

Water Right No. 1750-2

Considered 3-25 1981

Name of Applicant DONALD S. FISH

Post Office Address Bx 116, BUFFALO GAP 57722

Amount of Water Claimed 3.5

Source of Water Supply DRY DRAW

Water to be used for TPR

Acres to be Irrigated 250 maximum acre feet

Water to be diverted and used in FALL RIVER County

about 6E, 3 1/2 miles SOUTH of ORAL

PROOF OF PUBLICATION Received (101) 3-19-81

Not Received

APPLICATION

Approved 3-26-81

Subject to Low Flow ~~3000~~

Not Approved

Action deferred

Priority

Date Received 2/27/81

Application Complete (yes) no

FEE 300.00

Remarks

Date information and/or fee or corrected Application received  
Period of Annual use DURING RUNOFF

WATER QUALITY

Received Yes 3/6/81 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes X no Remarks

Disapproved

Returned

Diversion Point

CENTER OF SE 1/4 SW 4

22-8S-8E

Lands to be irrigated

E 1/2 SW 4, NW 4-22

NW 4 SE 4, 1/2 NE 4, 15 NW 4 SE 4,

E 1/2 SW 4, 1/2 NE 4 10-8S-8E

Remarks

WELL LOG

Driller

Licensed yes no

Depth

Page 2

Water Right No. \_\_\_\_\_

MAP

Map No. 1506-3 Map located in Water Right 1 Map file \_\_\_\_\_

Type of Map Aerial Prepared by SCS

REVIEWED

+++++  
This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3/25/81

Bjw & BTD  
(Signed)

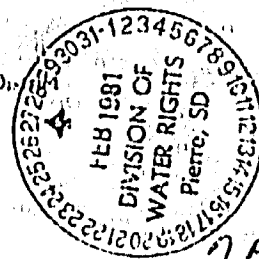
PROTESTS

+++++  
Letters/Petitions In File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

REMARKS  
F.F. & C  
OF LAW,  
FINAL  
DECISIONS  
ETC.

Date \_\_\_\_\_  
Final Decision, including F.F. & C of Law were adopted \_\_\_\_\_  
Date \_\_\_\_\_  
Final Decision mailed to parties and/or parties notified that Final Decision was adopted \_\_\_\_\_

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No. 150-2Map No. 1506-2 Water Division No. 2 UPPER CHEYENNE  
(Blanks to be filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Donald S. Fish
- Postoffice address Box 116 Buffalo Gap State SD
- If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of Others
3. Name of diversion work Fish Irrigation Project
4. Amount of water claimed (cubic feet per second) 3.5
5. Source of water supply Dry Draw
6. Location of point of diversion Center of SE 1/4 SW 1/4 Sec. 22, T8S, R8E
- County FALL RIVER
7. Annual period or periods during which water is to be used During Runoff
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- acres 250

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. |
|------------------|----------------|------------------|----------------|
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Hot Springs
12. Principal Features of the Proposed Water Supply System.

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

Diversion Dykes

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

Spreader Ditches

C. Works proposed to apply water to beneficial use.

Waterspreading

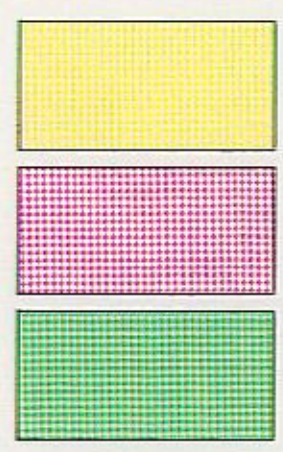
Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
(See instructions concerning preparation.)

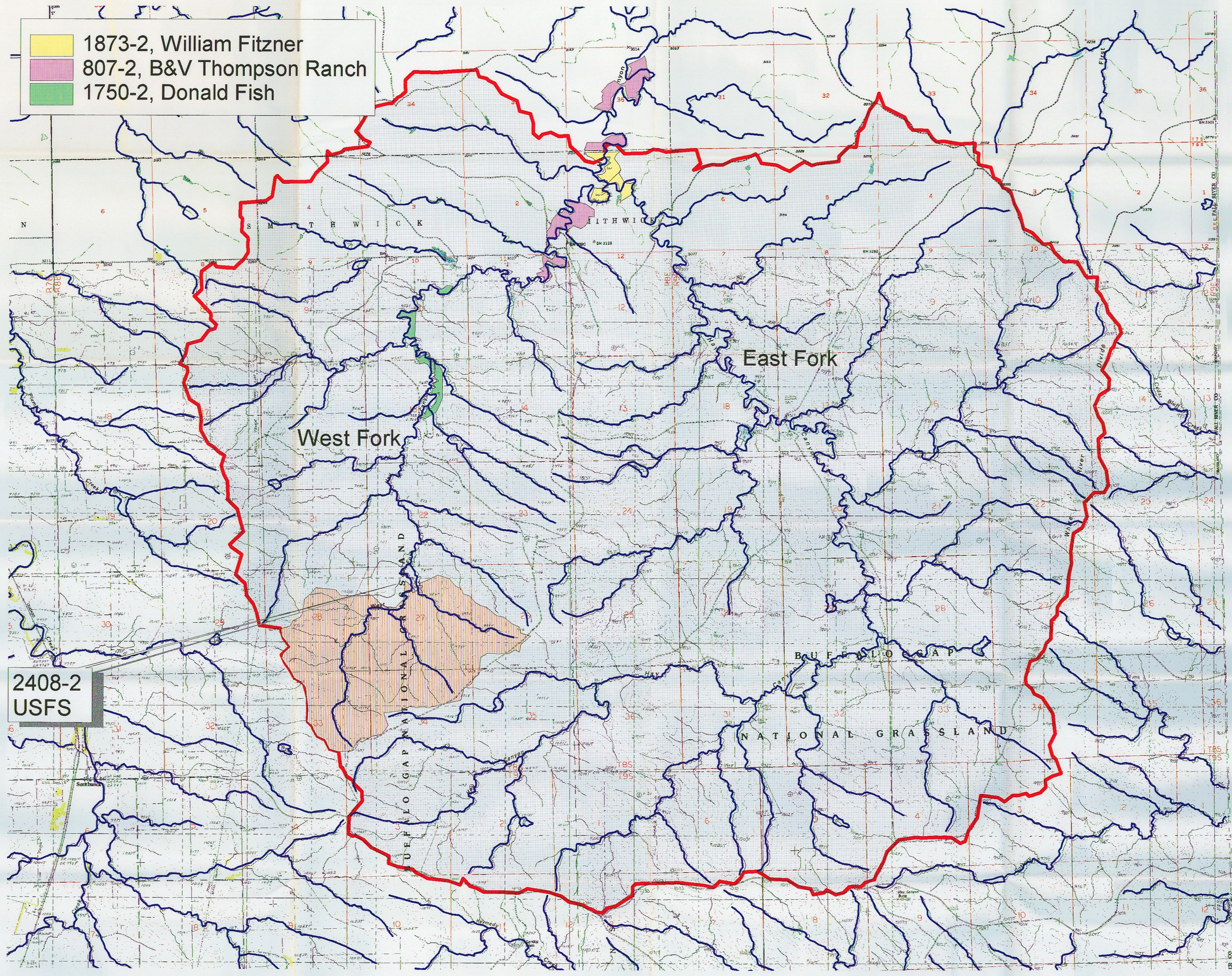
STATE OF SOUTH DAKOTA

County of Fall RiverI, Donald S. Fish 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.Signed Donald S. FishSubscribed and sworn to before me this 26 day of February 1981James E. Whelan  
Notary Public (or other qualified officer)

2408-2



1873-2, William Fitzner  
807-2, B&V Thompson Ranch  
1750-2, Donald Fish



2408-2  
USFS

## WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1750-2DONALD S FISH  
(Applicant)Box 116, BUFFALO GAP  
(Post Office Address)SOUTH DAKOTA 57722 With the following modifications:  
(State)

Low flows as needed for downstream domestic use, including livestock watering and prior water right use must be by-passed.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application FEBRUARY 27 19 81Date of return to applicant for correction, amendments or changes required MARCH 2 19 81Date of receipt of corrected application MARCH 6 19 81Approved MARCH 26 19 81 Recorded in Book 22 Page 46WATER RIGHT PERMIT NO. 1750-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1750-2 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:

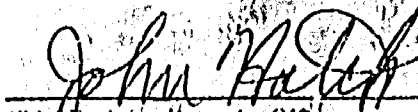
1. The date from which applicant may claim right is FEBRUARY 27 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 26 19 83
3. The whole of said work is to be completed on or before MARCH 26 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26 19 87
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 3.5 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 2 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 MARCH 26 19 87; said water to be used during the following described annual period: DURING RUNOFF

Witness my hand this 7<sup>th</sup> day of APRIL 19 81

WATER RIGHTS COMMISSION

  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_\_

(1) For irrigation use.

Total number of acres to be irrigated 250

SEC. 22

SE 1/4 SW 1/4 - 20 ACRES  
NE 1/4 SW 1/4 - 25  
SE 1/4 NW 1/4 - 30  
SW 1/4 NW 1/4 - 15  
NE 1/4 NW 1/4 - 25  
NW 1/4 NW 1/4 - 5  
120

SEC. 15

NW 1/4 SE 1/4 - 15 ACRES  
SW 1/4 NE 1/4 - 20 ACRES  
NW 1/4 NE 1/4 - 20 ACRES

+ 55 ACRES

SEC. 10 ALL IN R & E T8S FAIR RIVER

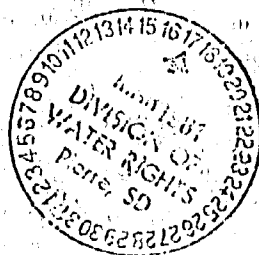
SW 1/4 SE 1/4 - 15 ACRES  
NW 1/4 SE 1/4 - 5  
SE 1/4 SW 1/4 - 5  
NE 1/4 SW 1/4 - 10  
SW 1/4 NE 1/4 - 20  
SE 1/4 NE 1/4 - 20

+ 75 ACRES = 250 ACRES

1750-2

**SOURCE RESTRICTIONS:**

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



Your soils are well suited for a water spreading system on hay ground, but should not be considered for corn or row crops.

Type of irrigation system recommended for use on this application is water spreading.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Donald S. Fish OWNERS ADDRESS: Box 116

Buffalo Gap, S.D.

COUNTY LAND LOCATED IN: Fall River PHONE: 832-2681

TENANT'S NAME AND ADDRESS: (If Other Than Owner) \_\_\_\_\_

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: Center of SE 1/4 SW 1/4 Sec. 22, T8S, R8E  
2. SURFACE WATER SOURCE: Dry Drain  
3. LOCATION OF AREA TO BE IRRIGATED: NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

| Legal Description                | Acres | Legal Description                | Acres |
|----------------------------------|-------|----------------------------------|-------|
| E 1/2 SW 1/4, Sec. 22, T8S, R8E  | 45    | W 1/2 SE 1/4, Sec. 10, T8S, R8E  | 20    |
| NW 1/4, Sec. 22, T8S, R8E        | 75    | E 1/2 SW 1/4, Sec. 10, T8S, R8E  | 15    |
| NW 1/4 SE 1/4, Sec. 15, T8S, R8E | 15    | SE 1/4 NE 1/4, Sec. 10, T8S, R8E | 40    |
| W 1/2 NE 1/4, Sec. 15, T8S, R8E  | 40    |                                  |       |

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: \_\_\_\_\_  
5. CROPS TO BE IRRIGATED: Hay Ground  
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: \_\_\_\_\_  
LEGAL DESCRIPTION: \_\_\_\_\_  
IN WHAT NAME: \_\_\_\_\_

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: \_\_\_\_\_  
8. SALINITY (EC x 10<sup>6</sup>): \_\_\_\_\_  
9. SODIUM (SAR): \_\_\_\_\_  
10. ADJUSTED (SAR): \_\_\_\_\_

RECEIVED

MAR 02 1981

South Dakota  
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 1 a.m./p.m., on 1, 1981, at the following location: N/A by N/A (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS 27 DAY OF February, 1981

(NOTARY PUBLIC)



APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED  
DISAPPROVED  
☒ CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

No. 1750-Z

Publish first publication, on or before March 11, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given Donald S. Fish whose post office address is Buffalo Gap, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.5 cubic feet of water per second of time from ~~xxx~~ a dry draw through the Fish Irrigation Project, the point(X) of diversion of which is(~~xxx~~) to be located in the center of the SE $\frac{1}{4}$  SW $\frac{1}{4}$

of Section 22, Twp. 8 S, Range 8 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{2}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$ ; Section 22; NW $\frac{1}{4}$  SE $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 15; W $\frac{1}{2}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ ,

S $\frac{1}{2}$  NE $\frac{1}{4}$ , Section 10; <sup>ALL IN</sup> T8S, R8E

This Application No. 1750-Z will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY NESTLUND  
Water Rights Specialist

cc: Donald S. Fish  
Box 116  
Buffalo Gap, SD 57722

WNR-806B-7/79 Notice of Intent to Appropriate Water  
SURFACE WATER

Form 8 - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 1750-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Fall River ) ss.

I, Charles Najacht hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hot Springs Star

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 Hot Springs of \_\_\_\_\_

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

March 11, 1981

March 18, 1981

Charles Najacht  
(Signature)

Publisher  
(Title)

March 18, 1981  
(Date Signed)



NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE

WATER IN THE  
Pierre, South Dakota 57501  
March 6, 1981  
Notice is hereby given, Donald  
S. Fish whose post office address  
is Buffalo Gap, South Dakota, has  
made an application in accor-  
dance with the provisions of  
SDCL 46-1-1 thru 46-1-9; 46-1-14;  
46-2-9 thru 46-2-11; 46-2-13;  
46-5-1 thru 46-5-8; 46-5-10 thru  
46-5-22; 46-5-41; and Board Rules  
ARSD 52:01:01:01 thru  
52:01:01:13 for a permit to  
appropriate for beneficial use 3.5  
cubic feet of water per second of  
time from a dry draw through the  
Fish Irrigation Project, the point  
of diversion of which is to be  
located in the center of the SE 1/4  
SW 1/4 of Section 22, Twp. 98S,  
Range 8E. Said water to be used  
for the purpose of providing  
irrigation on a portion of the  
following described land:

EA SW 1/4 NW 1/4 Section 22;  
NW 1/4 SE 1/4 W 1/4 NE 1/4 Sec-  
tion 15; W 1/4 SE 1/4 E 1/4 SW 1/4  
SW 1/4 NE 1/4 Section 10; all in  
T8S, R8E.

This Application No. 1750-2 will  
be considered by the Water  
Management Board at the Hol-  
iday Inn & Sandy Shore Room,  
Watertown, South Dakota upon  
the 25th day of March, 1981 at  
1:00 P.M. The Board is auth-  
orized to make a determination  
on this application at the hearing.  
All interested persons may ap-  
pear and be heard. Any person  
who may be affected by a Board  
decision who desires to present  
evidence or cross-examine wit-  
nesses according to SDCL 1-26  
may notify the Board in writing  
prior to the hearing or orally at  
the hearing.

This hearing is an adversarial  
proceeding. Any person 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 at the hearing. De-  
cisions of the Board may be  
appealed to the Courts as pro-  
vided by law.

Any handicapped person wish-  
ing to attend this hearing can  
contact the Water Rights  
Division, DWR, Joe Foss Build-  
ing, Pierre, SD, prior to the  
hearing date for assistance to  
assure access to the hearing.

Water Management Board  
Betty Westlund  
Water Rights Specialist  
Mar. 11, 1981

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8023

March 2 19 81

PIERRE,

Donald S. Fish, Box 116, Buffalo Gap, SD 57722

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

|                                                                                                                |               |
|----------------------------------------------------------------------------------------------------------------|---------------|
| Fee for Application for Permit to Appropriate Water No. 1750-2 (examination, processing, recording and filing) | 30.00         |
| 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                                                                                                 |               |
| Fee for certified copy of                                                                                      |               |
| Fee for Print copy of map                                                                                      |               |
| Fee for Certifying                                                                                             |               |
| Fee for (any other work as provided by law)                                                                    |               |
| <b>TOTAL</b>                                                                                                   | <b>300.00</b> |

WATER RIGHTS COMMISSION

By *(John H. Hatch)*  
Chief Engineer, Executive Officer  
JOHN HATCH / 61

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

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

May 28, 1987

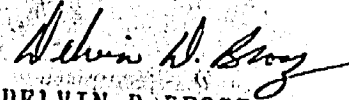
Donald S Fish  
Box 116  
Buffalo Gap SD 57722

Dear Mr. Fish:

This letter is in response to the final inspection of Water Permit No. 1750-2 completed on April 27, 1987. The original notice of hearing was published with an error regarding the diversion point (see attached report). Therefore, Permit No. 1750-2 will be readvertised to correct the error in the original advertisement. The publication cost will be payed by the Division of Water Rights.

Please contact us if the information on the enclosed publication notice is incorrect or if you have any questions.

Sincerely,



DELVIN D BROSZ  
Hydrologist

enclosures

REPORT ON THE READVERTISEMENT OF PERMIT NO. 1750-2  
DONALD S FISH  
May 18, 1987

The final inspection of Permit No. 1750-2 was completed on April 27, 1987. A portion of the water spreading system was constructed and is located within the land description listed on Permit No. 1750-2.

Mr. Fish was assisted by Division of Water Rights staff in completing the application in 1981. A staff member made a field inspection of the site before the application was submitted. The location of the point of diversion is listed as the center of SE 1/4 SW 1/4, Section 22, T8S, R8E on the application. It should have been listed as between the following two points: the SE 1/4 SW 1/4 of Section 22 and the SE 1/4 NE 1/4 of Section 10, all in T8S, R8E.

The readvertisement does not change the acreage irrigated or the authorized diversion rate. Since Division of Water Rights staff should have corrected the application at the time it was submitted, the readvertisement cost will be paid by the Division of Water Rights.

*Delvin D Brosz*  
DELVIN D BROSZ  
Hydrologist

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISEMENT OF WATER  
PERMIT APPLICATION NO. 1750-2**

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 Water Permit Application No. 1750-2, Donald S Fish, Box 116, Buffalo Gap SD.

The Chief Engineer is recommending APPROVAL of Application No. 1750-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

1. Low flows as needed for downstream domestic use, including livestock watering and prior water right use must be by-passed.

See the attached report for additional information.

*John Hatch*  
JOHN HATCH, Chief Engineer  
May 26, 1987

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISEMENT OF WATER  
PERMIT APPLICATION NO. 1750-2

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 Water Permit Application No. 1750-2, Donald S Fish, Box 116, Buffalo Gap SD.

The Chief Engineer is recommending APPROVAL of Application No. 1750-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

1. Low flows as needed for downstream domestic use, including livestock watering and prior water right use must be by-passed.

See the attached report for additional information.

*John Hatch*  
JOHN HATCH, Chief Engineer  
May 26, 1987

**Department of  
Water & Natural Resources**

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

Water Rights Division  
605 773-3352

No. 1750-2

May 29, 1987

Hot Springs Star  
Box 1000  
Hot Springs, South Dakota 57747

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Donald S. Fish

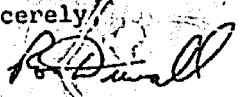
Application No. 1750-2, in Fall River County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before June 3, 1987

Please bill the Water Rights Division for the cost of the publications.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication 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 before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

  
RON DUVALL  
Natural Resources Engineer

\*\*\*\*\* CUT HERE

\*\*\*\*\*

No. \_\_\_\_\_

Date \_\_\_\_\_

TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501

We are in receipt of your letter of \_\_\_\_\_, 1984 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_, 1984. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME \_\_\_\_\_

NEWSPAPER \_\_\_\_\_

*Equal Opportunity Employer*

Form 8 - Proof of Publication - Notice of  
Intent to Appropriate Water

No. 1750-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Fall River ) ss.

I, Charles Najacht hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Hot Springs Star

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 Hot Springs

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

June 2, 1987

June 9, 1987

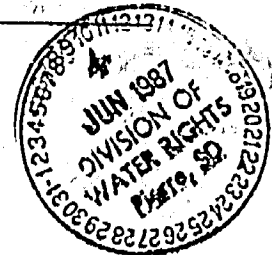
Charles W. Najacht  
(Signature)

Publisher  
(Title)

June 9, 1987  
(Date Signed)

Cost of Printing: \$41.38

WNR-808-7/79  
Proof of Publication



Public notices

1710-2  
READVERTISEMENT OF  
NOTICE OF HEARING  
ON APPLICATION NO. 1750-2  
TO APPROPRIATE WATER  
Notice is hereby given that Donald  
S. Fish, whose mailing address is Box  
116, Buffalo Gap, South Dakota, made  
an application for a water permit  
February 17, 1987. Re-advertisement of  
this notice is to correct the original  
notice published March 11 and 18, 1987.  
The original advertisement gave  
notice of an intent to irrigate lands by  
diverting water from a dry draw. The  
original notice contained errors in the  
diversion point location. The correct  
diversion point location is between the  
following two points: the SE 1/4 of  
Section 22 and the SE 1/4 of Section  
10, all in T8S, R8E, W12E, SD.  
This readvertisement does not  
authorize any increase in appropriation  
or any increase in the number of acres  
irrigated.  
Pursuant to SDCL 46-2A-2 the Chief  
Engineer of the Water Rights Division  
recommends Approval of Application  
No. 1750-2 because 1) unappropriated  
water is available; 2) will be no unlawful  
impairment of existing rights; 3) is  
beneficial use of water and 4) is in the  
public interest.  
This application will be considered  
by the Water Management Board at  
Room 216, Joe Foss Building, 523 E.  
Capitol, Pierre, South Dakota, July 8,  
1987 at 10:00 a.m.  
The recommendation of the Chief  
Engineer is not final or binding upon the  
Board and the Board is authorized to 1)  
approve, 2) approve with qualifications,  
3) defer, or 4) deny this application after  
it reaches a conclusion based upon facts  
presented at the public hearing.  
Any interested person who may be  
affected by a Board decision and who  
intends to participate in the hearing  
before the Board and present evidence  
or cross-examine witnesses according to  
SDCL 1-26 must file a written petition  
with BOTH the applicant and the Chief  
Engineer by June 26, 1987.  
The petition may be informal but it  
must include a statement describing the  
petitioner's interest in the application,  
the reasons for the petitioner's opposi-  
tion to or support of the application, and  
the signature and mailing address of the  
petitioner, or its legal counsel if legal  
counsel is obtained. The applicant need  
not file a petition.  
This application is made pursuant  
to the provisions of 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, 46-5-1 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 and Board Rule  
AFSD 74:02:01:01 thru 74:02:01:15.  
This hearing is an adversary pro-  
ceeding. The applicant or any person  
after filing a petition 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.  
Any person wishing a copy of the  
Chief Engineer's recommendation, fur-  
ther information on this application, or  
to assure access to the hearing by the  
handicapped can contact the Water  
Rights Division, DWNR, Joe Foss Bldg,  
Pierre SD, (605-773-3352) for assistance  
prior to the hearing date.  
The time of the hearing will be  
automatically extended for at least  
twenty days upon written request of the  
applicant or any person who has filed a  
petition to oppose or support the  
application. The request for extension  
must be filed with the Chief Engineer by  
June 26, 1987.

Instruction to Newspaper - Publish first publication of the following Notice on or before June 3, 1987 with 2nd publication 1 week later. ~~The applicant is responsible for payment.~~

READVERTISEMENT OF NOTICE OF HEARING on Application No. 1750-2 to Appropriate Water ~~and/or to Amend Water Permit or Water Right No. \_\_\_\_\_~~

Notice is hereby given that Donald S. Fish whose mailing address is Box 116, Buffalo Gap, South Dakota ~~has~~ made an application for a ~~permit~~

water permit February 27, 1981. Readvertisement of this notice is to correct the original notice published March 11 and 18, 1981 for Permit Application No. 1750-2. The original advertisement gave notice of an intent to irrigate lands by diverting water from a dry draw. The original notice contained errors in the diversion point location. The correct diversion point location is between the following two points: the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 22 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, all in T8S, R8E. This readvertisement does not authorize any increase in appropriation or any increase in the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1750-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, July 8 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by June 26, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of 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; 46-5-1 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; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (16,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 26, 1987.

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

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

1750-2

July 30, 1987

Donald S Fish  
Box 116  
Buffalo Gap, SD 57722

Dear Mr. Fish:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under Water Permit No. 1750-2 was completed April 27, 1987. The permit was readvertised to correct the diversion point location. The readvertisement was approved by the Water Management Board July 8, 1987.

Water License No. 1750-2 can now be issued. Statutes require that we charge a \$50.00 fee for the inspection and issuance 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 the license fee has been paid. Please contact us if you have any questions.

Sincerely,

*Genny McMath*

GENNY MCMATH  
Natural Resources Analyst  
605 773-3352

# RECEIPT

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

0410970

Pierre, August 20, 1987

RECEIVED OF Don S. Fish, Box 116, Buffalo Gap, South Dakota 57722  
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. 1750-2                       | 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)

Permit No. 1750-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Donald S. Fish,  
Box 116 of Buffalo Gap, SD 57722 holder of  
 Permit No. 1750-2, bearing the priority of Feb 27, 1981 authorizing  
 the diversion of 3.5 cu. ft. per second of the waters of Dry Draw  
 for irrigation purposes, in Fall River County.

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

## A. Works used to divert the water:

Dikes across the dry draw

## B. Works used to transport water to place of use:

Waterspreading - Flooding of land along dry draw

## C. Works used to apply water to beneficial use:

Waterspreading - Spreader dikesThe system is in the following condition: good

The point of diversion is located Between the following two points: 380ft south and 2980  
ft west of the E 1/4 corner of Section 15 and 1390ft west and 1010ft north of  
the E 1/4 corner of Section 10, all in T8S, R8E.

The works are capable of diverting and conveying to the place of use all of the dry draw flows  
 cu. ft. per second of water which is to be used for irrigation - water spreading

Water has been put to beneficial use to the maximum extent as follows:

|                                                     |                                                   |
|-----------------------------------------------------|---------------------------------------------------|
| <u>SE 1/4 NE 1/4, Sec 10, T8S, R8E - 10 acres ;</u> | <u>SW 1/4 SE 1/4, Sec 10, T8S, R8E - 15 acres</u> |
| <u>NE 1/4 SW 1/4, " " " - 10 " ;</u>                | <u>NW 1/4 NE 1/4, Sec 15, " " - 20 "</u>          |
| <u>SE 1/4 SW 1/4, " " " - 5 " ;</u>                 | <u>SW 1/4 NE 1/4, " " " - 20 "</u>                |
| <u>NW 1/4 SE 1/4, " " " - 5 " ;</u>                 | <u>NW 1/4 SE 1/4, " " " - 7 "</u>                 |

comprising a total of 92 acres of land and the license should be issued for 1.31 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: Diversion Point advertised incorrectly Date April 27, 1987  
(this has been corrected)

Merwin A. Bratz, P.E.  
 (signature) Hydrologist

**State of South Dakota**  
**Water License No. 1750-2**

(1) Donald S. Fish  
of Box 116, Buffalo Gap, South Dakota 57722  
made Application No. 1750-2, February 27, 1981 for a water permit to appropriate  
3.5 cubic feet per second of water from a dry draw,  
Fall River County, South Dakota for irrigation purposes.  
Permit No. 1750-2, with a priority date of February 27, 1981  
was approved March 26, 1981 and issued to applicant(s) for diversion of water with construction of the described  
water supply system to be completed on or before March 26, 1986 and for the application to beneficial use of said  
water on or before March 26, 1987.

Water Permit No. 1750-2 was approved with the mandatory irrigation questionnaire qualification. Since the water use system is a spreader type system, the questionnaire qualification does not apply to this water right.

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 1.31 cubic feet per second of water for beneficial use. The location of the diversion point(s) is between the following two points:  
380 feet south and 2440 feet west of the E $\frac{1}{4}$  Corner of Section 15 and 1390 feet west  
and 1010 feet north of the E $\frac{1}{4}$  Corner of Section 10, all in T8S, R8E.

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 T8S-R8E

|            |                                   |          |
|------------|-----------------------------------|----------|
| Section 10 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 10 Acres |
|            | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 10 Acres |
|            | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 5 Acres  |
|            | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 5 Acres  |
|            | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 15 Acres |
| Section 15 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 20 Acres |
|            | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 20 Acres |
|            | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 7 Acres  |
| TOTAL      |                                   | 92 ACRES |

(4) Pursuant to §46-5-30.1 Donald S. Fish  
of Box 116, Buffalo Gap, South Dakota 57722  
the holder(s) and/or owner(s) of Water Permit No. 1750-2 is issued a license to appropriate water, the right to use  
1.31 cubic feet per second of water from a dry draw with a priority date  
of February 27, 1981 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. 1750-2 and subject  
to South Dakota State Law.

*John Hatch*  
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

JOHN HATCH

NOV 3 1987



No. 1750-2

# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

NOV 3 1987

Donald S. Fish  
Box 116  
Buffalo Gap, South Dakota 57722

Dear Mr. Fish:

Enclosed herewith is, Water License No. 1750-2. 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.

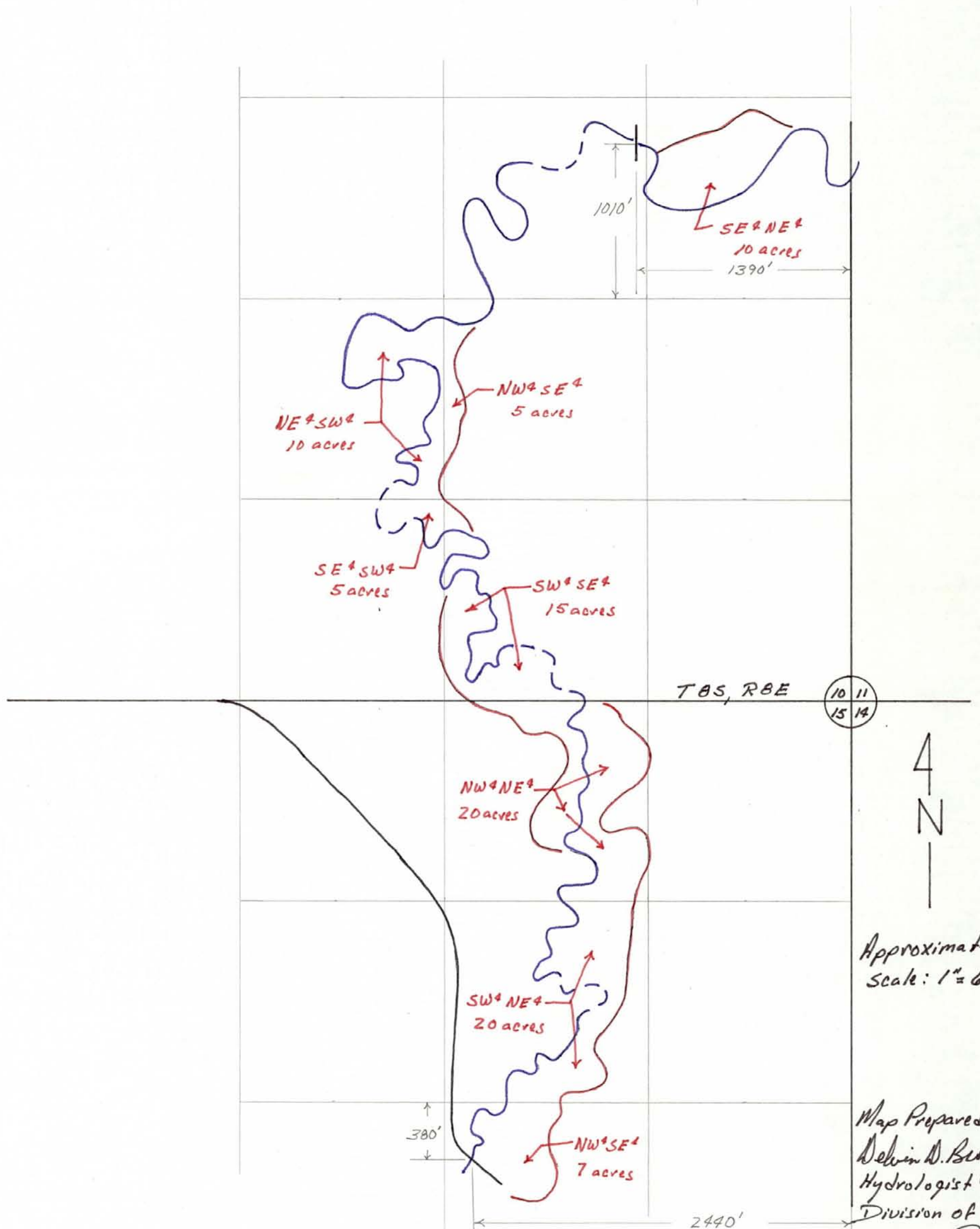
Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83  
Transmittal of Water License



Approximate  
Scale: 1" = 660'

Map Prepared By:  
Delwin D. Blosz, P.E.  
Hydrologist  
Division of Water  
Rights

