

Considered: _____

Vested Right
WATER PERMIT NO. 1978-2

MAP No. 1978-2

Name of Applicant Claude Plumb

Post Office Address Box 466, Provo, SD 57774

Amount of Water Claimed 0.4 Total Acres 27

Source of Water Supply dry draw

Water to be used for IRRIGATION County Fall River

About 10 S & 3 miles EAST of Provo SD

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 10-1-85 Fee \$10.50 Remarks _____

4/2/08

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

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

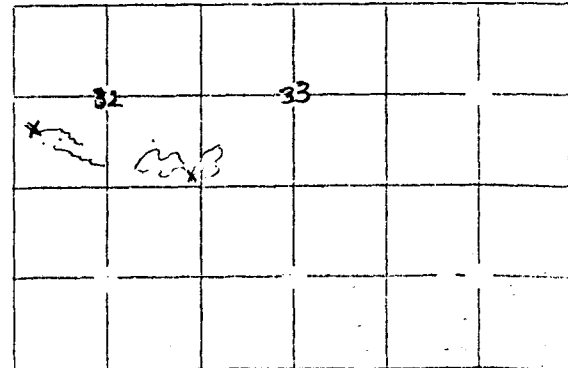
Well Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point NW 1/4 SW 1/4 Section 32-T11S-R3E

SW 1/4 SW 1/4 " 33 " "

Land to be Irrigated W 1/2 SW 1/4, SE 1/4 SW 1/4, S 1/2 SE 1/4,

Section 32; SW 1/4 SW 1/4 Section 33, T11S, R3E



Well Log: Driller N/A Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Sketch PREPARED BY Del Brosz Reviewed and the Number

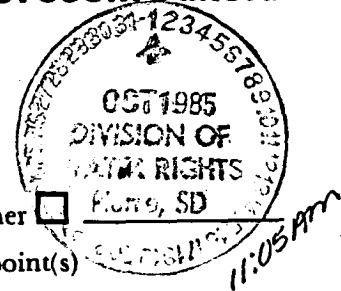
assigned on July 8, 1986 By Genny McKeith

No. <u>1978-2</u>	Hydrologic Unit <u>10120108</u>
Map No. <u>1978-2</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Hot Springs Star</u>	

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 ☐ Location Notice 25-2
- ☐ 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 Claude Plumb Phone No. 459-2531
- Post Office Address Box 466, Provo, South Dakota State 57774
(Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s.) 0.4 Total acres irrigated 27
3. Source of Water supply Dry Draw
4. Location of point of diversion Between the following two points: N10°E 1550 ft from the SW corner of Section 32, T11S, R3E and due North 60 ft from the SE corner of Section 32, T11S, R3E County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used All year Jan 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.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T11S, R3E	4
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T11S, R3E	4
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T11S, R3E	7

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T11S, R3E	4
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T11S, R3E	5
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T11S, R3E	3

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 project is a water spreading system. Small dikes have been constructed across the channel of the dry draw. These dikes push the water onto the adjoining 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, Claude Plumb 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 Claude Plumb

Subscribed and sworn to before me this 30 day of Sept. 19 80

Terb Anderson

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

see Form VR-1

The applicable portions of Location Notice No. 25-2 were incorporated into this Vested Water Right No. 1978-2 with the abandoned portions of the location notice cancelled.

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 ^{claim} No. 1978-2

Claude Plumb

(applicant)

Box 466, Provo

(post office address)

SD

(state)

57774

(zip code)

Date of receipt of Application October 1, 19 85.

Validated September 3, 19 86.

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 April 2, 19 08.
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 0.40 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 H. Hatcher

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986

, 19 86.

State of South Dakota

VESTED RIGHT Water License No. 1978-2

(1) Claude Plumb

of Box 466, Provo SD 57774

made Application No. 1978-2, October 1, 1985 for validation of a vested right claim for a water permit to appropriate

0.4 cubic feet per second of water from a dry draw

Fall River County, South Dakota for irrigation purposes.

(Vested Water Right) Permit No. 1978-2, with a priority date of April 2, 1908

validated September 3, 1986 and issued to applicant(s) for diversion of water with construction of the described

water supply system to be completed on or before and for the application to beneficial use of said

water on or before 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 0.04 cubic feet per second of water

for beneficial use. The location of the diversion point(s) is between the following two points:

N10°E 1550 feet from the SW corner of Section 32, T11S, R3E and due north

60 feet from the SE corner Section 32, T11S, R3E

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 T11S, R3E

Section 32 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 acres

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 "

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

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 "

Section 33 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3 "

TOTAL 27 acres

(4) Pursuant to §46-5-30.1 Claude Plumb

of Box 446, Provo SD 57774

Vested Water Right
the holder(s) and/or owner(s) of ~~Water Permit No.~~ 1978-2 is issued a license to appropriate water, the right to use

0.4 cubic feet per second of water from a dry draw with a priority date

of April 2, 1908 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 1978-2 and subject to South Dakota State Law.

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

NOV 25 1986

1978-2

Upper Cheyenne Water District
10/20/08

Location Notice 25-2

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

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

I have this day made a thorough examination of the water use system constructed by ClaudePlumb of Box 466, Provo, SD 57774 holder ofPermit No. 1978-2, bearing the priority of April 2, 1908 authorizingthe diversion of 40 cu. ft. per second of the waters of dry drawfor 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: a series of small dikes have been constructed across the channel of the dry draw. These dikes divert the water onto the adjoining grassland.B. Works used to transport water to place of use: DitchesC. Works used to apply water to beneficial use: small ditches and spreader ditches. Flood irrigation - water spreadingThe system is in the following condition FairThe point of diversion is located Between the following two points: N10°E 1550 ft from the SW corner of section 32, T11S, R3E and due North 60 ft from the SE corner of section 32, T11S, R3E.The works are capable of diverting and conveying to the place of use -cu. ft. per second of water which is to be used for irrigation - water spreadingWater has been put to beneficial use to the maximum extent as follows: -

<u>NW²SW², Sec. 32, T11S, R3E - 4 acres</u>	<u>SW²SE², Sec. 32, T11S, R3E - 4 acres</u>
<u>SW²SW², " " " - 4</u>	<u>SE²SE², " " " - 5</u>
<u>SE²SW², " " " - 7</u>	<u>SW²SW², Sec. 33, " " - 3</u>

comprising a total of 27 acres of land and the license should be issued for 0.4 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: - Date June 13, 1985

Delvin D. Berg, P.E.
(signature) Hydrologist

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) Claude Plumb

Post Office Address Box 466 Provo, South Dakota 57774
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation April 2, 1908 Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1908C. Date that water was first applied to beneficial use 1908D. Name of owner of original water supply system Eva L. and Orm B. Williams

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 0.4 cfsDate that this water was first used 1908

G. Chronological History of Water Use

**These dikes are used to control flood irrigation waters on our
hay bottoms.**

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

State of South Dakota)

County of Fall River)^{ss}

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

Signed

Claude Plumb

Subscribed and sworn to before me

Sept 30 1908, 1908Earl Anderson

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____

Full Review

#25-2

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of

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Certificate of water location, located by
Eva L. Williams & Orn B. Williams, on November 20th,
1907, 2000 miners inches of water, taken from a Dry
Draw called South Duck Creek, at point near the cen-
ter of the East line of the South East $\frac{1}{4}$, South East
 $\frac{1}{4}$, sect. 31, Township 11, South Range 3, East B.H.M.,
to be used for mining, milling, and domestic purposes.

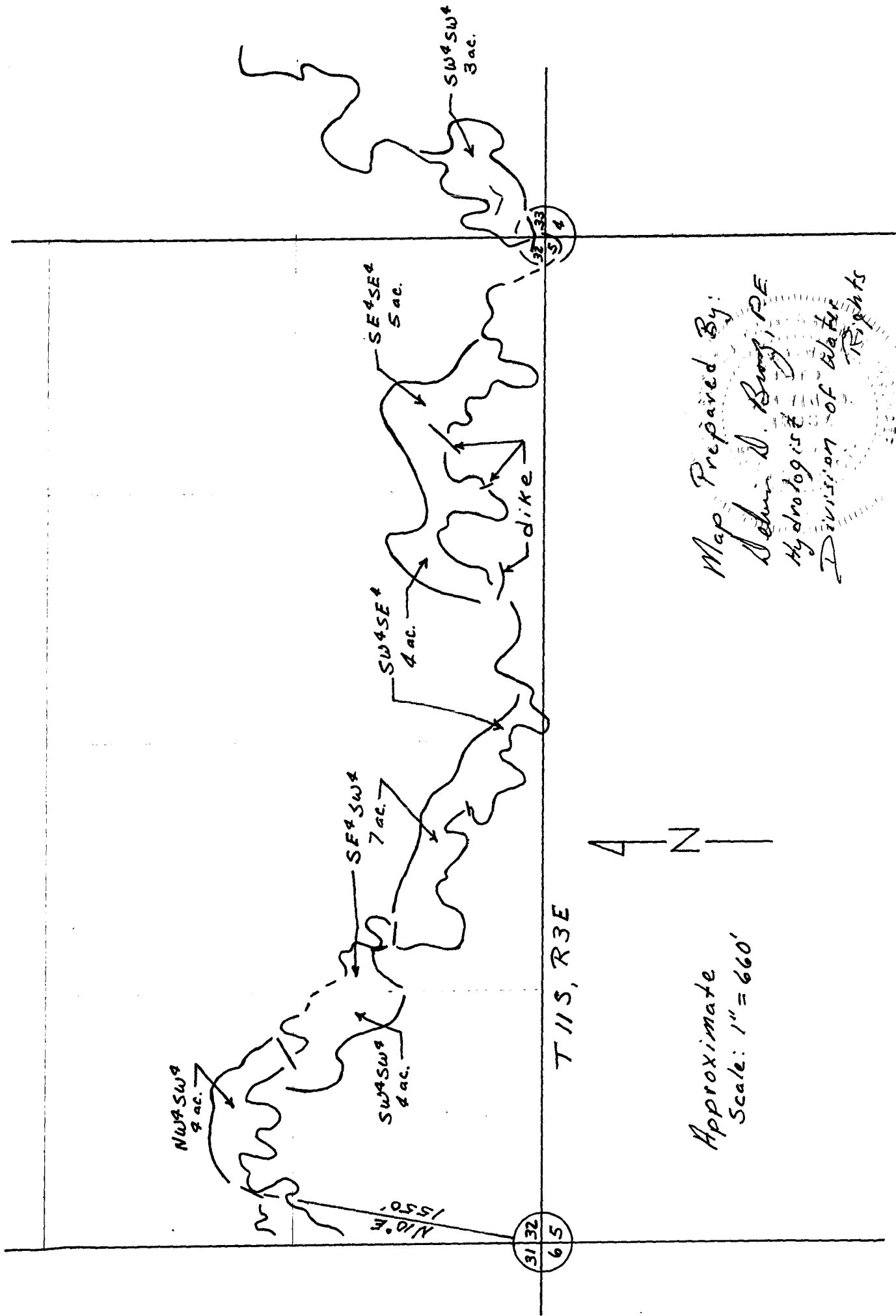
Date of Copy, April 2nd, 1908.

(signed) Eva L. Williams,
(signed) Orn B. Williams,
Locators.

Pierre, South Dakota, 191

This is to certify that the foregoing location notice was received at this office at o'clock M.,
upon the day of 191, and after examination it was

State Engineer.





RECEIPT

Division of Water Rights

No 4 10204

South Dakota Department of Water and Natural Resources

Pierre, October 1, 1985

RECEIVED OF Claude Plumb, Box 466, Provo SD 57774

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 ks

REPORT ON VESTED RIGHT APPLICATION NO. 1978-2
CLAUDE F PLUMB
July 24, 1986

Application No. 1978-2 requests validation of a vested right claim to appropriate 0.4 cfs from a dry draw. The water has been used following construction of the system after April 2, 1908 to irrigate 27 acres. The points of diversion and irrigated acreage are located in Section 32 and 33, T11S, R3E.

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 April 2, 1908 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. 1978-2

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. 1978-2, Claude Plumb, Box 466, Provo, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1978-2 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", is written above the typed name.

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

Claude Plumb
Box 466
Prove SD 57774

Dear Sir:

Your Application Nos. 1977-2 and 1978-2 for a vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claims 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 applications 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, reading "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



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

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.

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 $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T7S, R7E and the irrigated acreage is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; N $\frac{1}{4}$ NW $\frac{1}{4}$ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36 all in T11S, R3E. The irrigated acreage is located in the E $\frac{1}{2}$ $\frac{1}{2}$ Section 35; SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 ¼ NW ¼ Section 33 and the NE ¼ SW ¼ Section 34 all in T11S, R3E. The irrigated acreage is located in the NE ¼ NW ¼, N ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 33; S ½ NW ¼, N ½ SW ¼ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29; and the irrigated acreage is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T15S, R3E. The irrigated acreage is located in N $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 32; SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33; all in T15S, 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 ¼ SW ¼ Section 32 and the SW ¼ SW ¼ Section 33 all in T11S, R3E. The irrigated acreage is located in the NW ¼ SW ¼, S ½ S ½ Section 32; SW ¼ SW ¼ 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 $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 22 all in T10S, R1E. The irrigated acreage is located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 22; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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 $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12 and other points of diversion

AFFIDAVIT OF PUBLICATION

State of South Dakota)
County of Fall River) ss.

Charles Najacht of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, a legal weekly newspaper published at Hot Springs, county and state aforesaid; that the advertisement headed—

Notice of Hearing

~~#1972-2, 1973-2, 1974-2,
1975-2, 1977-2, 1978-2,
1979-2 & 1980-2 to
Appropriate Water~~

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the

issue dated _____

July 28, 19 86

and ending with the issue dated

August 5 19 86

That the full amount of the fee charged for the publication of said

notice is \$ 90.00, and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Charles Wright

Subscribed and sworn to before me

this 5 day of August

19 86

19 86
Ernest M. Leonard
 Notary Public



are at points between and including NE ¼ SE ¼ Section 13 and the NE ¼ NE ¼ Section 14 all in T12S, R4E. The irrigated acreage is located in the SW ¼ SE ¼ Section 12; E ½ NE ¼, NE ¼ SE ¼ Section 14; NW ¼, N ½ SW ¼, NW ¼ NE ¼, S ½ NE ¼, NW ¼ SE ¼ Section 13; all in T12S, R4E.

Pursuant to SDCI 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 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 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 SDCI 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. July 28, Aug. 5

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 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:DB:ks

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



Department of Water & Natural Resources

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

NOV 25 1985

Claude Plumb
Box 466
Provo SD 57774

Dear Mr. Plumb:

Enclosed are your Validated Vested Water Right and Water License No. 1978-2.
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 cursive script that reads "John Hatch".

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

JH: ks

enclosures

NOTE: The applicable portions of Location Notice No. 25-2 were incorporated
into this Vested Water Right No. 1978-2 with the abandoned portions of
the location notice cancelled.

Equal Opportunity Employer



Department of Water & Natural Resources

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

March 23, 1990

1977-2
1978-2

NOTICE

TO: Claude Plumb
BOX 466
PROVO, SD 57774
FROM: *for Delvin D. 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 Nos. 1977-2 and 1978-2 have priority dates that are senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permits are 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 right. 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).