

Considered: _____

Vested
WATER PERMIT NO. 730A-1

HAP No. Same

Name of Applicant Foothills Ranch, Inc.

Post Office Address RR 1, Box 63, St. Onge SD 57775

Amount of Water Claimed 1.0 Total Acres 70

Source of Water Supply dugout/spring

Water to be used for irrigation County Lawrence

About 1 1/2 miles NW of St. Onge

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received Sept. 14, 1989 Fee \$15 or _____ Remarks _____

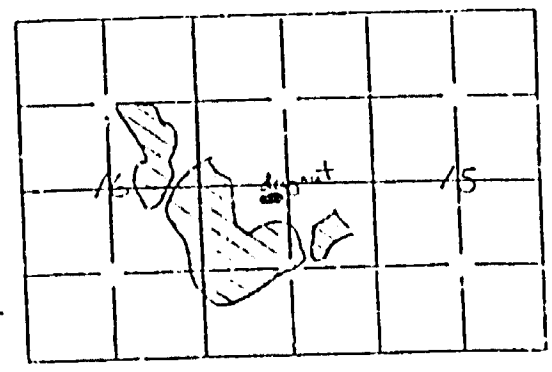
Corrected Application Received Jan 5, 1990 Period of Annual Use Apr 1 - Oct 31

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

Well Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dugout/spring: NE 1/4 SE 1/4
section 16 - T7N-R3E

Land to be Irrigated S 1/4 NE 1/4, SE 1/4 section 16;
NW 1/4 SW 1/4 section 15 - T7N-R3E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

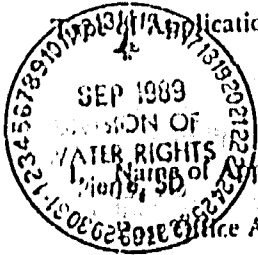
Type of Map aerial photo PREPARED BY Susan Bewor Drawn and the Number
assigned on March 13, 1990 By [Signature]

(See instructions)

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>730A-1</u>	Hydrologic Unit <u>13120203</u>
Basin <u>Belle Fourche River</u>	
Newspaper <u>Spearfish Daily Queen City Mail</u>	

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



- Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Applicant Foothills Ranch, Inc. Phone No. _____
- Office Address RR #1 Box G3 St. Charles State SD Zip Code 57779
- (Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 1.0 Total acres irrigated 70
3. Source of Water supply dugout/spring adjacent to False Bottom Creek
4. Location of point of diversion NE 1/4 Section 16-T7N-R3E
SE
- County Butte Lawrence
5. Counties where water will be used Butte Lawrence
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW 1/4 NE 1/4 Sec 16-T7N-R3E	13
SE 1/4 NE 1/4 " "	3
NW 1/4 NE 1/4 " "	9
SE 1/4 NE 1/4 " "	25

Land Description	No. Acres Irr.
SW 1/4 SE 1/4 Sec 16-T7N-R3E	1
SE 1/4 SE 1/4 " "	8
NW 1/4 SW 1/4 Sec 15-T7N-R3E	11

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: 8 ft. of Gun Other: hand line (Specify) _____
9. Crops to be Irrigated: alfalfa, corn, oats, wild hay
10. Give a description of proposed project. (Attach sheet if more space is needed)

This Vested Right application is to correct the location of the 70 acres authorized for irrigation by Vested Water Right Claim No. 730-1. The entire claim is included in this application, No. 730A-1. Upon its approval, No. 730-1 should be scheduled for cancellation.

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

STATE OF SOUTH DAKOTA)
County of Butte ss

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

THOMAS E. CARR



Subscribed and sworn to before me this

Signed

25th day of Aug

19 89

Thomas E. Carr

Notary Public

My Commission Expires Sept. 26, 1996

Affidavit of Water Use

No. 730 A-1

(Type or Print in Ink)

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



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

Name of Applicant (Same as Form 2) Foothills Ranch, Inc.Post Office Address RR1 Box 63 St. Onge SD 57779
(Street, R.R. or Box) (State) (Zip Code)A. Notice of Appropriation 6/8/64 Date of Posting 6/8/64Date of recording 6/8/64 Recording date _____
When Recd. PageB. Date of start of construction of water supply system 1952C. Date that water was first applied to beneficial use 1952D. Name of owner of original water supply system Thomas G. StephensE. Amount of water originally applied to beneficial use 1 cfsF. Present Use of Water - Amount of water now being used 1 cfsDate that this water was first used 1952

G. Chronological History of Water Use

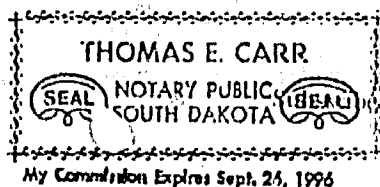
Hand line with Rain bird sprinklers since starting in 1952,
8 tower center pivot added in 1976 with hand line still in use to
present day.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of BUTTE)

I, T. GLENN STEPHENS PRES OF FOOTHILLS RANCH, INC.
(print or type) the applicant, certify that I have read the foregoing
and that the matters therein stated are true.



Signed T. Glenn Stephens
and sworn to before me Aug 25, 1989
Thomas E. Carr
Notary Public or other qualified officer

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

T. Glenn Stephens 9-25-89
(Print name) 1989
(Print name)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- a) Surface Dimensions 50' x 300' Depth 8'
- b) Depth to water (ground surface to water level) 3'

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

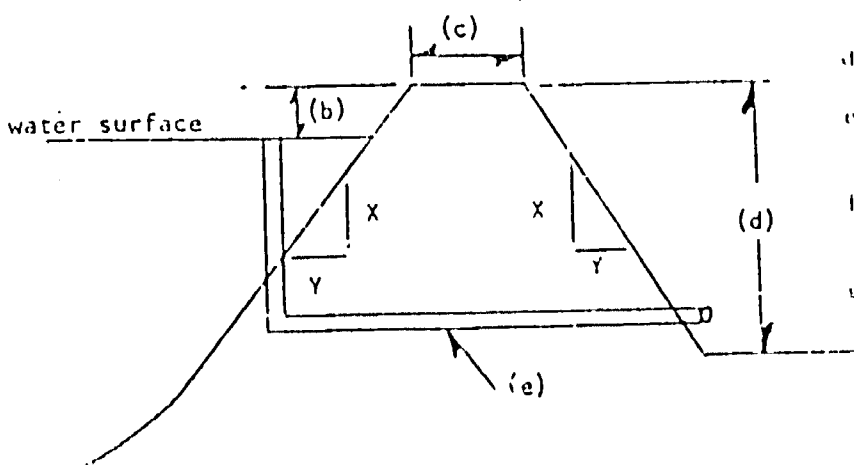
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

SOUTH DAKOTA

VESTED WATER RIGHT NO. 730A-1 FOR IRRIGATION

Date of Receipt of Claim September 14, 1989.

Date of Validation May 24, 1990.

The Water Management Board validated Vested Water Right Claim No. 730A-1 for irrigation purposes for Foothills Ranch, Inc., RS#1 Box 63, St. Onge, SD 57779 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 730A-1 authorizes appropriation of 1.00 cubic feet of water per second from a dugout/spring (approximately 2 acre feet storage capacity) adjacent to False Bottom Creek to irrigate 70 acres. The dugout/spring is located in the NE1/4 SE1/4 Section 16 and the irrigated acreage is located in the S1/2 NE1/4, SE1/4 Section 16; NW1/4 SW1/4 Section 15; all in T7N-R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is April 1, 1952.
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

1. Vested Water Right No. 730A-1 is subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John H. [Signature]
Chief Engineer

JUL 10 1990
date

Division of Water Rights
Dept. of Water and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 730A-1 FOR IRRIGATION

(1) Foothills Ranch, Inc. of RR 1, Box 63, St. Onge SD 57779 made Application No. 730A-1, September 14, 1989 for validation of a vested right claim to appropriate 1.00 cubic feet of water per second from a dugout/spring adjacent to False Bottom Creek, Lawrence County, South Dakota for irrigation purposes. Vested Water Right No. 730A-1 was validated May 24, 1990 with a priority date of April 1, 1952. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 730A-1 identifies the correct legal description of the irrigated acreage described on Vested Water Right Claim No. 730-1.

The applicable portions of Vested Water Right Claim No. 730-1 are incorporated into No. 730A-1 with the abandoned portions of No. 730-1 cancelled.

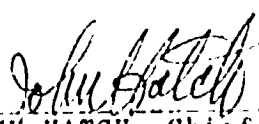
(2) The applicant is entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is in the NE 1/4 SE 1/4 Section 16, T7N, R3E. The dugout has an approximate storage capacity of 2 acre-feet).

The location of the irrigated acreage is:

T7N, R3E Section 15	NW 1/4 SW 1/4	11	acres
Section 16	SW 1/4 NE 1/4	13	"
	SE 1/4 NE 1/4	3	"
	NW 1/4 SE 1/4	9	"
	NE 1/4 SE 1/4	25	"
	SW 1/4 SE 1/4	1	"
	SE 1/4 SE 1/4	8	"

TOTAL 70 acres

(3) Pursuant to Section 46-5-30.1 Foothills Ranch, Inc. of RR 1, Box 63, St. Onge SD 57779 the holder(s) and/or owner(s) of Vested Water Right No. 730A-1 is issued a license to appropriate 1.00 cubic feet of water per second from a dugout/spring adjacent to False Bottom Creek with a priority date of April 1, 1952 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. 730A-1 and subject to South Dakota State Law.



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

JUL 10 1990

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 730A-1, Foothills Ranch, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 730A-1, Foothills Ranch, Inc., RR 1, Box 63, St. Onge SD.

The Chief Engineer is recommending VALIDATION of Application No. 730A-1 for 1.0 cfs and that the applicable portions of Vested Water Right Claim No. 730-1, have been incorporated into No. 730A-1 and the abandoned portions of No. 730-1 have been cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of April 1, 1952, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications:

Vested Water Right No. 730A-1 is subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 2, 1990

Report on Vested Water Right Application No. 730A-1
Foothills Ranch
March 1, 1990

Background

Vested Water Right Application No. 730A-1 requests validation of a vested right claim to appropriate of 1.0 cubic feet of water per second (cfs) from a dugout/spring to irrigate 70.0 acres of land. The diversion point is located in the NE1/4 SE1/4 Section 16, T7N-R3E, in Lawrence County. The irrigated land is located in the S1/2 NE1/4, SE1/4 Section 16 and the NW1/4 SW1/4 Section 15, all in T7N-R3E.

Discussion

On June 15, 1989, Susan Bowar, Engineer with the Water Rights Division, inspected Vested Water Right No. 730-1. The inspection showed that the location of portions of the land was not the same as listed on Water License No. 730-1. Application No. 730A-1 is to correct this problem.

Vested Right No. 730-1 claims a priority date of 1952.

Conclusions and Recommendations

1. According to the Affidavit of Water Use, water from the dugout/spring has been used since 1952.
2. The inspection showed that the irrigation system has been developed as described and the water has been put to beneficial use.
3. No complaint has been received regarding Vested Water Right Claim No. 730-1 from other irrigators in the area.
4. It is recommended that Vested Water Right Claim No. 730A-1 be validated for a diversion rate of 1.0 cfs for irrigation of 70 acres, as described in the application, with a priority date of April 1, 1952, with the irrigation questionnaire qualification.
5. If application No. 730A-1 is validated, it is recommended that Vested Water Right Claim No. 730-1 be cancelled.

MR. AHADI

M. RASSOOL AHADI
Natural Resources Engineer II
(605)773-3352

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV
(605)773-3352

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

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

JUL 10 1990

730A-1

Foothills Ranch, Inc.
RR 1, Box 63
St. Onge SD 57773

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 730A-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



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

enclosures

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

412016

Pierre, January 5, 1996

RECEIVED OF Foothills Ranch Inc., RR #1 Box 63, St. Onge, SD 57779

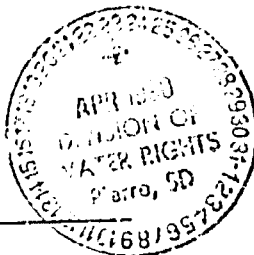
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>750A-1</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch (mra)
Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Lawrence) ss.



NOTICE OF HEARING To Validate Vested Water Right Application No. 730A-1 to Appropriate Water

I, James C. Terrell

certify that the attached printed Notice was taken
 from the The Lawrence City Mail

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

City of Lawrence
 County of Lawrence and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

April 13, 1990
April 20, 1990

James C. Terrell
 (Signature)

Corrado K. Kowalski Clerk
 (Title)

April 20, 1990
 (Date Signed)

Notice is given that Foothills Ranch, Inc., RR 1, Box 63, St. Onge SD 57779 has filed an application to validate a vested water right claim to appropriate 1.00 cubic feet of water per second (cfs) from a dugout/spring (approximately 2 acre-foot storage capacity) adjacent to False Bottom Creek to irrigate 70 acres with a claimed priority date of 1952. The dugout/spring is located in the NE1/4 SE1/4 Section 16 and the irrigated acreage is located in the S1/2 NE1/4, SE1/4 Section 16; NW1/4 SW1/4 Section 15; all in T7N, R3E. This application identifies the correct legal description of the irrigated acreage which was incorrectly described on the vested Water Right Claim No. 730-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 730A-1 for 1.0 cfs and that the applicable portions of Vested Water Right Claim No. 730-1 be incorporated into No. 730A-1 and the abandoned portions of No. 730-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of April 1, 1952, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Cost of Printing: None

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605) 773-3352". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. There 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49, 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

April 13, 20
S-078

**Department of
Water & Natural Resources**

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

April 9, 1990

Spearfish Daily Queen City Mail
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 730A-1 to be published twice. Please publish the notice on or before April 13, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Foothills Ranch, Inc., RR 1, Box 63, St. Onge SD 57779.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

CUT HERE

TO:

ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date

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

Name

Newspaper

 **Department of
Water & Natural Resources**

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

April 9, 1990

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

T. Glenn Stephens
Foothills Ranch, Inc.
RR 1, Box 63
St. Onge SD 57779

Dear Mr. Stephens:

Your Application No. 730A-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Queen City Mail printed at Spearfish SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3552

enclosures

Instruction to Newspaper - Publish first Notice on or before April 13, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 730A-1 to Appropriate Water

Notice is given that Foothills Ranch, Inc., RR 1, Box EE, St. Onge SD 57779 has filed an application to validate a vested water right claim to appropriate 1.00 cubic feet of water per second (cfs) from a dugout/spring (approximately 2 acre-feet storage capacity) adjacent to False Bottom Creek to irrigate 70 acres with a claimed priority date of 1952. The dugout/spring is located in the NE 1/4 SE 1/4 Section 16 and the irrigated acreage is located in the S 1/2 NE 1/4, SE 1/4 Section 16; NW 1/4 SW 1/4 Section 15; all in T7N, R3E. This application identifies the correct legal description of the irrigated acreage which was incorrectly described on Vested Water Right Claim No. 730-1.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 730A-1 for 1.0 cfs and that the applicable portions of Vested Water Right Claim No. 730-1 be incorporated into No. 730A-1 and the abandoned portions of No. 730-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of April 1, 1952, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

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Water Rights Division - DWR
Conversation or File Documentation

File No. 730-1
pg 1/2

NAME OF PERSON OR FILE: Footfalls Ranch, Inc

ADDRESS: P.R. 1 Box 63 COUNTY Burke

DATE: June 15, 1989 TELEPHONE (605) 578-1939

RE: Validation of Vested Right No. 730-1

COMMENTS:

On this date I spoke with Mr. T. Gabe Stephens and Mr. Dean Stephens and inspected the irrigation system described in V.R. No. 730-1. The system has been developed and used. The original pump, motor, and piping system is in place. The Berkeley pump has a capacity of 450 gpm (1 cfs) and the total acreage irrigated is 70 acres. The description of the acreage on V.R. No. 730-1 is not correct, however the acreage as described on V.R. No. 730-1 is:

NW ¹ / ₄ SE ¹ / ₄	Section 16 - T7N-R3E	-----	20 acres
NE ¹ / ₄ SE ¹ / ₄	" "	-----	22 "
SE ¹ / ₄ NE ¹ / ₄	" "	-----	8 "
SE ¹ / ₄ SE ¹ / ₄	" "	-----	8 "
NW ¹ / ₄ SW ¹ / ₄	Section 15 -	" -----	12 "

The actual acreage is as follows:

SW ¹ / ₄ NE ¹ / ₄	Section 16 - T7N-R3E	-----	13 acres
SE ¹ / ₄ NE ¹ / ₄	" "	-----	3 acres
NW ¹ / ₄ SE ¹ / ₄	" "	-----	9 acres
NE ¹ / ₄ SE ¹ / ₄	" "	-----	25 acres

(continued)

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: _____

Water Rights Division - DWR
Conversation or File Documentation

File No. 730-1

pg 2/2

NAME OF PERSON OR FILE: _____

ADDRESS: _____

COUNTY _____

DATE: _____

TELEPHONE _____

RE: _____

COMMENTS:

(continued)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16-T7N-R3E - - - - - 1 acre

SE $\frac{1}{4}$ SE $\frac{1}{4}$ " " - - - - - 8 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15- " - - - - - 11 acres

These are the lands that have always been irrigated.
It appears the original acreage description was
simply in error.

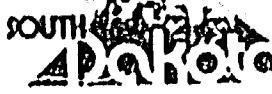
Application No. 730A-1 has been prepared and sent to
the Stephens (S17). It redescribes the vested right
claim in full. Upon its approval, V.R. No. 730-1
should be scheduled for cancellation.

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.

4/82

NAME:

Susan Bowser



Department of Water & Natural Resources

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

August 7, 1989

T. Glenn & Devin Stephens
Foothills Ranch Inc.
Rt. 1, Box 63
St. Onge, SD 57779

Dear Stephens:

This letter is in reference to the Vested Water Right inspection I conducted of your irrigation system on June 15, 1989.

After comparing the legal description of the acreage being irrigated with that listed on your Water License, a copy of which is enclosed, it appears that a correction of the legal descriptions is necessary. Although the total number of acres indicated is the same, the number of acres in each 40-acre subdivision do not match.

I am also enclosing a copy of the map that I prepared. As you can see from this map, the acreage indicated in each quarter-quarter section is not the same as found on your Vested Right Claim No. 730-1.

For this reason, it will be necessary for you to refile your Vested Right application. I am enclosing a partially completed application form. Please review, sign and notarize the application and return it, along with a completed Affidavit of Use form and a Supplemental information form for your dugout. Both of these forms have also been enclosed. There is \$15 fee for refiling.

I am also enclosing blank application forms for you should you want to irrigate additional lands.

Please note that upon approval of Application No. 730A-1, the original filing will be scheduled for cancellation. The priority date will remain the same.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

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

res



 **Department of
Water & Natural Resources**

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

September 16, 1989

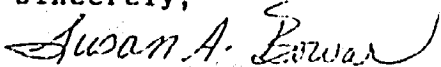
T. Glenn & Devin Stephens
Foothills Ranch, Inc.
RR 1, Box 63
St. Onge, SD 57779

Dear Stephens:

Thank you for returning the Vest Right Permit application received yesterday. To begin processing of your permit application to correct the legal description of your irrigated acreage, it will be necessary for you to submit the \$15 filing fee (see enclosed instruction sheet).

Feel free to contact me if you have any questions.

Sincerely,



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

enclosure



St. Angelo, S.D.

Jan 2, 1990

Mr. Ron Bluvall

Blount, S.D.

On Sept. 23, 1989 I sent a check #2545 to Susan Bauer of Water Rights Division as a filing fee to validate our vested water rights claims. As you may recall I called you in mid-December and you said you have no record of receiving this check.

Enclosed please find a check for \$15.00 to replace #2545. If you have any more paper work that we need to fill out please send it by return mail and I will return it as soon as possible.

I would like a receipt for this check. Appreciate it.

Thank You

Yours Truly,
Toothill Ranch
Rona Stephens Secy.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3151

November 24, 1992

730A-1

Glenn Stephens
Foothills Ranch, Inc.
RR 1, Box 63
St. Onge, SD 57779

Dear Mr. Stephens:

I am writing you in response to comments on your 1992 Irrigation Questionnaire. The shortage of water at your place is not directly related to water use by mining companies. The source of water for your spring is the alluvium (sand and gravel deposits along the creek). Water for your spring originates from surface runoff which seeps into the sand and gravel deposits and appears on the surface through springs. The source of water for the mining companies is thousands of feet deeper and a completely different source of water than your spring. The recent drought conditions also had an effect on groundwater discharges from springs. I am sure with an increase in the amount of precipitation, your spring will flow again.

If you have any questions, please contact me.

Sincerely,

M. RASSOOL AHADI
Natural Resources Engineer III
Division of Water Rights
(605) 773-3352

1996 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 30, 1996

730A-1

FOOTHILLS RANCH INC
GLENN STEPHENS
RR 1 BOX 63
ST ONGE SD 57779



CHANGES TO ADDRESS LABEL, IF ANY:

Telephone No. 642 3932

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES _____ NO _____

DID YOU IRRIGATE IN 1996? YES _____ NO X IF YES, NUMBER OF ACRES IRRIGATED _____

SOURCE OF WATER _____

DID YOU CHEMIGATE IN 1996? YES _____ NO X

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS X TOWNLINES _____ BIG GUN _____

FLOOD _____ SPRINKLERS X OTHER _____

COMMENT SECTION: *How many years can you fail to pump before you lose your water rights?*

THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS.

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY	BEANS	60	800 GPM	10	24
	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 5 DAYS - 24 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 380 GPM) FOR 10 DAYS AT 24 HOURS PER DAY.

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

PLEASE SPECIFY IF ACTUAL IRRIGATION HOURS OR KILOWATT HOURS ARE BEING REPORTED. FOR KILOWATT HOURS, INCLUDE DEPTH TO WATER & SYSTEM PRESSURE IN COMMENT SECTION.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3111

February 5, 1997

730A-1

Glenn Stephens
Foothills Ranch, Inc.
RR 1 Box 63
St Onge, SD 57779

Dear Mr. Stephens:

When you submitted your 1996 irrigation questionnaire, you inquired about the number of years it would take to lose your water right by failure to pump water.

Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to retain the water right or permit. Legal excuse for nonuse of water suspends the period of nonuse. Legal excuse, as defined by Water Management Board Rules, includes but is not limited to the following:

- Unavailability of water to satisfy a permit or right;
- Legal proceedings which prevent the use of water; and
- Water use under existing climatic conditions would result in a waste of water.

Thank you for taking the time to write and inquire into this matter. Hopefully, I have addressed your concerns. If you have any further questions, please contact me.

Sincerely,

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

NOT TO SCALE



11
 Special A. Reservoir
 Natural 89
 6-29-89
 Visit Report No. 130-1
 J. J. O'Connell
 Engineer

V.R. Appl. No. 730A-1