

1396-2

1. Considered 7-21 1976
2. Name of Applicant EAGLE VALLEY RANCH
3. Post Office Address VALENTINE, NB.
4. Amount of water claimed 2.0
5. Source of water supply EAGLE CREEK (113 AC FT. STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 752.4
7. Water to be diverted and used in TODD county
about 16S, 13E miles of MISSION
8. Proof of Publication Received 6-28-76
Not received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application RECEIVED
EX-148
277-2

10. Remarks:

RICHARD BACHELOR

373-3860

277-2 MRS TURNEY 551-3592

No. 1396-2Map No. 1182-2 Water Division No. 2 KEYAPAPA RIVER
(Blanks to be Filled by the Engineer for the W. H. G.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Eagle Valley Ranch
Postoffice address Hidden Timber Route, Valentine, Nebraska
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
3. Name of diversion work Eagle Creek Dam
4. Amount of water claimed (cubic feet per second) 2 cfs
5. Source of water supply Eagle Creek
6. Location of point of diversion NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16, T36N, R26W

County Todd

7. Annual period or periods during which water is to be used April - Sept.
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 252.4

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.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16	40.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16	4.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16	37.9	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16	31.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16	39.5	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16	40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16	12.8	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16	26.9

Attach sketch of space is needed NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16 19.0

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Tribune

12. Principal Features of the Proposed Water Supply System.

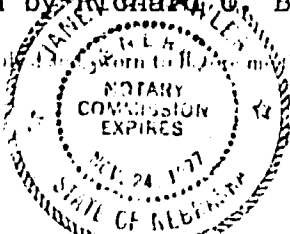
A. Works proposed to divert water from its natural source.

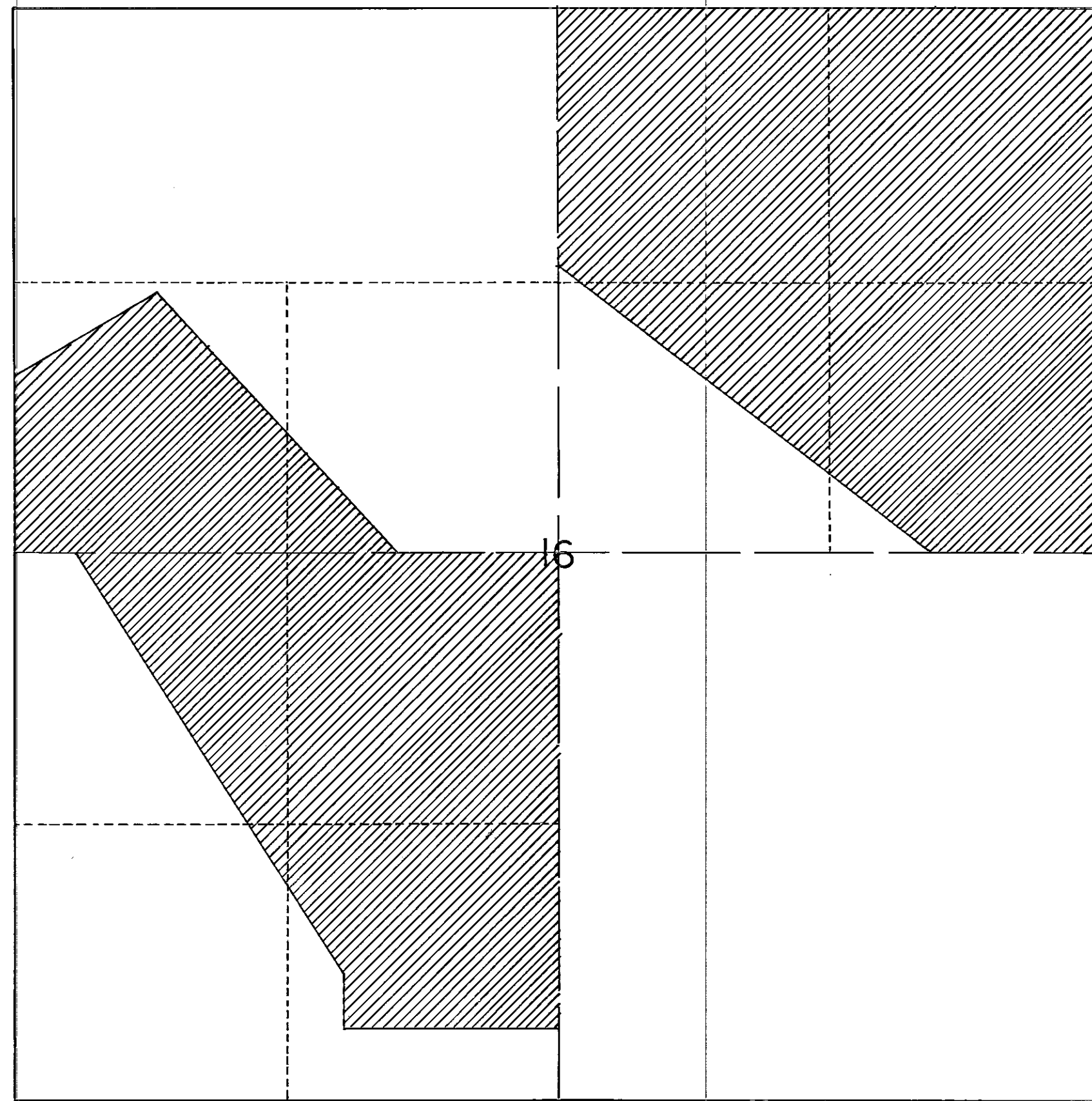
B. Works proposed to transport water to place of use.

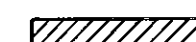
C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$4,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ToddI, Richard O. Bachelor the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Eagle Valley Ranch by Richard O. BachelorSigned Richard O. BachelorSubscribed 5th day of May 1976James E. Sawyer
Notary Public (or other qualified officer)



 = LAND TO BE IRRIGATED
 OWNER, EAGLE VALLEY RANCH

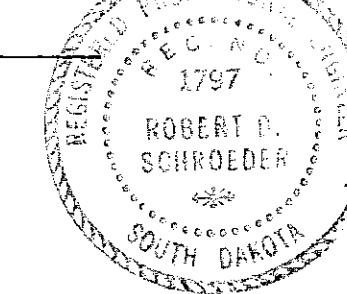
SCALE 1" = 600'

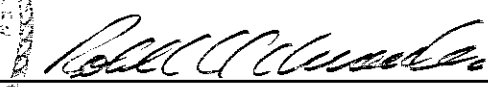
LOCATION	SECTION	TWR	RANGE	ACRES
NE 1/4 NE 1/4	16	36	26	40.0
SE 1/4 NE 1/4	16	36	26	37.9
NW 1/4 NE 1/4	16	36	26	39.5
SW 1/4 NE 1/4	16	36	26	12.8
SE 1/4 NW 1/4	16	36	26	4.5
SW 1/4 NW 1/4	16	36	26	31.0
NE 1/4 SW 1/4	16	36	26	40.0
SE 1/4 SW 1/4	16	36	26	26.3
NW 1/4 SW 1/4	16	36	26	19.0
SW 1/4 SW 1/4	16	36	26	0.8
TOTAL				252.4

ENGINEER'S CERTIFICATE

I, ROBERT SCHROEDER, A SOUTH DAKOTA REGISTERED PROFESSIONAL ENGINEER NUMBER 1797,
 CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF AN IRRIGATION
 DAM SITE LOCATED IN THE NE 1/4 OF THE NW 1/4 OF SECTION 16 T36N R26W 6TH PM.
 TODD COUNTY, SOUTH DAKOTA. THE ABOVE DESCRIBED BEING OWNED BY EAGLE VALLEY RANCH.

DATED: MAY 6, 1976



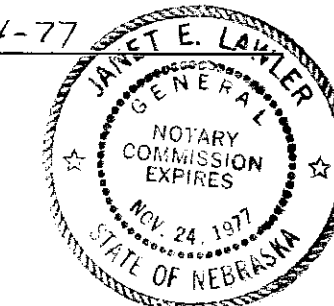

 ROBERT SCHROEDER PE-1797

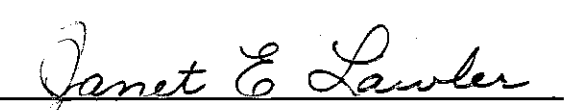
ACKNOWLEDGEMENT

STATE OF NEBRASKA) SS
 COUNTY OF CHERRY)

ON THIS 6th DAY OF MAY, 1976, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND
 QUALIFIED IN AND FOR SAID COUNTY, APPEARED ROBERT SCHROEDER, WHO IS PERSONALLY
 KNOWN TO ME TO BE THE SAME AND HE ACKNOWLEDGED THE SIGNING OF SAID ENGINEER'S
 CERTIFICATE TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND OFFICIAL
 SEAL THE AFORESAID DATE.

MY COMMISSION EXPIRES: 11-24-77




 JANET E. LAWLER
 NOTARY PUBLIC

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1396-2

EAGLE VALLEY RANCH ⁴¹⁰²²⁰ TIMBER CT. VALENTINE
(Applicant) (Post Office Address)

NEBRASKA 69720 With the following modifications:
(State)

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS
MUST BE BY-PASSED

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 113 ACRE
FEET OF WATER ANNUALLY.

Date of first receipt of application MAY 7 19 76

Date of return to applicant for correction, amendments or changes required --- 19 ---

Date of receipt of corrected application --- 19 ---

Approved SEPTEMBER 29 19 76 Recorded in Book 16 Page 321

WATER RIGHT PERMIT NO. 1396-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1396-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MAY 7 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 29 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 29 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 29 19 78
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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
7. The amount of the appropriation herein granted shall not exceed 2.0 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 SEPTEMBER 29 19 78 said water to be used during the following described annual period: APRIL - SEPTEMBER

Witness my hand this 31ST day of MARCH 19 77

WATER RESOURCES COMMISSION

By:

John Kustel
Chief Engineer, Executive Officer

Certificate of Construction Issued --- 19 ---

Water License Issued --- 19 ---

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimension _____ Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height: 13 feet
Maximum Water Depth: 10 feet
Surface Area: 51.0 Acres
Storage Capacity: 112.6 Acre Feet

Eagle Valley Ranch
By Richard O. Bachelor

Richard O. Bachelor
Signature of Applicant

Form 6. - Notice of Intent to Appropriate Water

No. 1396-2

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~June 11, 1976~~

Notice is hereby given that Eagle Valley Ranch

whose post office address is Valentine, Nebraska, South Dakota has made an application in accordance with the provisions of the water laws of South Dakota for

a permit to appropriate for beneficial use 2.0 cubic feet of water per

second of time from ~~thru~~ Eagle Creek through the

Eagle Creek Dam

, the point of diversion of which is to be located in the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 16, Twp. 36N, Range 26W. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 16, T36N, R26W

This application No. 1396-2 will be considered by the Water Rights Commission at the Court House in Winner, South Dakota

upon the 21st day of July, 1976 at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By.

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Eagle Valley Ranch, Hidden Timber Route, Valentine, NB 69201



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101

July 20, 1976

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, SD 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on July 21, 1976, a hearing will be held at 10 a.m. by the Water Rights Commission at the Courthouse at Winner, South Dakota, on the application of Eagle Valley Ranch, Valentine, Nebraska, for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from Eagle Creek through the Eagle Creek Dam, the point of diversion being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 16, T. 36 N., R. 26 W., for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Rosebud Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381, Winters v. United States, 207 U.S. 564; 28 S. Ct. 207; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 131 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Area Director, B.I.A.
Superintendent, Rosebud Agency
Mr. Parnell Hagen, Area Soil Conservationist, B.I.A.
Eagle Valley Ranch, Valentine, Nebraska 69201

No. 1396-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Margaret Sigert hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd Co. 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

City of Mission

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

Thursday, June 17, 1976

Thursday, June 24, 1976

Margaret Sigert
(Signature)

Bookkeeper
(Title)

6-24-76
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that
Eagle Valley Ranch whose post
office address is Valentine, Ne-
braska, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 2.0 cubic
feet of water per second of time
from Eagle Creek through the
Eagle Creek Dam, the point of
diversion of which is to be
located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 16, Twp. 36N, Range 26W.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$
and SW $\frac{1}{4}$, Section 16, T36N,
R26W.

This application No. 1396-2 will
be considered by the Water
Rights Commission at the Court
House in Winner, South Dakota
upon the 21st day of July, 1976 at
10:00 a.m. All interested persons
may appear and be heard.

WATER RIGHTS
COMMISSION

Burton F. Jones,

Water Rights

Specialist

Publ.: June 17 and 24.



Form 9. - Forwarding Permit to
Appropriate Water

No. — 1396-2 —



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

April 12, 1977

Eagle Valley Ranch
Hidden Timber Rt.
Valentine, NB 69201

Gentlemen:

Enclosed herewith is your Water Right Permit No. 1396-2 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said

Water Right Permit No. 1396-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

Respectfully,
WATER RIGHTS COMMISSION

P. S.
This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated July 20, 1976, contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

JOHN HATCH
Chief Engineer

JH/EPJ/w
Encl: As stated

REPORT ON
EAGLE VALLEY RANCH
WATER RIGHT APPLICATION NO. 1396-2
SEPTEMBER 8, 1976

The Water Rights Commission deferred action at the July 21-22, 1976 meeting on the Eagle Valley Ranch, Richard Bachelor owner, water right application No. 1396-2 pending an investigation by the Commission Staff. An investigation was conducted in the Todd County area August 11, 1976.

Proposed Project

The application proposes to construct a dam on Eagle Creek. (See attachment).

Dam: Location Todd County: 14 miles South and 13 miles east of Mission, S. D. in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, T36N, R26W.

Height: 13.0 feet
Maximum Water Depth: 10.0 feet
Surface Area: 31.0 acres
Storage Capacity: 112.6 acre feet
Number of Acres to be Irrigated: 252.4 acres
Amount of Water Claimed: 2.0 c.f.s.

The drainage area above the dam is 25,000 acres. The run-off factor for this watershed on a two year frequency basis has been determined to be 0.236 inches per acre. The expected watershed yield is 492 acre feet of run-off per year at least once in every two year period.

Objections

The Commission deferred action of the Eagle Valley Ranch Application when objections were received from Darrel Copeland and Harold Sell. Copeland who has an irrigation dam was concerned that he will not have enough water supply for his irrigation dam. Harold Sell was interested in water supplies for his livestock.

Person Contacted

Darrel Copeland, Harold Sell, Richard Bachelor and Gene McCormack.

Discussion

Darrel Copeland's Irrigation Reservoir is located 12 miles down stream from the proposed Eagle Valley Ranch dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, T37N, R25W. His application No. 1146-2 asks for 150 acres of storage. A diversion rate of 5.0 cubic feet per second. The watershed area between the Eagle Valley dam and the Copeland dam is 36,500 acres with an expected watershed run-off yield of 717.5 acre feet per year at least once in every two year period.

Luella Turney Water License No. 277-2 asks for 0.28 c.f.s. of water to irrigate 20 acres, in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28, T37N, R25W approximately 10 miles downstream from the Eagle Valley Ranch Dam.

At the time of the investigation Eagle Creek was not flowing at a point two miles above the Turney project. Turney was pumping approximately 170 GPM and approximately 50 GPM was being by-passed thru Harold Sell property. Sell was satisfied that this was adequate for his livestock purposes. The 220 GPM flowing at this time comes from springs located a short distance above Turney.

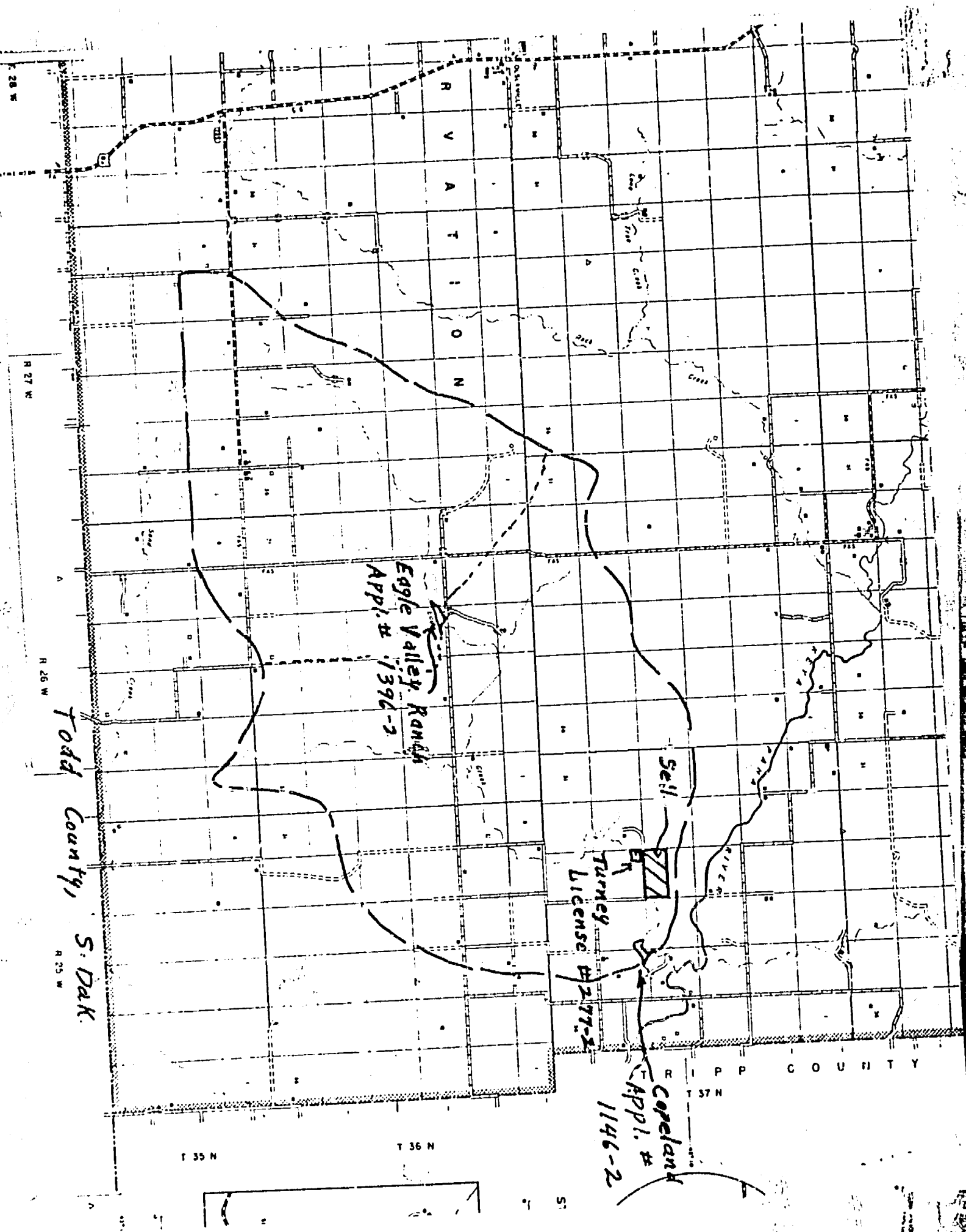
Conclusions and Recommendations

Based upon the investigation, unappropriated water is available for storage provided that any flow into the dam during dry periods, even when the dam does not overflow is by-passed.

The Commission Staff recommends that the Eagle Valley Ranch water right application No. 1396-2 be approved with a storage capacity of 112.6 acre feet with the following qualification.

"Low flows as needed for downstream domestic use including livestock watering must be by-passed."

LE ROY MERNAUGH
Water Resources Engineer I



7-14-80

RICHARD BACHELOR WAS
IN AND INDICATED HIS
PERMITS WERE READY FOR
INSPECTION

1396-2

1431-2

WOULD LIKE THEM IN-
SPECTED THIS SUMMER
IF WE GET AROUND TO
IT.

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

No. 1396-2

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

April 9, 1985

Eagle Valley Ranch
3 Richard Bachelor
Hidden Timber Rt.
Valentine NE 69201

Dear Mr. Bachelor:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1396-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAAX
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

State of South Dakota
Water License No. 1396-2

(1) Eagle Valley Ranch
of c/o Richard Baciolor, HC 14, Box 53, Valentine, Nebraska 69201
made Application No. 1396-2, May 7, 1976 for a water permit to appropriate
2.0 cubic feet per second of water from Eagle Creek,
Todd County, South Dakota for Irrigation purposes.
Permit No. 1396-2, with a priority date of May 7, 1976
was approved September 29, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 29, 1978 and for the application to beneficial use of said
water on or before September 29, 1978.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are #1 - 2200'E and 620'S (BA);
#2 - 1930'E and 1350'S (BD); both from the NW Corner of Section 16, T36N, R26W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T36N, R26W

Section 16 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 32 Acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33 Acres (BD)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 Acres (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 Acres (CA)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38 Acres (AB)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres (AA)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 Acres (AC)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 Acres (AD)

TOTAL 238 ACRES

(4) Pursuant to §46-5-30.1 Eagle Valley Ranch

of c/o Richard Bachelor, HC 14, Box 53, Valentine, Nebraska 69201

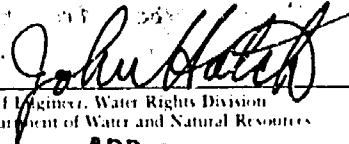
the holder(s) and/or owner(s) of Water Permit No. 1396-2 is issued a license to appropriate water, the right to use

1.0 cubic feet per second of water from Eagle Creek with a priority date

of May 7, 1976 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1396-2 and subject to South Dakota State Law.


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

JOHN HATCH

APR 24 1985

Engle Valley
% Richard R. Rother

LICENSE FOR PERMIT NUMBER 1396-2

1. Legal location of wells: _____

drms & structures: Diversion #1 2200' E & 620' S ; Diversion #2 1980' E & 1350' S
all of NW corner section 16 T36N R26W

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkley Motor a) make Casa - David Brown

b) model B37RM b) model no. _____

c) size 9" impeller; 3" pump c) horsepower rating 56 HP

9 inch imp. d) capacity 450-500 GPM d) motor efficiency rating _____

3 inch pump e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 6" & 4"

b) type Aluminum

c) length 1516' Dist.

4. Dam Information:

a) height to crest 16.0'

b) height to spillway 13.0'

c) crest width 14'

d) crest length 290'

e) spillway length 40'

f) spillway width 16'

g) approx. storage _____

h) Distribution lines or canals: 15' water

1) size _____

2) type _____

3) length _____

1) Outlet tubes:

1) diameter 5" square

2) type concrete

3) valued (Y/N) Y

4) valve type gate

5) location on structure

20' from embankment

depth at dam

5. System Type: a) siphon:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length 1200' feet

2) make, model & number of sprinklers

Rainbird 14600

3) spacing of sprinklers 40'

4) nozzle size 1/4"

Water District

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

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., (12), SD 57501

I have this day made a thorough examination of the water use system constructed by Eagle Valley Ranch
 % Richard Bachelar of Hidden Timber Rd., Valentine, NE holder of
 Permit No. 1396-2, bearing the priority of 5-7-76 19____ authorizing
 the diversion of 2.0 c.f. ft. per second of the waters of surface water - Eagle Creek
 for irrigation purposes, in Todd County.

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

- A. Works used to divert the water: A dam constructed across Eagle Creek in the NW¹ of section 16, T36N, R26W. The dam is earthen with a 5 inch square gated concrete outlet tube. The pump is a Berkley F70 driven type having a capacity of 150-500 GPM and model #: B32RM. The motor is a Case-David Brown 56 HP tractor operated at 1100 RPM.
- B. Works used to transport water to place of use:
 The distribution line consists of 1510 ft of 6" aluminum pipe

C. Works used to apply water to beneficial use:

A lowline consisting of 1200' of 4 inch aluminum pipe having Rainbird model 14600 sprinklers spaced 40 ft. apart.

The system is in the following condition Good

The point of diversion is located on 2 places on the dam. Diversion #1 225 ft E & 620 ft S; Diversion #2 1930 ft E & 1350 ft S both from the NW corner of section 16 T36N R26W.

The works are capable of diverting and conveying to the place of use 1.0cu. 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:

<u>SW¹ NW¹ 16 - 32 Ac</u>	<u>NW¹ SW¹ 16 - 20 Ac</u>	<u>NW¹ NE¹ 16 - 38 Ac</u>
<u>SE¹ NW¹ 16 - 33 Ac</u>	<u>NE¹ SW¹ 16 - 40 Ac</u>	<u>NE¹ NE¹ 16 - 40 Ac</u>
	<u>SW¹ NE¹ 16 - 4 Ac</u>	
	<u>SE¹ NE¹ 16 - 31 Ac</u>	

all of T36N R26W

comprising a total of 238 acres of land and the license should be issued for 1.0 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 4-3-85

(signature)

RECEIPT

Division of Water Rights

No 4 10007

South Dakota Department of Water and Natural Resources

Pierre, April 28, 1985

RECEIVED OF Eagle Valley Ranch c/o Richard Bachelor, HC 14 Box 53, Valentine, NE 69201
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1396-2	50	00
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	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

No. 1396-2

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

APR 24 1985

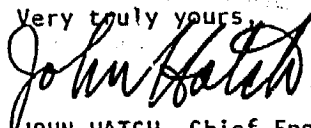
Eagle Valley Ranch
c/o Richard Bachelor
HC 14, Box 53
Valentine, Nebraska 69201

Dear Mr. Bachelor:

Enclosed herewith is, Water License No. 1396-2. This is the final water right document completing your process of obtaining a water right.

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

JH: ms

Enclosures

WNR-8:7 3/83
Transmittal of Water License

NOT TO SCALE



W/R 1396-2
~~MAP 1182-2~~



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: EAGLE VALLEY RANCH, RICHARD BACHELOR, 28883 297TH ST, VALENTINE, NE 69201

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 1396-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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 on **Wednesday, March 4, 2026 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) 1396-2 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QWMNQU**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 9, 2026

1431-2

1396-2

David Bachelor
29725 289th Ave
Valentine, NE 69201

Dear Mr. Bachelor,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us