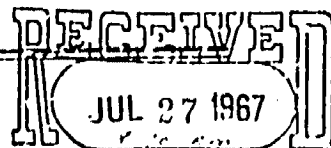


812-1

1. Considered Sept 20th, 1962
2. Name of Applicant Bakley A. Campbelle
3. Post Office Address Sturgis
4. Amount of water claimed 3.1
5. Source of water supply Dear Butte Creek
6. Water to be used for irrigation
Acres to be irrigated 217
7. Water to diverted and used in Meade County
about 1.2 miles 3.5 of Sturgis
8. Proof of Publication
Received _____
Not Received 1st
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred 1 - investigation
10. Remarks:

APPROV SUBJECT
TO REPORT

No. 812-1Water Division No. 1 Belle Fourche River District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
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 Oakley O. Lamphere Ross Lamphere
 P.O. Box 476-145
 Postoffice address Sturgis, County Meade, State So. 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)
Employment of others and direct labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Lamphere Pumping system
3. Amount of water claimed 3.1 cubic feet per second
4. Source of water supply Bear Butte Creek 1st 6 501 T5N, R6E
5. Location of point of diversion 300 feet west and 350 ft. south of west 1/4 corner
of Section 6, T5N, R6E right Meade County.
6. Annual period or periods during which water is to be used April through November inclusive
7. To be used for:

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

(a) Number of acres to be irrigated 217 acres.

(b) Legal subdivisions to be irrigated see back of application

(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.)

incidental livestock watering

II. Stockwatering, mining, milling, power, fish cultur, 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

MAY 4 413-1

8. Estimated cost of work:

(a) Head Gate, \$-----

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

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures \$-----

Total, \$ 2,000.00

9. Description of diversion works:

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

pump and 500' canal to pump into existing system under Water

License 474-1

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-----5-----years.

11. Time required for complete application of water to the proposed beneficial use-----4 additional-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----
Sturgis Tribune, Sturgis, South Dakota

STATE OF SOUTH DAKOTA

County of-----

I,-----, 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-----

Subscribed and sworn to before me this-----25th-----day of-----July-----1917-----

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

PLAT OF
THE LAMPHERE IRRIGATION PROJECT
SECTIONS 5 and 6, T.5 N., R.6 E-BLM MEADE CO., So. Dak.

Scale 1 inch = 660 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Oakley Lamphere of Sturgis, South Dakota, I have made a survey of the tracts indicated on this plat, for the purpose of computing the irrigable area embraced in his Application for a "Permit to appropriate water for irrigation purposes" and to furnish the required plat for filing with his said "Application".

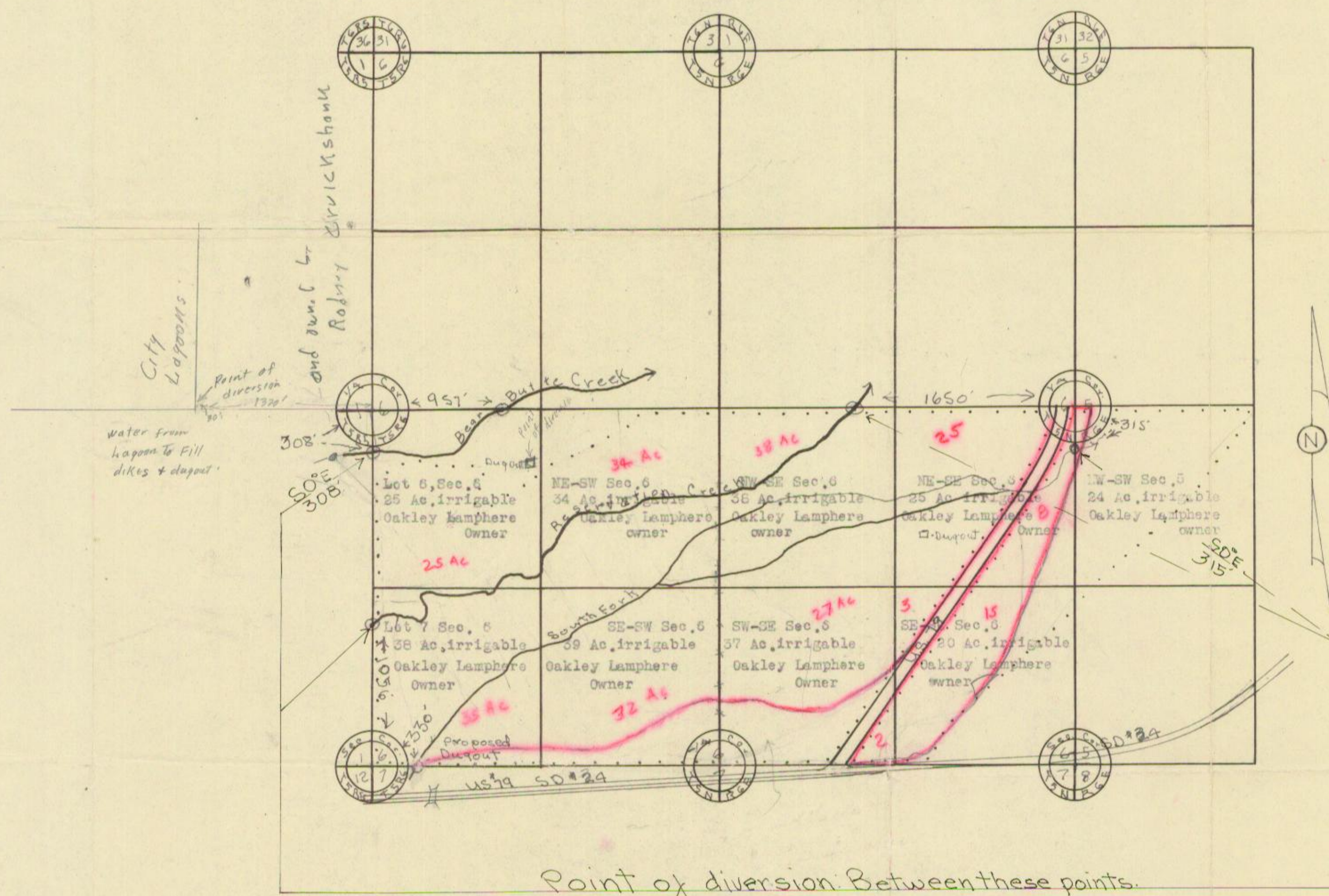
I further certify that the bearings and lengths of the several lines shown hereon are correct, and their location with reference to the Government Land Corners indicated, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 1st day of June 1960.

SIGNED Carl M. Cornell
Carl M. Cornell, Licensed Surveyor # 144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 1st day of June 1960.

M. R. Hume
Notary Public, (SEAL)



Map No 413-1
App'l No 474-1
(APPL No 812-1)

Remarks by State Water Resources Commission:

DIVERSIONS OF WATER FROM BEAR BUTTE CREEK MAY BE MADE ONLY WHEN A FLOW OF 3 OR MORE CUBIC FEET PER SECOND OF WATER CONTINUES DOWNSTREAM AT THE DIVERSION POINT, AFTER THE WATER HAS BEEN DIVERTED.

COMBINATIONS OF DIVERSIONS UNDER THIS PERMIT & PERMIT N° 474-1 SHALL NOT EXCEED THE STATUTORY

LIMIT OF 1 CFS FOR EACH 70

ACRES IRRIGATED.

STATE OF SOUTH DAKOTA

County of

HUIHES

Pierre, South Dakota,

APRIL 8, 1968

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

A.M. upon the 27TH day of JULY, 1967.

State Water Resources Commission

By:

Durton
for Chief Engineer, Executive Officer

Number of permit 212-1

Date of first receipt of application JULY 27, 1967

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 JULY 27, 1967

Approved MARCH 20, 1968 Recorded in Book 10 Page 145

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

SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

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

MARCH 20, 1977

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 3.1 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MARCH 20, 1977; said water to be used during the following described annual period:

APRIL THRU NOVEMBER

Witness my hand this 8TH day of APRIL, 1968.

State Water Resources Commission

By:

Goodman
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 8, 1977

Water License Issued SEPTEMBER 8, 1977

Remarks by the Applicant:

Legal subdivisions to be irrigated

All in Section 6, T5N, R6E

Lot 6 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	25 Acres
Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	35 Acres
SE $\frac{1}{2}$ SW $\frac{1}{2}$	32 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	28 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	25 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	3 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	<u>25 Acres</u>

Total 217 Acres

Water right map No. 413-1 as corrected for Water License 413-1 applies to this water right application. The acreage as listed above is shown on this map.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 812-1

(1) WHEREAS, On the 27th day of July A. D. 19 67
Oakley O. Lanphere

made Water Right Application No. 812-1 for a permit to use 3.1 cubic feet per second of the waters of Bear Butte Creek

County of Meade, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 20th day of March A. D. 19 68

Permit No. 812-1, with a date of priority of July 27, 1967

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 20th day of March A. D. 19 73 and for the application to beneficial use of said water on or before the 20th day of March A. D. 19 77

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system, and is entitled to divert 3.1 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 6, T5N, R6E

Lot 6 25 acres

Lot 7 35 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 32 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 25 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 3 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 25 "

Total 217 acres

(5) 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 Oakley O. Lamphere

of Sturgis

the holder _____ and owner _____ of said permit No. 812-1 a water right, dating from July 27, 1967

use of 3.1 cubic feet per second of the waters

of Bear Butte Creek

in the County of Meads and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted between points S00E, 303' and N900E, 957' from

the W $\frac{1}{2}$ corner, Section 6, T5N, R6E

and conduct to and upon portions of the S $\frac{1}{2}$, Section 6, T5N, R6E,

described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 812-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of September A. D.
Nineteen Hundred and seventy-seven

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 812-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Oakley O. Lamphere

_____ the holder _____ of
Permit No. 812-1, issued upon Application No. 812-1, bearing date of priority of July 27
1967 authorizing the diversion of 8.4 cu. ft. per second of the waters of
Bear Butte Creek County of Moade, State of South Dakota at
between points S00E, 308' and N900E, 957' from the W 1/4 corner,
Section 6, T5N, R6E
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit: that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 8.4 cu. ft. per second of water.

Date September 8, 1977

WATER RESOURCES COMMISSION

By:

John Hatch
JOHN HATCH, Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Meade } ss.

Morris G. Hallock being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Sturgis Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the town of Sturgis County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 9, 1967

August 16, 1967

August 23, 1967

August 30, 1967

in each and every issue of the full number thereof, the first publication being made on the 9 day of August 1967 and the last publication on the 30 day of August 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Morris G. Hallock

Subscribed and sworn to before me this 31 day of August A. D. 1967

Bob Lee

Notary Public Meade County, S. D.

APPROPRIATION OF WATER
 Office of State Water Resources Commission
 Pierre, S. Dak., August 2, 1967

Notice is hereby given that Oakley C. Lamphere whose post-office address is in Sturgis, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.1 cubic feet of water per second of time from Bear Butte Creek through the Lamphere Pumping System the point of diversion of which is to be located on the right bank of said stream in Lot 6 of Section 6, Twp. 5N Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 3, Lot 7, E1/4SW1/4 and SE1/4, Section 6, T5N, R6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of September, 1967, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
 By: RICHARD SCHMOYER
 Water Rights Specialist
 Pierre, S. Dak. Trib Aug 9-16-23-30

Correction

Division page 15

in lot 6

section 6 T5N R6E

on or before August 11, 1967.
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 2, 1967.

Notice is hereby given that Oakley O. Lamphere whose postoffice address is Sturgis S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.1 cubic feet of water per second of time from the Bear Butte Creek through the Lamphere Pumping System, the point of diversion of which is to be located on the right bank of said stream in SE 1/4 Lot 6 ~~1/4 NW 1/4~~ of Section 6 Twp. 5N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 6, Lot 7, E 1/4 SW 1/4 and SE 1/4, Section 6, T5N, R6E

~~section~~ XXXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of September 1967, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc: Merrie Mallock, Publisher
Sturgis Tribune
Sturgis, S.D.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD SCHMIDT
Water Rights Specialist

JOINT AFFIDAVIT AND PETITION

STATE OF SOUTH DAKOTA)
 : ss.
COUNTY OF MEADE)

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

Each of the undersigned, being first duly sworn, depose and state to the above-named Commission as follows:

I.

That each signer is a land owner with property on Bear Butte Creek in Meade County, South Dakota.

II.

That each of the signers, individually and collectively, resist the application for appropriation of water made by Oakley O. Lamphere of Sturgis, South Dakota, which has been submitted to and which is now under consideration by this Commission, which resistance is for the reasons and upon the following grounds:

- (1) That the amount of water to be appropriated exceeds the flow of Bear Butte Creek.
- (2) That the area in which the appropriation is being made, and that downstream therefrom, is one of the most densely populated rural areas in Meade County, as is more fully shown by Affiants' Exhibit 'A' which is attached hereto and by reference made a part hereof.
- (3) That appropriation as requested will seriously impair existing downstream supplies of water for domestic purposes.
- (4) That the existing flow at the point of appropriation as requested consists almost wholly of affluent discharged from the sewage disposal plant of the City of Sturgis; that retarding the flow at the point of appropriation would necessarily impair percolation and purification which could result in extensive downstream contamination.
- (5) That the duration for which appropriation is requested is excessive and unwarranted in view of the observable flow of which each of the Affiants have direct personal knowledge.
- (6) That recreational potential on Bear Butte Creek below the point of requested appropriation has, over the past several years, been extensively developed by the Department of Game, Fish and Parks of the State of South Dakota, and said Department has on numerous occasions stocked Bear Butte Creek with trout; that there is only sufficient water below the point of appropriation to sustain fish life and appropriation as requested would eliminate this recreational area.

That for all of the above and foregoing reasons each of the undersigned do respectfully request that the aforesaid appropriation for water be rejected by this Commission.

Dated this 18th day of September, 1967.

Horsley Ranch
Frank Horsley (Manager)

Bessie A. Black

Jeff Cooper

Henry Bruch

Lawrence Cooper

John D. Reimer

Victor Karrels

Harry Karrels

Joseph Homes

Gene Bohman

Kate Miller

Anna Sigman

Don Gumble

Charles H. Rose

Subscribed and sworn to before me this 18th day of September, 1967.

My Commission Expires:
November 21, 1969.

Herman B. Walker
Herman B. Walker - Notary Public
Meade County, South Dakota

Water Right Application 812-1

Oakley O. Lamphere

At their September, 1967 meeting, the Commission considered water right application No. 812-1 of Oakley O. Lamphere to divert 3.1 cubic feet per second of water from Bear Butte Creek to irrigate 217 acres of land. A petition of protest signed by 14 property owners on Bear Butte Creek had been received prior to the public hearing. Four of those property owners and their attorney, Herman Walker of Sturgis, appeared at the meeting in opposition to the application. The Commission deferred action pending investigation by the Commission staff.

The area under consideration is located about two miles east of Sturgis. In water right 474-1, Mr. Lamphere already has a water right to irrigate 217 acres of land, which he does with a modified spreader type of irrigation system, utilizing surface runoff. A corner of this 217 acres is located about 400 feet from Bear Butte Creek. Water right application 812-1 proposes that Bear Butte Creek flows be pumped into the existing spreader system as a supplemental source of water.

Bear Butte Creek downstream from the Lamphere area has alternating sink and spring areas. While there is nearly always flow at the proposed diversion area, Bear Butte Creek ten miles downstream is often without flow. In the intervening creek section there is usually a flow but sections of the Creek dry up during dry periods. Last fall, downstream landowners were very certain that several days of irrigation pumping of water from Bear Butte Creek by Mr. Lamphere did cause a downstream portion of the Creek to cease flowing that would otherwise have remained in a flowing condition. The Commission staff believes that diversion of normal, or less than normal, flows at the proposed diversion would cause, or increase, a livestock watering problem in a downstream portion of Bear Butte Creek.

Flows above normal would be unappropriated water and Mr. Lamphere in his water right application No. 812-1 has followed the prescribed procedure to obtain a permit to use such unappropriated water.

What is the normal flow of Bear Butte Creek at the proposed diversion point? The Commission staff believes it is around the three to four c.f.s. range. The only United States Geological Survey stream measuring station on Bear Butte is located about 15 miles downstream and conditions change too much in this distance for the measured flows to be used as a basis for estimating the normal flows in the Lamphere area.

However, the periods of time when flows were above normal at the stream measurement station would be similar to the periods of time that flows were above normal in the Lamphere area. A check of 1951-1960 records show that flows at the stream measurement station were above normal during the following months.

<u>Year</u>	<u>Months with Above Normal Flows</u>						
	February	March	April	May	June	August	September
1951				May			
1952	February	March	April	May	June		
1953				May	June	August	
1954			April	May	June		
1955			April		June		
1956	None						
1957				May	June		
1958	None						
1959	None						
1960		March					

The recommendation of the Commission staff is that water right application 812-1 be approved with the qualification: Diversion of water from Bear Butte Creek may be made only when a flow of three or more cubic feet per second of water continues downstream at the diversion point, after the water has been diverted. (A sloping 12 inch diameter culvert when just full at the upstream end carries a flow of 2.6 cubic feet per second of water.)

Permit No. 812-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Oakley O Lamphere of P.O. Box 476, Sturgis, S.Dak. holder of Permit No. 812-1, bearing date of priority of July 27, 1967 authorizing the diversion of 3.1 cu. ft. per second of the waters of Bear Butte Creek for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water: Berkeley Pump. Model B3FPBL serial # 7473842, RPM 3450, HP 60, Imp. 7 1/4" Est. 500 gpm. Elec. Motor - Gould Century, Part # 6-323001-01 HP-60, RPM 3540

B. Works used to transport water to place of use,
Aluminum Pipe 6" dia. 3000 ft
" " 8" dia Gated 600 ft.

C. Works used to apply water to beneficial use.
Big Boss sprinkler 1 1/2" dia. nozzle.
660 ft 4" dia. flexible hose.

The system is in the following condition: Good.

The point of diversion is located From NW 1/4 corner of Section 6, T5N, R6E 1320 ft west and 30 ft N1 and from Bear Butte Creek, S 0° E 305 ft from the NW 1/4 corner of Section 6, to a point N 70° E 757 ft from the NW 1/4 Section 6, T5N, R6E

The works are capable of diverting and conveying to the place of use 1.1 CFS from sprinkler, 1.3 CFS from Gated Pipe, 6.0 CFS from Hedd Gates.
cu.-ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in section 6, T5N, R6E.

Lot 6	25 Ac	NW 1/4 SE 1/4	38 Ac
Lot 7	38 Ac	SW 1/4 SE 1/4	37 Ac
NE 1/4 SW 1/4	34 Ac	NE 1/4 SE 1/4	33 Ac
SE 1/4 SW 1/4	37 Ac	SE 1/4 SE 1/4	18 Ac

comprising a total of 262 acres of land.

Note: Water license #474-1 comprises 242 acres of the 262 acres covered under this permit (812-1), but from other points of diversions therefore the total water appropriated under the two permits shall not exceed 6.3 CFS.

Date May 3 1976
LeRoy J. Merriam
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7941

PIERRE, January 22, 1981

RECEIVED OF Ross Lanphera, Box 445, Sturgis SD 57785

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

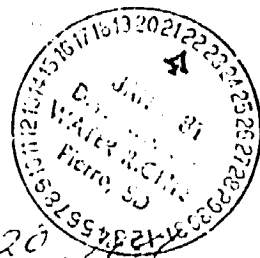
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.....		
Fee for inspecting Beneficial Use, and Issuing Water License No.....		
Fee for issuing Location Certificate-Dry Draw, No.....		
Fee for filing transfer of Water Right No. 812-1	2	50
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

NO. 812-1

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 20 1981

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

S½ Section 6, T5N, R6E

formerly owned by Oakley Lamphere

has been transferred to Ross Lamphere, Box 445, Sturgis, SD 57785

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 812-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of _____) ss.

I, _____ 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.

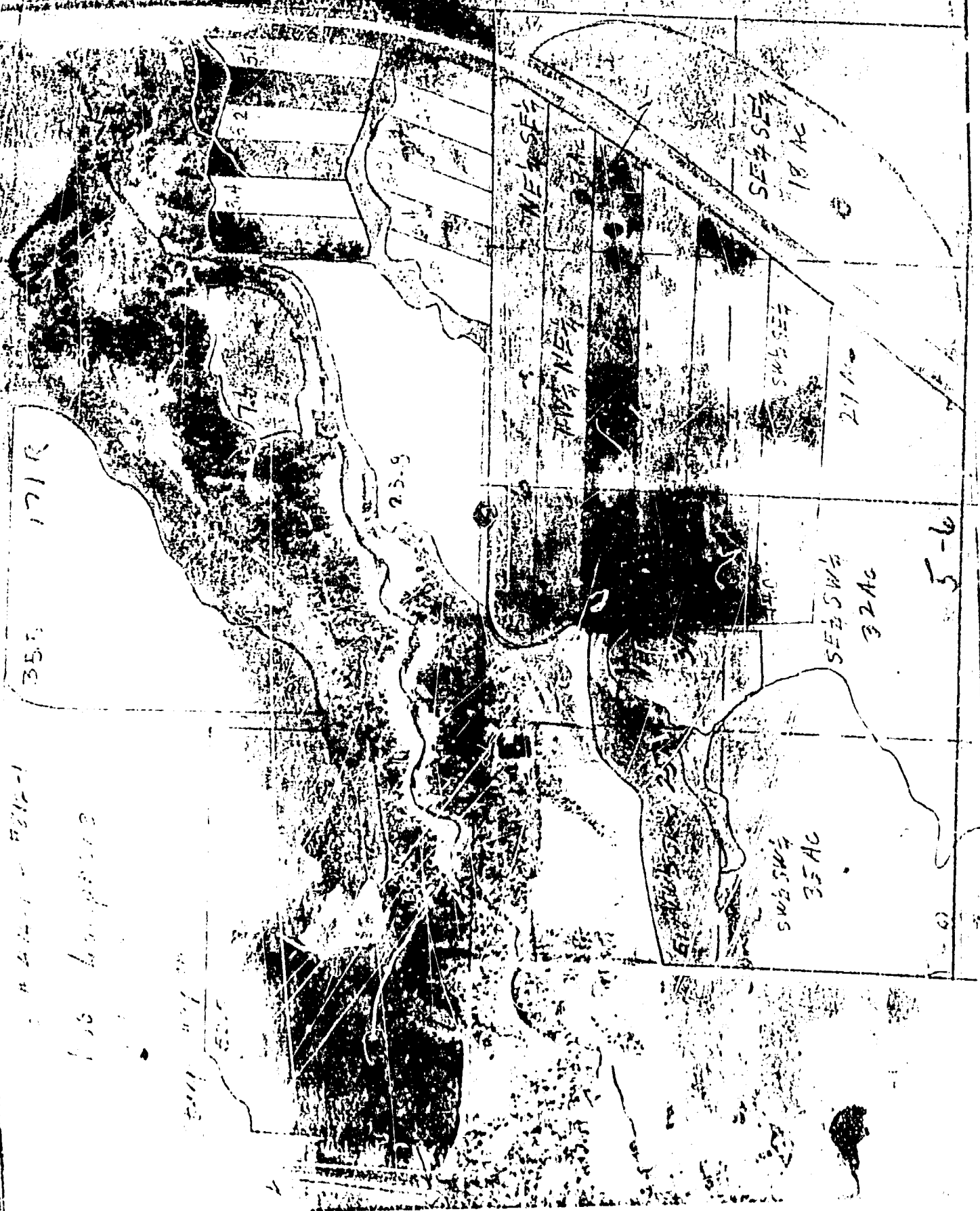
Ross Lamphere
(Signed)

Subscribed and sworn to before me this 21 Day of Jan, 1981.

Vicki L. Bradley
(Notary Public)

Vicki L. Bradley
NOTARY PUBLIC
My Commission Expires June 15, 1983

NOT TO SCALE



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ross Lamphere, Box 445, Sturgis, SD 57785

DATE: April 24, 2002

TELEPHONE: 605 347-5858

RE: irrigation questionnaire reports

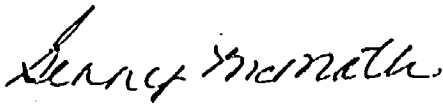
COMMENTS:

Mr. Lamphere reports on his yearly irrigation questionnaires that he irrigates using water from the Sturgis Wastewater lagoons. Water Right Nos. 474-1 and 812-1 authorize use of water from Reservation Creek, dugouts and from Bear Butte Creek.

On April 24th, I spoke with Mr. Lamphere about his Water Rights. He indicated he irrigates the same land but has used wastewater from the City of Sturgis for several years. He indicated he does not mix any water with the effluent before land applying it. He went on to say that he is able to obtain enough wastewater without having to divert from Bear Butte Creek or the other sources he is authorized.

I told Mr. Lamphere that for purposes of reporting water use each year, he could continue to put down the water he used from the lagoons as long as he specified which source he was using. We actually only need to know how much water, if any, he is using from the sources covered under his water rights. He does not need a water right to dispose of wastewater.

I told him that as long as he continued to irrigate the land, we would not view his water rights to be abandoned or forfeited. Use of water from Reservation Creek, dugouts and/or Bear Butte Creek would be considered as back-up sources of water. I also told him that if conditions warrant and he needed to divert water from the creeks and dugouts to irrigate with, he needs to report that water use on his irrigation questionnaires.



Genny McMath
Environmental Scientist



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: ROSS LAMPHERE, PO BOX 445, STURGIS, SD 57785

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 474-1 & 812-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 474-1 & 812-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing 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.

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HQJQIP**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



474-1 & 812-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 29, 2024

474-1 & 812-1

Ross Lamphere
PO Box 445
Sturgis SD 57785

Dear Mr. Lamphere:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 474-1 & 812-1. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us