receiving these questionnaires.

The completed questionnaires must reach our office before the May 6, 1987 Water Management Board Meeting. If you need assistance in completing the forms, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosures

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

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

May 4, 1987

657-1
372-1

Richard D Sleep
HC 66 Box 14
Spearfish, SD 57783

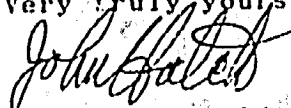
Dear Mr. Sleep:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 372-1 and 657-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3252

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

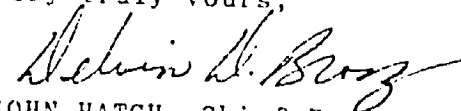
Richard D. Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

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). 357-1 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



657-1

ATTACHMENT 1

Acres as described
in V.R. No. 657-1:

Acres per 6/16/89
Inspection:

NE1/4 SE1/4 Section 22---	3 acres	NE1/4 SE1/4 Section 22---	3 acres
SE1/4 SE1/4 " ---	8.9 acres	SE1/4 SE1/4 " ---	10 acres
NW1/4 SW1/4 Section 23---	6.4 acres	NW1/4 SW1/4 Section 23---	9 acres
SW1/4 SW1/4 " ---	26.5 acres	SW1/4 SW1/4 " ---	25 acres
SE1/4 SW1/4 " ---	6.4 acres	SE1/4 SW1/4 " ---	8 acres
NW1/4 NW1/4 Section 26---	3.2 acres	NW1/4 NW1/4 Section 26---	5 acres
NE1/4 NE1/4 Section 21---	2.0 acres	NE1/4 NE1/4 Section 21---	3 acres
	78.4 acres		63 acres

Additional fields being irrigated per 6/16/89 inspection:

NW1/4 SW1/4 Section 23-----	6 acres
NE1/4 SW1/4 " -----	7 acres
SW1/4 SW1/4 " -----	2 acres
SE1/4 SW1/4 " -----	12 acres
	27 acres

657-1

ATTACHMENT 2

Description of Trout Raising operation by Mr. Richard Sleep, HC 66 Box 14, Spearfish, SD (605) 642-2220

The fish propagation operation observed during the inspection of Vested Water Right No. 657-1 is as follows:

- 2 tanks, with approximate dimensions of 4 feet by 10 feet by 2 feet deep.
- 6 tanks, with a 10-foot diameter and 2 feet deep hold larger fish.
- 2 dugouts, with approximate dimensions of 40 feet by 20 feet by 3 feet deep and 30 feet by 20 feet by 3 feet deep.

All of the tanks receive water from the well. The tanks are interconnected and overflow from each set of tanks is directed into the 2 dugouts. The dugouts function as settling ponds. Overflow from these ponds is discharged directly into Chicken Creek.

File No. 657-1

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Richard Sleep

ADDRESS: HC 66 Box 14 COUNTY: Lawrence

DATE: 8-11-89 TELEPHONE:

RE: Validation of Vested Water Right No. 657-1

COMMENTS:

On this date I spoke with Richard Sleep and inspected Vested Right No. 657-1. The system has been developed and used as described in the Vested Right. It appears the acreages as originally described in Vested Right No. 657-1 are in error, however, The actual acreage is slightly higher. A listing of the original description of the acreage and of the actual acreage is found on Attachment 1. An application to refile this claim has been sent to Mr. Sleep (8/11).

During the inspection, Mr. Sleep asked about the status of his vested right claim for the irrigation (from Beaver Creek) of approximately 20 acres in Sections 4, 5, 8, 9 in T6N-R1E. After checking the files, it appears we have no such claim for Mr. Sleep. An instruction sheet and application forms for filing a vested right claim were also sent to Mr. Sleep along with blank application forms for future expansion of his irrigation (8/11).

It was discovered during the inspection that 2 additional fields have been irrigated for about the last 8 years. A description of the additional acreage being irrigated is also found on Attachment 1. Mr. Sleep has also been raising rainbow trout, mainly for sale to restaurants, for about the last 4 years. Wastewater from the fish propagation operation is discharged to Chicken Creek. A copy of this memo has been forwarded to the Division of Land and Water Quality. An application has been prepared and sent to Mr. Sleep for both the additional fields and the fish propagation. It will be necessary for Mr. Sleep to provide an estimate of the water used for his fish operation. A description of the fish propagation operation is found on Attachment 2.

The same well is used to irrigate the acreage covered by Vested Right No. 657-1, to irrigate the additional acreage for which permit applications have been sent, and to supply the fish propagation operation. It also provides water for domestic purposes.

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

4/82

NAME: Susan A. Bowar

657-1

 **Department of
Water & Natural Resources**

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

August 11, 1989

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

Dear Mr. Sleep:

This letter is in reference to the inspection of your Vested Water Right No. 657-1 that I conducted on June 16, 1989. As we discussed during that inspection, several items need to be addressed:

- (1) The description of the acreage irrigated as listed on the original claim is in error. I have enclosed copies of the material from our file for Vested Right No. 657-1 for your information along with a description of the acreage as determined by the inspection that was conducted. As you can see, there is a difference in the total number of acres irrigated. In order to correct this, it will be necessary for you to refile your claim. I am enclosing a partially completed application form for you to review, sign, and notarize. Please return it along with a completed Affidavit of Use form (also enclosed) and the required \$15 filing fee.
- (2) Upon reviewing our files, I found that we do not have a Vested Right Claim on file for the irrigation (from Beaver Creek) of approximately 20 acres in Sections 4, 5, 8, 9 in T6N, R1E. I am enclosing an instruction sheet and blank application forms for you to file a Vested Right Claim for this irrigation.
- (3) As we discussed during my inspection, it will be necessary for you to submit an application for the two additional irrigated fields (see copy of map enclosed) added about 8 years ago and the fish propagation started about 4 years ago. Enclosed is an instruction sheet and a partially completed application form for filing this application. You will need to provide an estimate of the amount of water used for fish propagation under question no. 2.



August 11, 1989
Sleep
page 2

For the irrigation portion of your application, I have listed 0.38 cubic feet of water per second (cfs) (approximately 170 gallons of water per minute), the maximum rate allowed for irrigation of 27 acres. South Dakota Water Law allows 1 cfs for every 70 acres irrigated. After you have completed question no. 2, please review the application for accuracy, sign, notarize, and return it, along a completed Form 2A (enclosed) providing information on your dugouts, and the required fee. The correct fee will be based upon the total amount of water claimed. Please add the amount of water required for raising your trout to 0.38 cfs to determine the fee. The fee schedule is highlighted on the enclosed instruction sheets.

- (4) I am enclosing blank application forms for you in case you want to expand your irrigation as you mentioned you may during my inspection.

As we discussed during the inspection, I have informed the Division of Land and Water Quality of your fish raising operation, specifically the discharge to Chicken Creek. If your operation (discharge) falls within their water quality rules, I'm sure they will contact you.

Please feel free to contact me if you have any questions.

Sincerely,



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

enclosures

657-1

File No. 657-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Richard D. Sleep

ADDRESS: HC 66, Box 14, Spearfish, SD 57783

COUNTY: Lawrence

DATE: 6/13/91

TELEPHONE: 642-2220

RE: Validation of Vested Right Claim No. 657-1 and a new Application

COMMENTS: I called Mr. Sleep up to remind him that he should send his applications in (see Susan Bowar's notes). He apologized for not sending the forms back. He said he will send them in immediately.

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.



M. RASSCOOL AHADI
Natural Resources Engineer III
DENR, Water Rights Division

Nearby well log 6/17/93
657-1

66-54
13-24-54
12-31-54
1969

Lawrence

Eugene Sleep

1510

NW 1/4 of SE 1/4 Sec. 25 T. 7. R. 1

0 - 1	Surface
1 - 88	Red Silty shale
38 - 92	light lavender lime & pink sand
92 - 167	Red shale & streaks of Gyp.
267 - 312	Limestone Minno-kata
312 - 371	Red shale Opache
371 - 411	yellow limestone & pink sand
411 - 433	Dark Red Sandy Shale
433 - 437	yellow limestone & pink sand & chert pebbles
437 - 500	white & pink sand

Cased 385 Ft. 4 in. pipe pumped 54 Ft.
at 20 gallon per min. Water Raised to
10 Ft. of top.

B.H.

Drilling 500 ft.	\$ 2.50	\$ 1250.00
4 in. casing 385 ft.	\$ 1.56	\$ 600.60
1 1/2 in. Galv. pipe 36 ft.	\$.45	\$ 16.20
1 1/2 in. pump Rod	.15	\$ 5.40
2 1/2 in. cylinder.		\$ 22.50
		1894.70
	Sales tax	12.81
		\$ 1907.51

16 ft. 1 1/2 \$.45 \$ 7.20

all Tax Paid to this date for

17-9-

Lawrence Lawrence



657-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3193

June 17, 1993

Richard D Sleep
HC 66, Box 14
Spearfish SD 57783

Dear Mr. Sleep:

On June 16, 1989, Susan Bowar, former staff engineer, completed an onsite inspection of Vested Water Right Claim No. 657-1. The inspection found that acreage was being irrigated in excess of the 58.4 acres authorized by Claim No. 657-1 and that water was being used to raise fish.

Based on the inspection findings, two permit applications were sent to you on August 11, 1989. One application was to increase the vested acreage from 58.4 acres to 63 acres and the second application was to add two fields (27 acres total) that began being irrigated approximately 12 years ago. The second application was also to appropriate water for domestic use for raising fish. The applications were not returned. A second contact with you concerning the applications was made by Rassool Ahadi, staff engineer, via phone on June 13, 1991. Mr. Ahadi was informed that the applications would be sent in immediately. To date, the applications have not been received.

I am enclosing partially-completed application forms and a copy of the map prepared by Susan Bowar. The questions checked in red need to be completed and the applications need to be signed in the presence of a notary public. The application fee for the vested right claim is \$15.00 and the application fee for the two additional fields (27 acres) and for fish rearing is \$150.00, if the diversion rate for fish rearing is 75 gallons per minute or less. The fee structure is outlined on the instruction sheet. Please remember to note on the application how much water is being diverted from the well for fish rearing.

Use of water without a water permit, except for certain domestic uses (generally 18 gpm or less), is a violation of state law pursuant to SDCL 46-1-15, 46-5-9, and 46-5-10. We would like to work with you to bring your irrigation and fish rearing projects into compliance with state laws. However, if you do not complete and submit the enclosed applications by **July 16, 1993**; you will be ordered to cease the illegal use of water in accordance with SDCL 46-2-18.

If you have any questions or need assistance with the applications, please contact Karen Schlaak or Eric Gronlund at 605 773-3352.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosures



657-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 23 1993

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

Dear Mr. Sleep:

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

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

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

Very truly yours,

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

enclosure

657-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 657-1 FOR IRRIGATION

Date of Receipt of Claim June 8, 1962.

Date of Validation December 1, 1993.

The Water Management Board validated Vested Water Right Claim No. 657-1 for irrigation purposes for Richard D. Sleep, HC 66, Box 11, Spearfish SD 57783 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 657-1 appropriates 0.83 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 23 to irrigate 58.4 acres located in the E 1/2 SE 1/4 Section 22, W 1/2 SW 1/4, SE 1/4 SW 1/4 Section 23, NW 1/4 NW 1/4 Section 26, NE 1/4 NE 1/4 Section 27; all in T7N-R1E.
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: April 1 - October 31.
3. The priority date of the Vested Water Right is June 10, 1955.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

This well must be valved and closed when water is not used for irrigation purposes.

This well appears to be in an artesian basin having limited supplies and restrictions as to flow and time of flow may be made by the Board to protect prior water rights.

WATER MANAGEMENT BOARD

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

DEC 23 1993

date