

Considered: _____

Vested Right
WATER PERMIT NO. 1975-2

MAP No. same

Name of Applicant USDA. Forest Service

Post Office Address Star Rt., Box 200, Hot Springs, SD 57747

Amount of Water Claimed .91 Total Acres 64

Source of Water Supply dry draws

Water to be used for irrigation County Fall River

About 11 miles SW of Edgemont

PROOF OF PUBLICATION: Received 8/18/86 Not Received _____

APPLICATION: Approved Sept 3, 1986 Subject to _____

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

PRIORITY Date Received 6/27/85 Fee _____ Remarks readvertised

~~June 9, 1938~~ For May 6, 1987 Board meeting to correct a priority date error

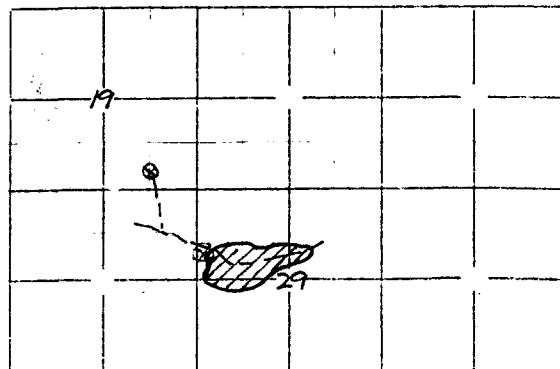
Jan. 1, 1954
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point SW $\frac{1}{4}$ SE $\frac{1}{4}$, sec 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$,
sec 29; all in T9S-R1E

Land to be Irrigated S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
sec 29-T9S-R1E



Well Log: Driller N/A Licensed YES NO

Depth of Well _____ REMARKS _____

Type of Map sketch PREPARED BY Del Brasz Reviewed and the Number

assigned on June 20, 1986 By Ron Duwall

No. 1975-2 Hydrologic Unit 10120106
 Map No. same Basin Upper Cheyenne R.
 Newspaper Hot Springs Star, Box 1000, (Tues)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant USDA - Forest Service Phone No. 605-745-4107

Post Office Address Star Route, Box 200, Hot Springs, SD State 57747
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 0.91 Total acres irrigated 64.00

3. Source of Water supply dry draws

4. Location of point of diversion Point #1 - S15°E, 2240 feet and Point #2 - N 73°W, 1795 feet
both from the NW Corner of Section 29, T9S, R1E

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used all year January 1 - December 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29 T9S R1E	20.00
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 29 T9S R1E	30.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29 T9S R1E	5.00
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29 T9S R1E	4.00

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29 T9S R1E	5.00
TOTAL	64.00

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is a waterspreading system. The upstream diversion dike diverts water from one draw into a second draw. A dike in the second draw spreads the water onto grassland.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of Fall River)^{ss}

I, USDA, Forest Service the applicant, certify that I have read the foregoing application, 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 David P. [Signature]

Subscribed and sworn to before me this 15th day of June 19 85

Richard E. Miller
 Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1975-2
USDA Forest Service Star Route, Box 200, Hot Springs,
(Applicant) (Post Office Address)
South Dakota 57747 With the following qualifications.
(State) (Zip Code)

see Form VR-1

Date of first receipt of application _____, 19____.
Date of return to applicant for correction, amendments or changes required _____, 19____.
Date of receipt of corrected application _____, 19____. Approved _____, 19____.

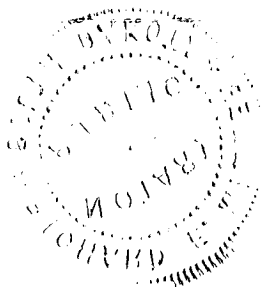
The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ 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. For 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 _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1975-2USDA Forest Service
(applicant)Star Route, Box 200, Hot Springs
(post office address)SD
(state)57747
(zip code)Date of receipt of Application June 27, 1985.Validated May 6, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which the applicant may claim right is Jan. 1, 1954
June 9, 1939.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of irrigation.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of the appropriation hereby validated shall not exceed _____

0.91 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. For 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John Hubert

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

AUG 19 1987

, 19 .

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1975-2

(1) USDA - Forest Service
of Star Route, Box 200, Hot Springs, South Dakota 57747
made Application No. 1975-2, June 27, 1985
for validation of a vested right claim to appropriate 0.91
cubic feet per second of water from dry draws
Fall River County, South Dakota for irrigation
purposes. Vested Water Right No. 1975-2, with a priority
date of June 9, 1939 & January 1, 1954 was validated May 6, 1987 and
issued to applicant for diversion of water with construction of
the described water supply system completed and the application
to beneficial use of said water completed.

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 0.91 cubic feet per second of water for
beneficial use. The location of the diversion point(s) are
Point #1 - N73°W, 1795 feet and Point #2 - S15°E, 2240 feet, both from
the NW Corner of Section 29, T9S, R1E

(Point #1 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; Point #2 - SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29)

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 T9S, R1E

Section 29	SW $\frac{1}{4}$ NW $\frac{1}{4}$	20 Acres
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30 Acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5 Acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5 Acres
	TOTAL	64 ACRES

(4) Pursuant to Section 46-5-30.1 the USDA Forest Service of Star Route, Box 200, Hot Springs, South Dakota 57747 the holder(s) and/or owners(s) of Vested Water Right No. 1975-2 is issued a license to appropriate water, the right to use 0.91 cubic feet per second of water from dry draws with a priority date of June 9, 1939 & January 1, 1954 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 Vested Water Right No. 1975-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
AUG 19 1987

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) USDA- Forest ServicePost Office Address Star Route, Box 200, Hot Springs, SD 57747
(Street, RR or Box) (State) (Zip Code)A. Notice of Appropriation March 10, 1938 Date of Posting June 3, 1939Date of recording June 9, 1939 Recording date _____
Where Book PageB. Date of start of construction of water supply system 1938C. Date that water was first applied to beneficial use October 6, 1938D. Name of owner of original water supply system USDA - Resettlement Administration

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 0.91 cfsDate that this water was first used October 6, 1938

G. Chronological History of Water Use

This land was acquired by the United States Government in the late 1930's under the Bankhead-Jones Act. Since its construction, this structure has been in continuous use.

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

State of South Dakota)

ss

County of Fall River)

I, USDA, Forest Service the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed David P. RendaSubscribed and sworn to before me June 25, 1985Richard E. Miller
Notary Public or other qualified officer

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

(Print name) 19_____
(Print name) 19

Affidavit of Water Use

No. _____

(Type or Print in Ink)

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

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

Name of Applicant (Same as Form 2) USDA-Forest ServicePost Office Address Star Route, Box 200, Hot Springs,

(Street, RR or Box)

SD

(State)

57747

(Zip Code)

A. Notice of Appropriation Prior to 1954 Date of Posting Prior to 1954Date of recording Prior to 1954 Recording date _____

Where

Book

Page

B. Date of start of construction of water supply system Prior to 1954C. Date that water was first applied to beneficial use Prior to 1954D. Name of owner of original water supply system USDA-Resettlement Administration

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used irrigation-Date that this water was first used Prior to 1954

G. Chronological History of Water Use

This land was acquired by the United States Government in the late 1930's under the Bankhead-Jones Act. Since its construction, this structure has been in continuous use.

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

State of South Dakota)

SS

County of Fall River)

I, USDA, Forest Service the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed

Ronald J. ArchuletaSubscribed and sworn to before me December 8, 1986Richard E. Miller
Notary Public or other qualified officer

My commission expires 6-11-89

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

Ronald J. Archuleta
(Print name)1986

(Print name)

19____

Permit No. 1975-2Upper Cheyenne Water District
10120106**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 USDA -
Forest Service of Star Route, Box 200, Hot Springs, SD holder of
 Permit No. 1975-2, bearing the priority of June 9, 1939 and January 1, 1954
 the diversion of 0.91 cu. ft. per second of the waters of dry draws
 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: Two diversion dikes across two dry draw channels. The upstream dike diverts the water from the first draw into the second draw onto the second diversion dike. The second dike forces the water from the draw channel onto the grassland.
- B. Works used to transport water to place of use: a small ditch 300 foot long moves the water away from the dike and channel. This ditch empties the water onto the grassland
- C. Works used to apply water to beneficial use: - flood irrigation - water spreading.

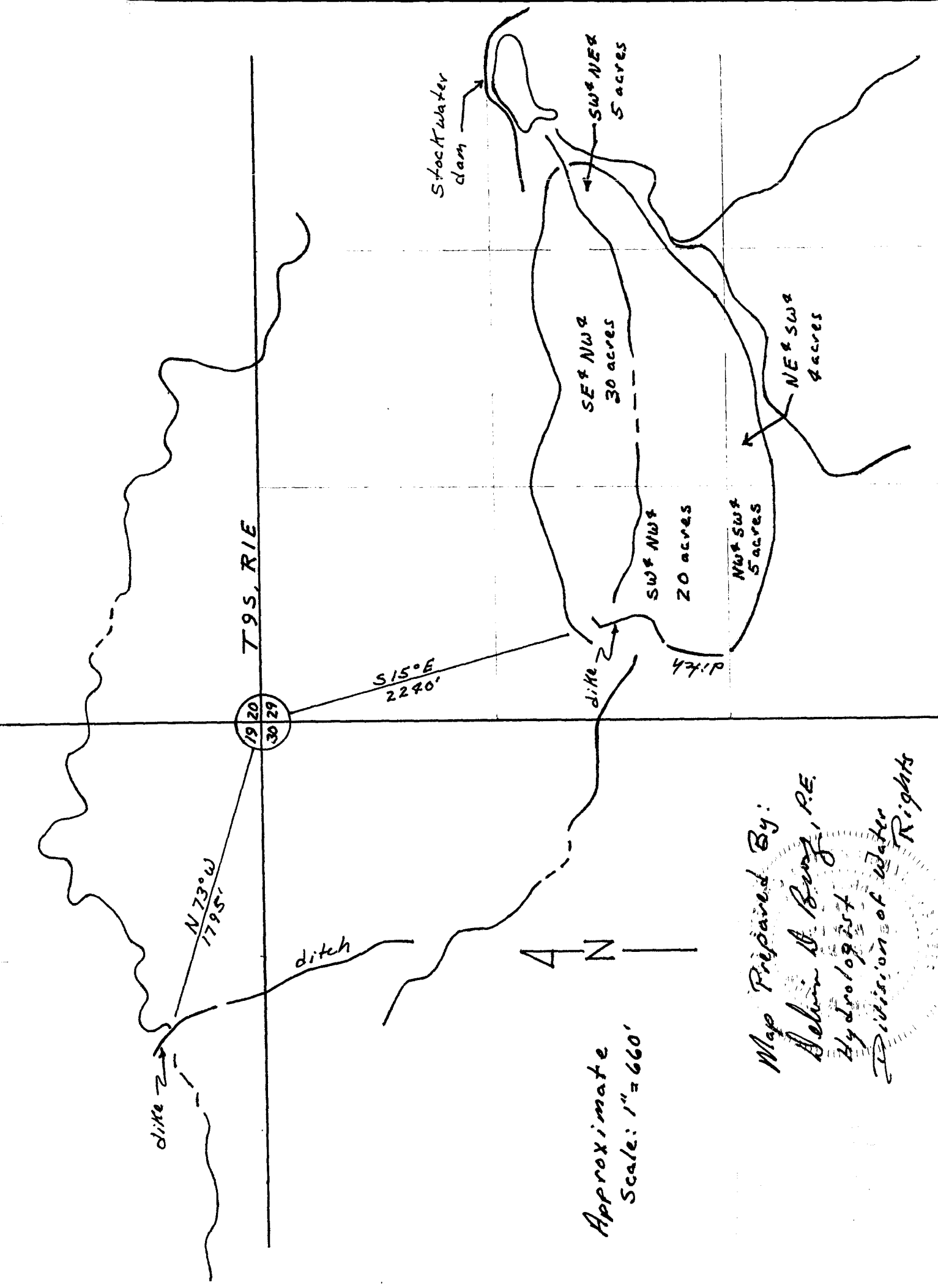
The system is in the following condition FairThe point of diversion is located Point #1 - N73°W, 1795 feet and Point #2 - S15°E, 2240 feet, both from the NW corner of Section 29, T9S, R1EThe works are capable of diverting and conveying to the place of use 10-15
cu. ft. per second of water which is to be used for irrigation

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

SW¹ NW¹, Sec. 29, T9S, R1E - 20 acres ; SW¹ NE¹, Sec. 29, T9S, R1E - 5 acres
SE¹ NW¹, " " " - 30 "
NW¹ SW¹, " " " - 5 acres
NE¹ SW¹, " " " - 4 "

comprising a total of 64 acres of land and the license should be issued for 0.91 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 8, 1985

William D. Bury, P.E.
 (signature) Hydrologist



Approximate
Scale: 1" = 660'

Map Prepared By:
William B. Bury, P.E.
Hydrologist
Division of Water Rights

RECEIPT

Division of Water Rights

No 4-10136

South Dakota Department of Water and Natural Resources

Pierre, July 29, 1935

RECEIVED OF USDA Forest Service, SR Box 200, Hot Springs, SD 57747

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 _____	8	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
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	10 50

By John Hatch
Chief Engineer JOHN HATCH (MS)

WATER RIGHTS DIVISION
(605) 773-3352

May 29, 1985

District Ranger
USDA-Forest Service
Star Route, Box 200
Hot Springs, South Dakota 57747

Dear Sir:

Enclosed is a Vested Right Application and the Affidavit of water use form for the small water spreading project in Sections 19, 29 and 30, T9S, R1E. I inspected this project with Dick Pfister on May 8, 1985. The Pfister ranch has a grazing permit for this area.

The only water right permits that I could find for this area are US 145-2 and Dry Draw Location Notice 68556. These two permits are for livestock water dams. During the inspection it was found that there are diversion dikes that spread water onto the grassland. Therefore, a Vested Right Application for irrigation should be filed.

I did not complete Section G on the Affidavit of Water Use form. We have no record of when Location Notice 68556 was constructed. Please complete Section G. If you don't have a record on the year of construction, you probably could assume that it was constructed at the same time as US 145-2.

Please sign the enclosed forms in the presence of a Notary and return all of them to this office with a filing fee of \$10.50.

I have enclosed a map of the project. You may keep this for your files.

If I can answer any questions, please contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

ORDER DATE 6/26/85	FUND CODE T2	ORDER NUMBER (Type 47) 02,222,707
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VENDOR'S	NAME SD Water Rights Division		
	ADDRESS Joe Foss Building		
	CITY Pierre	STATE SD	ZIP CODE 57501
	INVOICE OR REFERENCE NUMBER Sec 59 T45 RIE		
	FORM 1099 ☒ NO ☐ YES		
SIGNATURE 2 Kevin A. Jansen Mt. Ra. Eng.			
AGENCY NAME AND ADDRESS Fall River Ranger District			

3	Star Rt Box 200	
CITY Hot Springs	STATE SD	ZIP CODE 57747

ACCOUNTABLE OFFICIAL SIGNATURE	
-----------------------------------	--

RECEIVED BY SIGNATURE	DATE REC'D.
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PHONE (AREA CODE AND NO.) 605-745-4107	CHECK HERE IF DIRECT FTS NO. ☐
---	--

SUPPLIES/SERVICES		QTY.	UNIT PRICE	AMOUNT							
Filing Fee - water right		1	10.50	\$	10 50						
											
						FOR FS USE ONLY		LESS APPLICABLE STATE MOTOR FUEL TAX FOR STATE OF		STATE	
						FS UNIT CODE 07		DISCOUNT TERMS %		DAYS	
						ACCOUNTING CLASSIFICATION		TOTAL PAY REQUESTED		\$	
						A		B		C	
						D		E		BUDG OBJ	
						AMOUNT		503		2580	
						10 50					
						EXCEPTION TO SF-44 APPROVED BY OIRM 5-84		PURCHASE ORDER/INVOICE/VOUCHER		FORM (REV.) AD-744 10/84	

SEE COMPLETION INSTRUCTIONS ON COVER

TERMS OF PROMPT PAYMENT ACT/

PRIVACY ACT STATEMENT ON REVERSE

THE NFC COPY IS YOUR INVOICE

VENDOR'S COPY

TERMS OF PROMPT PAYMENT ACT

Payment Due Date

(A) Payments under this contract will be due on the 30th calendar day after the date of actual receipt by the Government of the supplies/services furnished by the vendor.

(B) The date of the check issued in payment shall be considered to be the date payment is made.

Interest on Overdue Payments

(A) The Prompt Payment Act, Public Law 97-177 (96 Stat. 85, 31 USC 1801) is applicable to payments under this contract and requires the payment to contractors of interest on overdue payments and improperly taken discounts.

(B) Determinations of interest due will be made in accordance with the provisions of the Prompt Payment Act and Office of Management and Budget Circular A-125.

PRIVACY ACT NOTICE

Under the Privacy Act of 1974, we must tell you why the Taxpayer Identification Number (TIN) is being collected on the front of this form, how it will be used, and whether you have to provide it.

Section 6109 of the Internal Revenue Code requires recipients of dividends, interest, or other payments to give identifying numbers to payers who must report the payments to the Internal Revenue Service. IRS uses the numbers for identification purposes when processing tax returns. Payers must be given the numbers whether or not recipients are required to file tax returns or are covered by social security. Section 6676 of the Code provides a penalty for failure to give an identifying number to a payer who is required to report the number to IRS.



United States
Department of
Agriculture

Forest
Service

Fall River Ranger District
Star Route, Box 200
Hot Springs, SD 57747

Reply to: 2540

Date: June 26, 1985

Mr. Delvin D. Brosz
Joe Foss Building
523 East Capitol
Pierre, SD 57501 - 3181



Dear Del:

Attached are all the forms you sent me for us to acquire a correct water right on the structures in Section 29, T9S, R1E.

Also enclosed is a payment document. Please sign where indicated by a red "X" and return to this office so payment can be expedited through our National Finance Center. Retain the blue copy for your records.

Sincerely,

DAVID P. RUDEEN
Acting District Ranger

Enclosures



NOTICE TO CHECK RECIPIENT

VENDOR NAME

S D WATER RIGHTS DIVISION

AGENCY BILLING ADDRESS:

USDA-NFC, P O BOX 60800**NEW ORLEANS, LA. 70160****CALL 504-255-5370 OR****TOLL FREE 1-800-421-0323**

VENDOR I.D. NUMBER

47/02222707

CHECK INFORMATION

DISBURSING LOC:

KANSAS CITY

CHECK NUMBER:

35 964 733

CHECK AMOUNT:

\$10.50

CHECK DATE:

07-25-85

PAYMENT

IDENTIFICATION

INFORMATION

INVOICE AMOUNT \$10.50**USDA TICKET # 47-02222707 SCHEDULE N25204-03249****VENDOR REFERENCE NO. 29T9SR1E****CREDIT ACCT OF USDA - FOREST SERVICE**

THIS NOTICE IDENTIFIES THE INVOICE, PURCHASE ORDER, CONTRACT OR OTHER BILLING-TYPE DOCUMENT NUMBERS
TO WHICH THE ENCLOSED CHECK RELATES. THE FEDERAL AGENCY WHICH AUTHORIZED ISSUANCE OF THE CHECK
IS SHOWN ON THE OTHER SIDE OF THIS CARD. ANY INQUIRY REGARDING THE PAYMENT SHOULD BE DIRECTED TO
THAT AGENCY AT THE ADDRESS INDICATED. PROVIDING ALL THE INFORMATION SHOWN ON THE OTHER SIDE OF THIS
CARD, THIS NOTICE MAY BE RETAINED AS YOUR PERMANENT RECORD AFTER YOU HAVE APPLIED THE REMITTANCE
TO THE APPROPRIATE ACCOUNTS RECEIVABLE.

REPORT ON VESTED RIGHT APPLICATION NO. 1975-2
USDA FOREST SERVICE
July 24, 1986

Application No. 1975-2 requests validation of a vested right claim to appropriate 0.91 cfs from dry draws. The water has been used following construction of the system after June 9, 1938 to irrigate 64 acres. The points of diversion are located in Sections 19 and 29 and the irrigated acreage is located in Section 29 all in T9S, R1E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D. Brosz and found to exist as described.
2. The system was constructed after June 9, 1938 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.



DELVIN D BROSZ, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1975-2

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 Validation of Vested Water Right Application No. 1975-2, USDA, Forest Service, Star Route, Box 200, Hot Springs SD.

The Chief Engineer is recommending VALIDATION of Application No. 1975-2 because 1) water has been appropriated as described, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
July 24, 1986



Department of Water & Natural Resources

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

July 24, 1986

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before July 29, 1986.

Please bill the Water Right Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
Date _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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

Name

Newspaper



Department of Water & Natural Resources

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

July 24, 1986

USDA Forest Service
Star Route, Box 200
Hot Springs SD 57747

Dear Sir:

Your Application No. 1975-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the HOT SPRINGS STAR printed at Hot Springs SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before July 29, 1986 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate
Vested Right Application Nos. 1972-2, 1973-2, 1974-2,
1975-2, 1977-2, 1978-2, 1979-2 & 1980-2 to Appropriate Water

Notice is given that Charles W. Eng whose mailing address is Buffalo Gap, South Dakota has filed Application No. 1972-2 to validate a vested right claim to appropriate 1.2 cubic feet of water per second from dry draws to irrigate 85 acres with a priority date of October 12, 1903. The point of diversion is located in the SW 1/4 SE 1/4 of Section 14, T7S, R7E and the irrigated acreage is in the SE 1/4 SE 1/4 Section 14; NE 1/4 SW 1/4, S 1/2 SW 1/4 Section 13; NE 1/4 NE 1/4 Section 23; N 1/2 NW 1/4 Section 24; all in T7S, R7E.

Notice is given that A. J. Nelson whose mailing address is Broadus Stage, Miles City, Montana has filed Application No. 1973-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second from Duck Creek to irrigate 163 acres with a priority date of December 12, 1949. The points of diversion are located at points between and including the SE 1/4 SE 1/4 of Section 35 and the SE 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 36 all in T11S, R3E. The irrigated acreage is located in the E 1/2 SE 1/4 Section 35; SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Section 36; all in T11S, R3E.

Notice is given that George LeBar whose mailing address is Box Q, Douglas, Wyoming has filed Application No. 1974-2 to validate a vested right claim to appropriate 1.9 cubic feet of water per second from Duck Creek and dry draws to irrigate 134 acres with a priority date of June 12, 1912. The points of diversion are located at points between and including the NE 1/4 NW 1/4 Section 33 and the NE 1/4 SW 1/4 Section 34 all in T11S, R3E. The irrigated acreage is located in the NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 33; S 1/2 NW 1/4, N 1/2 SW 1/4 Section 34; all in T11S, R3E.

Notice is given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota has filed Application No. 1975-2 to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres with a priority date of June 9, 1938. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1977-2 to validate a vested right claim to appropriate 0.3 cubic feet of water per second from a dry draw to irrigate 22 acres with a priority date of March 31, 1911. The points of diversion are located at points between and including the NW 1/4 NW 1/4 and the SE 1/4 NE 1/4 of Section 32, T11S, R3E. The irrigated acreage is located in the N 1/2 NW 1/4, S 1/2 NE

1/4, N 1/2 SE 1/4 Section 32; SW 1/4 NW 1/4 Section 33; all in T11S, R3E.

Notice is given that Claude Plumb whose mailing address is Box 466, Provo, South Dakota has filed Application No. 1978-2 to validate a vested right claim to appropriate 0.4 cubic feet of water per second from a dry draw to irrigate 27 acres with a priority date of April 2, 1908. The points of diversion are located at points between and including the NW 1/4 SW 1/4 Section 32 and the SW 1/4 SW 1/4 Section 33 all in T11S, R3E. The irrigated acreage is located in the NW 1/4 SW 1/4, S 1/2 S 1/2 Section 32; SW 1/4 SW 1/4 Section 33; all in T11S, R3E.

Notice is given that Pfister Ranch whose mailing address is Box 1208, Lusk, Wyoming has filed application No. 1979-2 to validate a vested right claim to appropriate 4.3 cubic feet of water per second from Cottonwood Creek and dry draws to irrigate 304 acres with a priority date of January 1, 1907. The points of diversion are located at points between and including the SW 1/4 NW 1/4 Section 28 and the E 1/2 NE 1/4 Section 22 all in T10S, R1E. The irrigated acreage is located in the S 1/2 SW 1/4, SW 1/4 SE 1/4 Section 21; SE 1/4 NW 1/4, NE 1/4, NW 1/4 SE 1/4, S 1/2 SE 1/4 Section 22; N 1/2 NE 1/4, NW 1/4 Section 27; N 1/2 NE 1/4, SE 1/4 NE 1/4, N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 28; NE 1/4 NE 1/4 Section 29; all in T10S, R1E.

Notice is given that Don W Henry whose mailing address is Box 276, Ardmore, South Dakota has filed Application No. 1980-2 to validate a vested right claim to appropriate 2.3 cubic feet of water per second and store 16 acre feet of water annually from Short Branch Creek and a dry draw dam to irrigate 158 acres with a priority date of November 21, 1944. The dry draw dam is located in the SE 1/4 SE 1/4 Section 12 and other points of diversion are at points between and including NE 1/4 SE 1/4 Section 13 and the NE 1/4 NE 1/4 Section 14 all in T12S, R4E. The irrigated acreage is located in the SW 1/4 SE 1/4 Section 12; E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 14; NW 1/4, N 1/2 SW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, NW 1/4 SE 1/4 Section 13; all in T12S, R4E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1972-2, 1973-2, 1974-2, 1975-2, 1977-2, 1978-2, 1979-2 and 1980-2 because 1) water has been appropriated as described for irrigation with the priority dates listed above, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 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 validation, 2) approve a validation with qualifications, 3) defer, or 4) deny validation of an 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 August 22, 1986. 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

These hearings are adversary proceedings. 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on an application or to assure access to the hearing by the handicapped can contact the Water Rights Division, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 346

ORAL, SOUTH DAKOTA 57766

August 7, 1986

water Rights Specialist
Water Management Board
Joe Foss Building
Pierre, South Dakota



Dear Sir:

The Board of Directors of Angostura Irrigation District, along with the member Water Users of the District, hereby make known their objections to the following applications for validation of vested rights: Charles W. Eng, Buffalo Gap, South Dakota (Application No. 1972-2); A. J. Nelson, Miles City, Montana (Application No. 1973-2); George LeBar, Douglas, Wyoming; USDA Forest Service, Hot Springs, South Dakota (Application No. 1975-2); Claude Plumb, Provo, South Dakota (Applications No. 1977-2 and 1978-2); Pfister Ranch, Lusk, Wyoming (Application No. 1979-2) and Don W. Henry, Ardmore, South Dakota (Application No. 1980-2). All of the above applications to be considered on September 3, 1986, by the Water Management Board in Room 216, Joe Foss Building, Pierre, South Dakota.

The Board and the Water Users on the Angostura Project feel that these or any future water rights on the Cheyenne River and its tributaries and drainage basin, should be denied, because the inflows at Angostura Reservoir, over recent years seem to indicate that little water is available for irrigation purposes.

The Angostura Irrigation District, through the Bureau of Reclamation, has the right to one (1) filling of the Angostura Reservoir each year, and feel that any more rights issued will further jeopardize the water supply to the Water Users on the project.

Sincerely,

Russell Sanders, President
Board of Directors
Angostura Irrigation District

cc: Mr. Richard E. Brohl, Project Manager
Bureau of Reclamation
Belle Fourche Projects Office
Newell, South Dakota



Department of Water & Natural Resources

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

August 18, 1986

Russell Sanders, President
Angostura Irrigation District
PO Box 346
Oral SD 57766

Dear Mr. Sanders:

I am writing in answer to your letter of August 7, 1986 opposing validation of seven vested rights in Fall River County. SDCL 46-1-9 defines vested rights. This section states that a riparian owner who put water to beneficial use prior to March 2, 1955 or was constructing works on this date to put water to beneficial use has a right to the use of the water. Use of water under a vested right not subsequently abandoned or forfeited is a legal and valid water right according to South Dakota statutes.

Validation of a vested right cannot be denied due to shortage of water. Validation can be denied if use of water was not as described in the application or notice. All of the vested rights you are objecting to were field inspected by Delvin Brosz, Hydrologist with the Division of Water Rights. The inspections indicated that use of water was as described. If you have information contrary to this, please submit the information and it will be presented at the hearing on September 3rd.

If we can answer any questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

JH:DB:ks

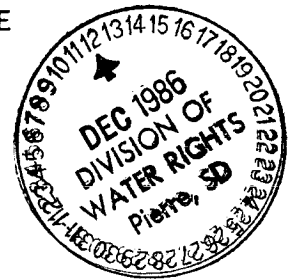
cc: Richard E Brohl
Bureau of Reclamation
Belle Fourche Project Office
Newell SD



UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Nebraska National Forest
Fall River Ranger District
Star Route, Box 200
Hot Springs, SD 57747



Mr. Delvin Brosz
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

In Reply Refer To:
2210
2540
December 3, 1986

Dear Del:

Attached is the Affidavit of Water Use form you sent us for the structure in Section 19, T9S, R1E.

Also attached is a revised Dry Draw Location Notice for the Pfister Dugout in Section 29, T9S, R1E. The approximate location is incorrect and has been changed to 159 rods south and 154 rods east.

If you have any questions, contact us here in Hot Springs.

Sincerely,

Ronald J. Archuleta
For ROBERT G. CHILDRESS
District Ranger

Enclosures



IMPOUNDMENT INVENTORY SHEET

Grazing District or Area: COTTONWOOD

DAMS 9-

Buffalo Gap National Grassland

Name	Township Number	State Filling Number	Dam Number	Legal Description			Year Const.	Cubic Yards	Cost	Class
				Qtr.	Qtr.	Sec.				
X ✓ Otto's	9-1-19	39307	0706	SW 1/4	SE 1/4	1 9 1	1967	4,961	1,182	B
X ✓ 9-1-12	9-1-12	68529	0707	SW 1/4	SW 1/4	3 9 1	1954*	2,000	300	B
X ✓ 9-1-13	9-1-13	68521	0893	SW 1/4	NW 1/4	3 9 1	1940	1,500	230	C
X ✓ 9-1-14	9-1-14	68523	0894	SW 1/4	SE 1/4	4 9 1	1954*	1,500	230	C
X ✓ 9-1-15	9-1-15	68522	0708	NE 1/4	NW 1/4	4 9 1	1954*	1,500	230	B
X 9-1-17	9-1-17	68553	0709	SE 1/4	SE 1/4	10 9 1	1954*	2,000	340	B
X ✓ East Fiddle	9-1-24	65413	0848	NE 1/4	NE 1/4	11 9 1	1977	2,446	783	B
X ✓ 9-1-18	9-1-18	68558	0710	NE 1/4	SE 1/4	12 9 1	1954*	2,100	315	B
X ✓ Fiddle Creek	9-1-10	US353	0173	NE 1/4	NE 1/4	14 9 1	1936	15,910	9,200	A
X ✓ DAMS DIKE 9-1-11	9-1-11	68557	0895	SW 1/4	NE 1/4	17 9 1	1947	1,180 900	150	C
X ✓ 9-1-3 DIKE	9-1-3	68556	0711	SW 1/4	SE 1/4	19 9 1	1954*	2,000	300	B
X ✓ 9-1-6	9-1-6	68559	0712	SE 1/4	SW 1/4	22 9 1	1954*	2,500	375	B
X ✓ 9-1-7	9-1-7	68552	0896	NE 1/4	SE 1/4	22 9 1	1954*	2,000	300	C
X ✓ 9-1-22	9-1-22	68551	0713	SW 1/4	SE 1/4	25 9 1	1954*	1,800	270	B
X ✓ 9-1-9	9-1-9	US292	0714	NW 1/4	SE 1/4	26 9 1	1936	6,050	3,926	B
X ✓ 9-1-5	9-1-5	68560	0897	NE 1/4	NW 1/4	28 9 1	1954*	2,500	325	C
X ✓ 9-1-4 DIKE	9-1-4	US145	0898	SW 1/4	NW 1/4	29 9 1	1938	1,035	155	C
X ✓ 9-1-1	9-1-1	68564	0715	SE 1/4	NE 1/4	32 9 1	1954*	3,000	480	B
X ✓ 9-1-2	9-1-2	68563	0899	SE 1/4	SE 1/4	32 9 1	1954*	3,000	480	C
X ✓ 9-1-8	9-1-8	US161	0716	SE 1/4	NW 1/4	34 9 1	1939	1,775	550	B
X ✓ 9-1-23	9-1-23	68565	0900	SE 1/4	NW 1/4	35 9 1	1947	1500	225	C

USDA - FOREST SERVICE
RANGE IMPROVEMENTS INVENTORY AND MAINTENANCE RESPONSIBILITY

Forest Nebraska

No. 07

Allotment PFISTER

No. _____

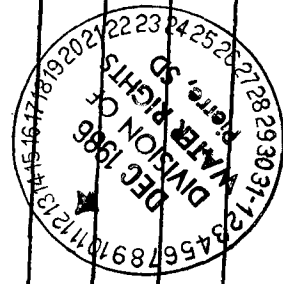
Ranger District Fall River

No. 05

Permittee Dick Pfister

Permit No. _____

No.*	Name and Kind	Improvement			Location	Units	Yr. Const.	Assignment of Maintenance	Investment	
									F.S.	Permittee
9-1-3	Dam				SW 1/4 Sec. 19	2,000	1954*			
9-1-4	Dam				SW 1/4 NW 1/4 Sec. 29	1,035	1938			300
10-1-1	Dam				SE 1/4 SW 1/4 Sec. 34	2,400	1954*			155
11-1-20	Dam				SE 1/4 SE 1/4 Sec. 6	2,500	1957			350
										400
9-1-108	Dugout				NW 1/4 SE 1/4 Sec. 30	3,742	1969			
										985
FENCES:	W side of			19						
	W side of			30		1.00				
	S side of	SW 1/4 SW 1/4	29			1.00				
	E side of	NE 1/4 SE 1/4	20			.25				
	N side of	NE 1/4 NW 1/4	20			.25				
	W side of		6			1.00				
	W side of		7			.75				
	E side of	SE 1/4	34			.50				



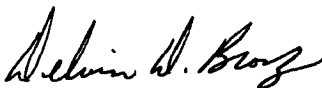
Use numbers and kinds as described in FSH 1309.13, Inform Operations Handbook, Chapter 22, where known and applicable.
 *Improvement number is same as shown on the allotment map.

REVISED REPORT ON VESTED RIGHT APPLICATION NO. 1975-2
USDA FOREST SERVICE
March 5, 1987

Application No. 1975-2 requests validation of a vested right claim appropriating 0.91 cfs from dry draws to irrigate 64 acres. The water has been used since the system was constructed. The recording date for construction of a portion of the system is June 9, 1939. An addition to the system was made sometime prior to 1954. The points of diversion are located in Sections 19 and 29. The irrigated acreage is located in Section 29. All in T9S, R1E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D Brosz and found to exist as described.
2. Water has been put to beneficial use since the time that the system was constructed.
3. It is recommended that the vested right claim be validated with priority dates of June 9, 1939 and January 1, 1954.


DELVIN D BROSZ, P.E.,
Hydrologist

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 1975-2

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 Validation of Vested Water Right Application No. 1975-2, USDA, Forest Service, Star Rt, Box 200, Hot Springs SD.

The Chief Engineer is recommending VALIDATION of Application No. 1975-2 because 1) water has been appropriated as described for irrigation use with priority dates of June 9, 1939 and January 1, 1954, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
March 6, 1987



Department of Water & Natural Resources

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

March 31, 1987

HOT SPRINGS STAR
Box 1000
Hot Springs SD 57747

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing to Validate Vested Right Application No. 1975-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before April 7, 1987.

Please bill the Water Rights Division for the cost of this advertisement.

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
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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

Name

Newspaper



Department of Water & Natural Resources

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

March 31, 1987

USDA, Forest Service
Star Route, Box 200
Hot Springs SD 57747

Dear Sir:

Your Application No. 1975-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the HOT SPRINGS STAR printed at Hot Springs SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Division of Water Rights.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before April 7, 1987 with 2nd publication 1 week later.

READVERTISEMENT OF NOTICE OF HEARING To Validate
Vested Right Application No. 1975-2 to Appropriate Water

Notice is hereby given that the USDA Forest Service whose mailing address is Star Route, Box 200, Hot Springs, South Dakota has filed an application to validate a vested right claim to appropriate 0.91 cubic feet of water per second from dry draws to irrigate 64 acres. This readvertisement is to correct the claimed priority date. The correct claimed priority date is January 1, 1954 and June 9, 1939 not June 9, 1938 as was originally advertised on July 28 and August 5, 1986. The points of diversion are located in the SW 1/4 SE 1/4 Section 19; SW 1/4 NW 1/4 Section 29; and the irrigated acreage is located in the S 1/2 NW 1/2, N 1/2 SW 1/4, SW 1/4 NE 1/4 Section 29; all in T9S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1975-2 because 1) water has been appropriated as described for irrigation with claimed priority dates of January 1, 1954 and June 9, 1939, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, May 6, 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 validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 April 24, 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Fall River)

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:

April 7, 1987

April 14, 1987

Charles Najacht
(Signature)

Publisher
(Title)

April 14, 1987
(Date Signed)



Cost of Printing: \$43.94

95
READVERTISEMENT
OF NOTICE OF HEARING
TO VALIDATE VESTED RIGHT
APPLICATION NO. 1975-2
TO APPROPRIATE WATER

Notice is hereby given that the
USDA Forest Service whose mailing
address is Star Route, Box 200, Hot
Springs, South Dakota, has filed an
application to validate a vested right
claim to appropriate 0.91 cubic feet of
water per second from dry draws to
irrigate 64 acres.

This readvertisement is to correct
the claimed priority date. The correct
claimed priority date is January 1, 1954
and June 9, 1939, not June 9, 1938 as
was originally advertised on July 28 and
August 5, 1986.

The points of diversion are located
in the SW 1/4 SE 1/4 Section 19; SW 1/4
NW 1/4 Section 29; and the irrigated
acreage is located in the S 1/2 NW 1/4, N
1/4 SW 1/4, SW 1/4 NE 1/4 Section 29; all in
T9S, R1E.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends VALIDATION of Vested
Water Right Application No. 1975-2
because 1) water has been appropriated
as described for irrigation with claimed

priority dates of January 1, 1954 and
June 9, 1939, 2) the use has been
developed without unlawful impairment
of existing rights, 3) it is a beneficial
use of water and 4) it is in the public
interest.

Validation of this application will be
considered by the Water Management
Board in Room 216, Joe Foss Bldg.,
Pierre SD, May 6, 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 validation, 2) approve the vali-
dation with qualifications, 3) defer, or 4)
deny validation of the 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 April 24, 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 oppo-
sition 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, 46-2A-18; 46-5-1 thru 46-5-11,
46-5-13 thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49;
and Board Rules ARSD 74:02:01:01 thru
74:02:01:15 and 74:02:01:19 thru
74:02:01:22.

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
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, 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 person who has filed a
petition to oppose or support the
legislation. The request for extension
must be filed with the Chief Engineer by
April 24, 1987. Apr. 7. 14



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

AUG 19 1987

USDA Forest Service
Star Route, Box 200
Hot Springs, South Dakota 57747

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 1975-2.
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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

JH: ms

enclosures

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 23, 1990

LN311-2B
1975-2

NOTICE

TO: USDA Forest Service
HCR 52 BOX 200
HOT SPRINGS, SD 57742

FROM: *for Nelson W. Brosz* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1975-2 and Location Notice No. 311-2B have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water rights. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).