

Considered: _____

WATER PERMIT NO. VR 2157-2

Phone: 662-7791

Name of Applicant: Lloyd Honadel

Post Office Address: Wyo Rt, Box 3, Edgemont SD 57735

Amount of Water Claimed: 3.74 cfs Total Acres: 261.5

Source of Water Supply: Red Canyon Creek

Water to be used for: irrigation County: Fall River

About 1 NE miles _____ of Edgemont

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 10-31-86 Fee: \$15 Remarks water spreading

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

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

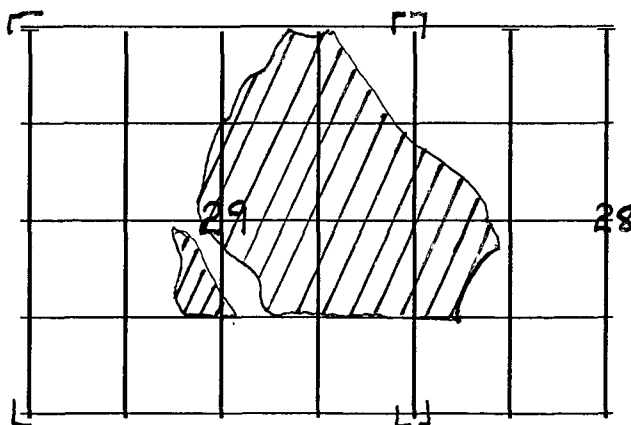
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SW 1/4 SE 1/4 17-8S-3E

Land to be Irrigated: portions of SE 1/4 NW 1/4,

NE 1/4 SW 1/4, N 1/2 SE 1/4, and NE 1/4 29-8S-3E;

SW 1/4 NE 1/4, NW 1/4 SW 1/4 28-8S-3E



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: plat PREPARED BY: Del Brosz Reviewed and the Number

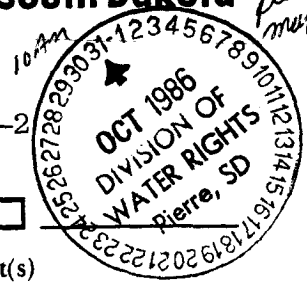
Assigned on 1-4-90 By Karen Schlaak

No. <u>2157-2</u>	Hydrologic Unit <u>10120109</u>
Map No. _____	Basin <u>Upper Cheyenne</u>
Newspaper <u>Edgemont Herald-Tribune</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 ☐ Water Right Filings 0569-2 & 0568-2
- ☐ 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 Lloyd Honadel Phone No. 662-7791
- Post Office Address Wyo. Rt, Box 3, Edgemont State SD Zip Code 57735
(Street, RR or Box)
2. Amount of water claimed (c.f.s) 3.74 Total acres irrigated 261.5
3. Source of Water supply Red Canyon Creek
4. Location of point of diversion N79°W 2100 Ft from the SE corner of Section 17,
T8S, R3E (SW 1/4 SE 1/4)
- County Fall River
5. Counties where water will be used Fall River
6. Annual period during which water is to be used entire year Jun 1 - Dec 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.
SE 1/4 NW 1/4 Sec 29, T8S, R3E	3.5
NE 1/4 SW 1/4 "	10.7
NW 1/4 SE 1/4 "	37.1
NE 1/4 SE 1/4 "	40.0

Land Description	No. Acres Irr.
SW 1/4 NE 1/4 Sec 29, T8S, R3E	40.0
SE 1/4 NE 1/4 "	39.4
NW 1/4 NE 1/4 "	27.8
NE 1/4 NE 1/4 "	16.7

SW 1/4 NE 1/4 Sec 28-T8S-R3E 14.8 Ac Attach sheet if more space is needed NW 1/4 SW 1/4 Sec 28-T8S-R3E 31.5

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)
- The project is a waterspreading system. A diversion structure diverts the water from the creek into a diversion canal. The diversion canal transports the water to the field canals. The water is spread onto the fields from the field canals through 12-24 inch cmps with headgates.

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, Lloyd Honadel 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 Lloyd Honadel

Subscribed and sworn to before me this 30th day of October 19 80

Daniel P. Russell

Notary Public (or other qualified officer)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2157-2 FOR IRRIGATION

Date of Receipt of Claim October 31, 1986.

Date of Validation May 1, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2157-2 for irrigation purposes for Lloyd Honadel, Wyo Rt, Box 3, Edgemont SD 57735 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2157-2 appropriates 3.74 cubic feet of water per second from Red Canyon Creek located in the SW 1/4 SE 1/4 Section 17-T8S-R3E to irrigate 261.5 acres by waterspreading. The irrigated acres are located in portions of the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E. The applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 are incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 are cancelled.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is October 19, 1894.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAR 24 1993
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. ~~Water Storage Dams~~ - *Diversion Dike*

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 4'

c) Crest Width 10'

Crest Length 180'

d) Height 10'

e) Outlet Dimensions:
Pipe diameter 48" CMP Arch

Spillway width 100'

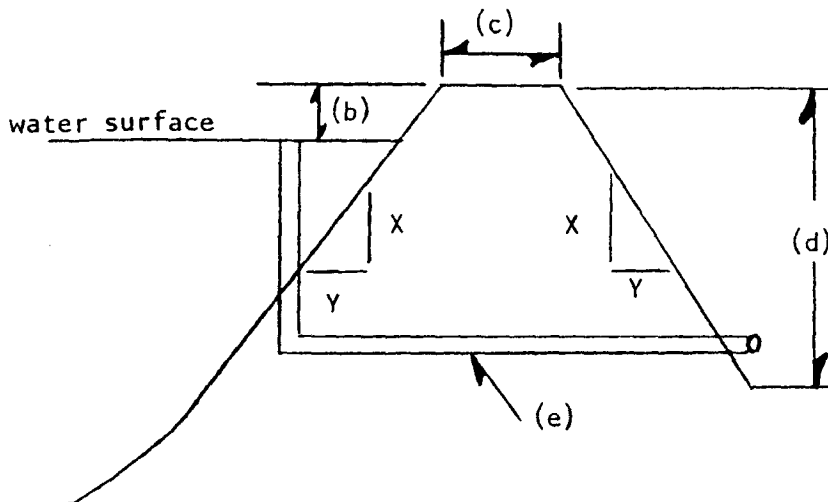
f) X & Y Slope
Upstream 2:1

Downstream 2:1

Surface Area of Impoundment None

Storage None acre feet

Drainage area above dam 200 sq. m.



Signature of Applicant _____

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) Lloyd Honadel
 Post Office Address Wyo Route, Box 3, Edgemont SD 57735
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation October 19, 1894 Date of Posting _____
 Date of recording October 19, 1894 Recording date Fall River Co. 2 546
Where Book Page
B. Date of start of construction of water supply system 1894C. Date that water was first applied to beneficial use 1894D. Name of owner of original water supply system Douglas HandE. Amount of water originally applied to beneficial use 60 cfsF. Present Use of Water - Amount of water now being used 3.74Date that this water was first used 1894

G. Chronological History of Water Use

Douglas Hand constructed the sytem in 1894 (0568-2). In 1904 Mr. Hand constructed the present diversion point (0569-2). Jim Bell acquired the system in the 1940's. The Bell family rebuilt and imporved the system in 1966. Lloyd Honadel, the present owner, acquired the property and the system in 1970.

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

Signed Lloyd HonadelSubscribed and sworn to before me David P. Russell, 10-30, 1986.
David P. Russell
 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.

David P Russell 10-30 1986
(Print name) David P. Russell
Helen Honadel 10-30 1986
(Print name) Helen Honadel

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2157-2 FOR IRRIGATION

(1) Lloyd Honadel of Wyoming Rt, Box 3, Edgemont, SD 57735, made Application No. 2157-2, October 31, 1986 for validation of a vested right claim to appropriate 3.74 cubic feet of water per second from Red Canyon Creek, Fall River, County, South Dakota, for irrigation purposes. Vested Water Right No. 2157-2 was validated May 1, 1991 with a priority date of October 19, 1894. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 3.74 cubic feet of water per second for beneficial use. The location of the diversion point is: N 79 degrees W 2,100 ft from the SE corner of Section 17, T8S, R3E (SW $\frac{1}{4}$ SE $\frac{1}{4}$).

The location of the irrigated acreage is:

T8S, R3E	Section 29	SE $\frac{1}{4}$ NW $\frac{1}{4}$	3.5 acres
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.7 acres
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.1 acres
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 acres
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres
		SE $\frac{1}{4}$ NE $\frac{1}{4}$	39.4 acres
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.8 acres
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	16.7 acres
	Section 28	SW $\frac{1}{4}$ NW $\frac{1}{4}$	14.8 acres
		NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.5 acres
		Total	261.5 acres

(3) Pursuant to Section 46-5-30.1 Lloyd Honadel of Wyoming Rt, Box 3, Edgemont, SD 57735 the holder and/or owner of Vested Water Right No. 2157-2 is issued a license to appropriate 3.74 cubic feet of water per second from Red Canyon Creek with a priority date of October 19, 1894 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2157-2 and subject to South Dakota State Law.



MAR 24 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

_____ Water District

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

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

I have this day made a thorough examination of the water use system constructed by Lloyd
Hena del of Edgemont, S.D. holder of
 Permit No. _____, bearing the priority of _____ 19____ authorizing
 the diversion of _____ cu. ft. per second of the waters of _____
 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: Diversion dike on Red Canyon Creek with an uncontrolled 48" arch comp. Dike is 10' high, 10' crest, 180' long with 2:1 side slopes.

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

6' deep, 15' bottom and 3:1 side slopes, diversion canal

C. Works used to apply water to beneficial use:

Field canals with gated comp^{outlets} sized from 12 to 24 inches

The system is in the following condition Good

The point of diversion is located N 79° W 2100 Ft from the SE corner of Sec 17, T8S, R3E.

The works are capable of diverting and conveying to the place of use 40 cfs

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: SE²NW² - 3.5 ac; NE²SW² - 10.7 ac; NW²SE² - 37.1 ac; NE²SE² - 40.0 ac; SW²NE² - 40.0 ac; SE²NE² - 39.4 ac; NW²NE² - 27.8 ac; NE²NE² - 16.7 ac. all in Sec 29, T8S, R3E and SW²NW² - 14.8 ac; NW²SW² - 31.5 ac. all in Sec 28, T8S, R3E

comprising a total of 261.5 acres of land and the license should be issued for 3.74 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date April 12, 1988

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

active - Lloyd Honadel - Box 3, Wyo Route
Edgemont, S.D.
ek with AS&S or SCS
for map ~ 1966

0569-2

Recorded - Sept 3, 1902

Transferred to
Pete Lien & sons, Inc.
1970

Honadel then took it over
1970

Know all men by these presents: I, Douglas Hand, claim by right
of locating and building of said ditch and ^{160 cfs} 8000 Eight thousand
square inches of water from floods or natural flow for irrigating
purposes. Said ditch commencing on Red Canyon in Section 17 Town-
ship 8 Range 3 East B. N. M. and ending in Section 28.

Douglas Hand.

Locator.

Dated this 3rd. day of Sept. 1904.

And further that said water is used for Agricultural, Milling and
Domestic uses.

this doc may
be inactive

Lloyd Honadel
Box 3 Wyo Route
Edgemont, S.D.

0568-2

Recorded - Oct 19, 1894

Copy,

Know all men by these presents, That I, the undersigned do
claim by right of locat on and use for Mill, Mining, agricultural
and Domestic purposes (3000)^{60 ft} three thousand inches of water from
the bed of Red Canyon Creek, when there is water either by natural
flow, or by floods, that I have complied with requirements of law,
in constructing a dam and (20) twenty rods of ditch and in using the
same, said dam and ditch are situated on land owned by undersigned
on section (29) twenty-nine about (1) one mile from the mouth of
Red Canyon in Fall River County South Dakota.

Dated October 19th 1894.

Witness,

Geo. M. Trimmer,

W. A. Daniels.

Douglas Hand.

WATER LOCATION

Douglas Hand to the Public

State of South Dakota(
County of Fall River (

Filed for record the 3rd day of September, 1904,
at 2 p.m. and recorded in Book 3 Mis. page 561.

P.J. Franzen,
Register.

Know all men by these presents, I, Douglas Hand, claims by right
of location and building of said ditch and 8000 eight thousand
square inches of water from floods or natural flow for irrigating
purposes, said ditch commencing on Red Canyon in Section 17, Town-
ship 8, Range 3 East B.H.M., and ending in Section 28.

Douglas Hand, Locator.

Dated this 3rd day of Sept., 1904, and further that said water is
used for agricultural, milling and domestic uses.

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

I, C.B. Botham, Register of Deeds of said county, do hereby
certify that the annexed copy of water right is a true and correct
copy from the records in this office as recorded in Book 3 Miscell-
aneous record, page 561, and the whole thereof and that the same
is a true copy of the filing there. Witness my hand and official
seal this 27th day of July A.D., 1908.

(SEAL)

C.B. Botham, Register of Deeds.

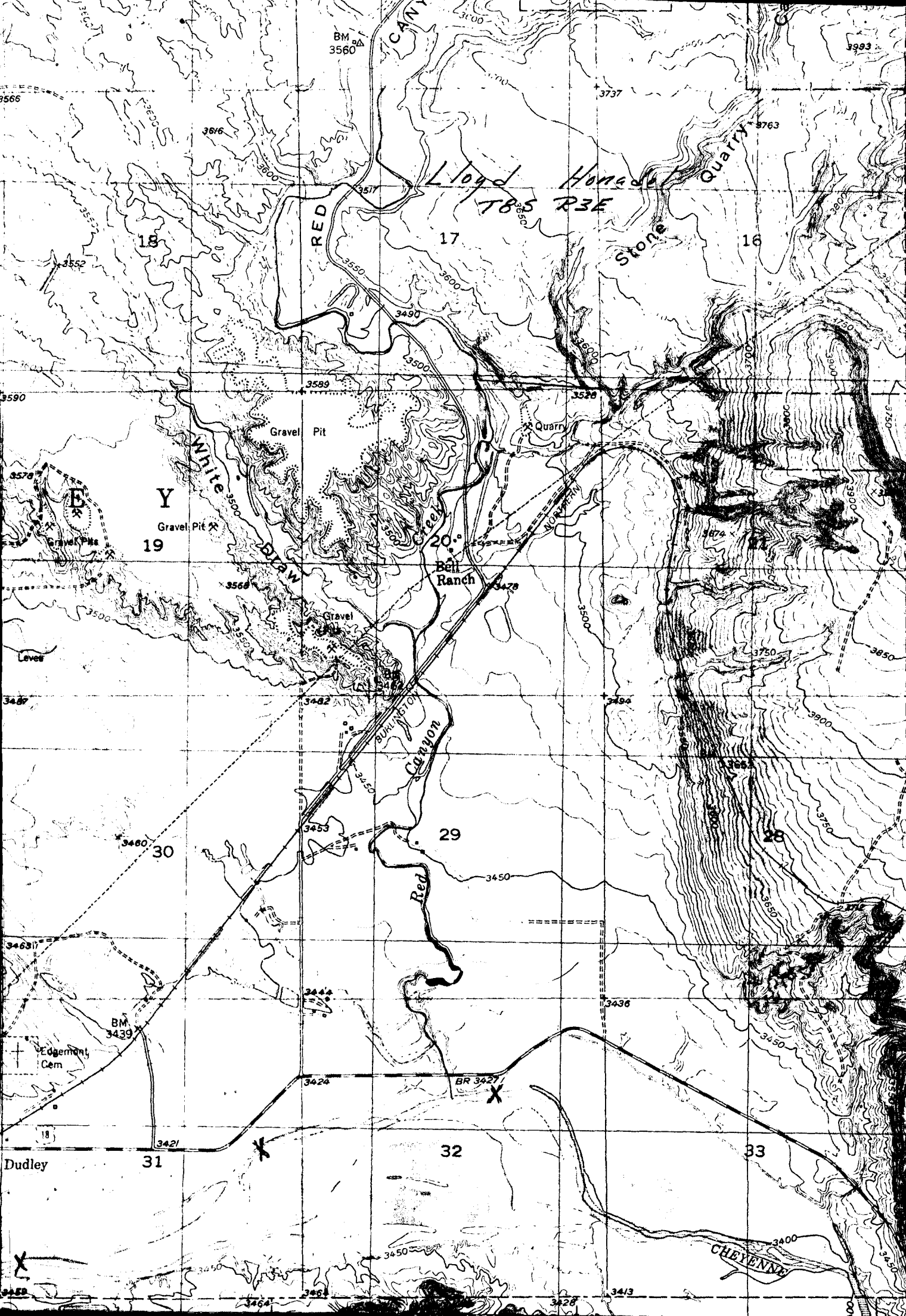
Pierre, South Dakota, 191

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

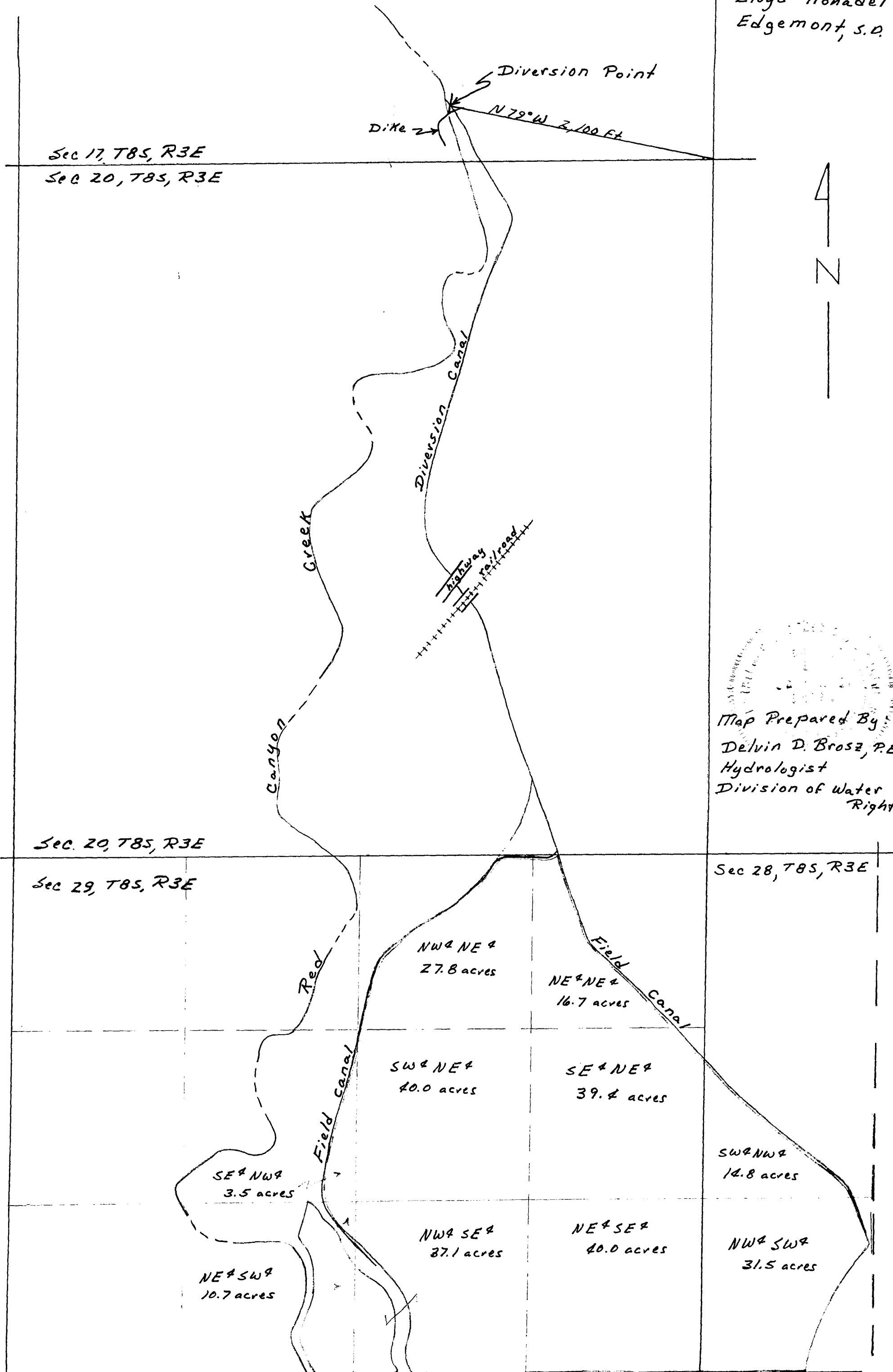
State Engineer.

135-2

This is
the same
as 0569-2



Lloyd Honadel
Edgemont, S.D.



Map Prepared By
Delvin D. Brosz, P.E.
Hydrologist
Division of Water Rights

WATER RIGHTS DIVISION
(605) 773-3352

April 18, 1984

Mr. Lloyd Honadel
Wyoming Route , Box #3
Edgemont, South Dakota 57735

Dear Mr. Honadel:

After inspecting your water spreading system I have completed all of the necessary forms. Enclosed are two copies of form 2, "Application for Permit", two copies of form 2A for the water diversion dam information and one copy of form 2B, "Affidavit of Water Use".

Would you please examine the forms and correct anything that is in error. Then, please sign the forms in the presence of a notary where indicated. The forms should then be returned to our office with a check for \$10.50 to cover the cost of the filing fee and license.

Upon approval by the Water Management Board, Water Right Filings 0568-2 and 0569-2 will be incorporated into this Water Right.

I have also enclosed a map of your project. If you have no changes to this map you may keep it for your files. If you have some changes please indicate them on the map and return it with the forms so that we can correct our office copy. You may keep the copies of 0568-2 and 0569-2.

If you have any questions regarding this matter please feel free to contact me.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.

WATER RIGHTS DIVISION
(605) 773-3352

January 14, 1985

Lloyd Honadel
Wyoming Route, Box #3
Edgemont, South Dakota 57735

Dear Mr. Honadel:

In April, 1984, I forwarded the necessary forms to modernize your Water Right for appropriating water from Red Canyon Creek. The forms have not been returned and you have not contacted us if there is a problem.

The Division of Water Rights would like to know what your plans are relative to this water right. If there is a problem or if we can answer any questions, please contact us. Filing of the forms will establish an up-to-date record of your water right.

Sincerely,

Delvin D. Brosz, P.E.
Hydrologist

DDB:ms



Department of Water & Natural Resources

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

August 4, 1986

NOTICE

TO: Lloyd Honadel, Wyoming Rt., Box 3, Edgemont, SD 57735

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice of Requirement to File Vested Water Right Claim

This Notice is in regard to your water spreading system located in Fall River County, South Dakota. Del Brosz, Hydrologist, with the Division of Water Rights inspected your system April 12, 1984. On April 18, 1984, partially completed application forms were sent to you for filing a vested right claim for your system. To date, we have not received the application from you.

South Dakota Water Law SDCL 46-5-49 as passed by the 1986 Legislature states that if the Chief Engineer is aware of a water use system for which the owner claims vested right status, the owner may be required to file the vested right claim within 90 days. Any claim filed after the 90 days will be considered a new application and receive a new priority date, which would be the date the application is received in this office. You have 90 days from the date of this notice to submit your application. The filing fee for filing of a vested right application is now \$15.00.

Enclosed is a partially completed set of application forms to claim vested rights. If your application is received after the 90 days have lapsed, the filing fee for a new application, based upon the acreage listed on the application of 261.5 acres, would be \$300.00. We will be glad to help you complete the application and answer any questions you may have.

CERTIFICATION

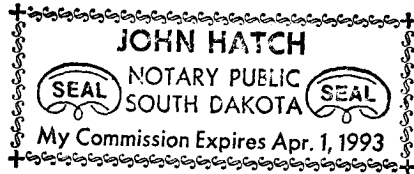
I hereby certify that on August 5, 1986 I have personally deposited with the U.S. Mail postage prepaid envelopes containing Notice pertaining to Requirement to File Vested Right Claim addressed as stated on the notice.

Kaum Schleack

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of August, 1986.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 31, 19 86

RECEIVED OF Lloyd Honadel, Wyoming Rt., Box 3, Edgemont, SD 57735

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

Fee for Application for Permit No. <u>2157-2</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00	VR
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. _____			
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	15	00

By

John Hatch
Chief Engineer

JOHN HATCH

ms

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 11, 1987

Lloyd Honadel
Wyo Rt, Box 3
Edgemont SD 57735

Dear Mr. Honadel:

This letter is in response to your vested water right application. The following information needs to be completed before the application can be processed.

1. The enclosed Form 2 applications and Affidavits of Water Use need to be notarized. The original forms were signed by you and David Russell; however, the forms were not stamped (notarized).
2. The enclosed Form 2A's need to be signed by you.

Please contact us if you have any questions. The application will be processed as soon as the enclosed forms are returned.

Sincerely,



RON DUVALL
Natural Resources Engineer

RD:ks

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Lloyd HonadelADDRESS: _____ COUNTY FRDATE: 1/4/91 TELEPHONE 662-7791

RE: _____

COMMENTS:

While updating the pending file, Mr. Honadel's VR claim was found. It had been in the pending file awaiting a notary's seal. Upon closely investigating the application a seal had been affixed with the original at the time of the original application. The seal is hardly detectable but is there so we are proceeding with processing this VR Claim.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Honlund

Report on Vested Right Application No. 2157-2
Lloyd Honadel
January 10, 1991

Application No. 2157-2 requests validation of a vested right claim for the appropriation of 3.74 cubic feet of water per second from Red Canyon Creek to irrigate 261.5 acres. The water has been used since the system was constructed. The claimed priority date is 1894 and is based on Location Notice No. 135-2 and Water Right Filing Nos. 0568-2 and 0569-2. The point of diversion is located in the SW 1/4 SE 1/4, Section 17, T8S, R3E. The irrigated acreage is located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 and NE 1/4, Section 29; SW 1/4 NE 1/4 and NW 1/4 SW 1/4, Section 28; all in T8S, R3E.

Conclusions:

1. The project is a water spreading system. It was inspected and found to exist as described.
2. According to the affidavit of water use, water has been put to beneficial use since the time that the system was constructed.
3. According to Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 the priority date for this vested water right claim should be October 19, 1894. The claim should be validated for 3.74 cfs to irrigate 261.5 acres.
4. If Vested Water Right Application No. 2157-2 is validated, the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 should be incorporated into No. 2157-2 and the abandoned portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 cancelled.



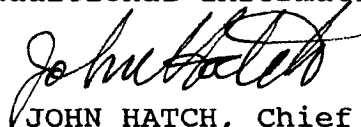
DELVIN D. BROSZ, PE
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 2157-2, LLOYD HONADEL

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. 2157-2, Lloyd Honadel, Wyo Rt Box 3, Edgemont, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation use with a priority date of October 19, 1894, 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 report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
January 14, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

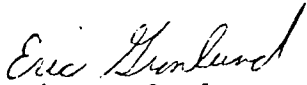
Lloyd Honadel
Wyo Rt, Box 3
Edgemont SD 57735

Dear Mr. Honadel:

Your Application No. 2157-2 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 Edgemont Herald-Tribune printed at Edgemont 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.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 19, 1991

Edgemont Herald-Tribune
Box 660
Edgemont SD 57735

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2157-2 to be published twice. Please publish the notice on or before March 27, 1991 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lloyd Honadel, Wyo Rt, Box 3, Edgemont SD 57735.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
 Water Rights Division
 523 E Capitol
 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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Bart Bryan, publisher

certify that the attached printed Notice was to
from the Edgemont Herald Tribune

A newspaper which during the whole time of publication
said notice herein after stated, has been and is printed
published in the Edgemont Herald Tribune

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

May 27

Apr 3

Bart Bryan
(Signature)

Publisher/Editor
(Title)

4-10-91
(Date Signed)

Cost of Printing: \$55.40

#40
NOTICE OF HEARING
To Validate
Vested Water Right
Application No. 2157-2
to Appropriate Water

Notice is given that Lloyd Honadel, Wyo Rt, Box 3, Edgemont, SD 57735 has filed an application to validate a vested water right claim to appropriate 3.74 cubic feet of water per second from the Red Canyon Creek located in the SW 1/4 SE 1/4 Section 17-T8S-R3E to irrigate 261.5 acres by waterspreading. The lands irrigated are located in portions of the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NE 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E. The water use has a claimed priority of 1894.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of October 19, 1894, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the applications.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation.

The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the

petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2157-2 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for May 1, 1991, at 10:00 at Chef Louie's, Meeting Room, 601 E Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

(Mar. 27, Apr. 3)

(13-14)

Instruction to Newspaper - Publish first Notice on March 27, 1991 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2157-2 to Appropriate Water

Notice is given that Lloyd Honadel, Wyo Rt, Box 3, Edgemont SD 57735 has filed an application to validate a vested water right claim to appropriate 3.74 cubic feet of water per second from the Red Canyon Creek located in the SW 1/4 SE 1/4 Section 17-T8S-R3E to irriate 261.5 acres by waterspreading. The lands irrigated are located in portions of the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NE 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E. The water use has a claimed priority of 1894.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of October 19, 1894, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts

(continued)

presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

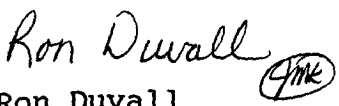
REPORT ON VESTED RIGHT NO. 2157-2
LLOYD HONADEL
August 30, 1991

Vested Right No. 2157-2 claims 3.74 cubic feet of water per second from the Red Canyon Creek with the point of diversion located in the SW 1/4 SE 1/4 Section 7-T8S-R3E to irrigate 261.5 acres by waterspreading. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 in the Edgemont Herald Tribune is needed to correct the legal description of the irrigated acres. The notice of hearing failed to include the SW 1/4 NW 1/4 Section 28-T8S-R3E in the legal description of the acres irrigated under this vested right claim. The correct legal description of the irrigated acreage is the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E. The water use has a claimed priority date of October 19, 1894.

Conclusions

1. This is a readvertisement of the Notice of Hearing to Validate Vested Water Right No. 2157-2.
2. This readvertisement is necessary to correct the legal description of the lands irrigated.
3. The project is a water spreading system. It was inspected and found to exist as described.
4. The correct legal description of the lands irrigated in the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E.


Eric Gronlund
Natural Resources Engineer

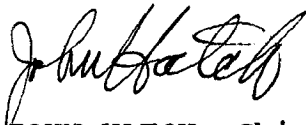

Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF READVERTISED
VESTED WATER RIGHT NO. 2157-2, LLOYD HONADEL

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right No. 2157-2, Lloyd Honadel, Wyo Rt, Box 3, Edgemont, SD 57735.

The Chief Engineer is recommending VALIDATION of Readvertised Water Right No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation use with a priority date of October 19, 1894, 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 report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
September 10, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 13, 1991

Lloyd Honadel
Wyo Rt Box 3
Edgemont, SD 57735

Dear Mr. Honadel:

The original notice of hearing to Validate Vested Water Right No. 2157-2 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Edgemont Herald-Tribune printed at Edgemont, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 13, 1991

Edgemont Herald-Tribune
Box 660
Edgemont, SD 57735

Attn: Legal Department

Enclosed is a Readvertisement of Notice To Validate Vested Water Right No. 2157-2 to be published twice. Please publish the first notice on September 25, 1991, with the second publication 7 days later.

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

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Fall River) ss.

I, Barb Bryan
 certify that the attached printed Notice was taken
 from the Edgemont Herald Tribune

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the City

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

Sept 23, 1991

Oct 2, 1991

Barb Bryan
 (Signature)
Publisher/Editor
 (Title)

10-2-91
 (Date Signed)

Cost of Printing: \$ 59.32

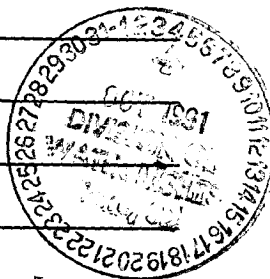
#122

**Readvertisement of
 NOTICE OF HEARING
 To Validate Vested Water
 Right No. 2157-2 to
 Appropriate Water**

Notice is given that Lloyd Honadel, Wyo Rt, Box 3, Edgemont, SD 57735 filed an application to validate a vested water right claim on October 31, 1986. Vested Right No. 2157-2 claims 3.74 cubic feet of water per second from the Red Canyon Creek to irrigate 261.5 acres by waterspreading. The point of diversion is located in the SW 1/4 SE 1/4 Section 17-T8S-R3E. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 in the Edgemont Herald Tribune is needed to correct the legal description of the irrigated acres. The corrected legal description of the irrigated acreage is the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 28; all of T8S-R3E. The water use has a claimed priority date of October 19, 1894.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of October 19, 1894, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this readvertisement must file a written petition on back



tion with **BOTH** the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605/773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Vested Water Right No. 2157-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 23, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the October 23, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 23, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by **October 15, 1991**.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 74:02:01:19 thru 74:02:01:22.
(Sept. 23, Oct. 2) **(20, 40)**

Instruction to Newspaper - Publish first Notice on September 25, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING To Validate
Vested Water Right No. 2157-2 to Appropriate Water

Notice is given that Lloyd Honadel, Wyo Rt, Box 3, Edgemont, SD 57735 filed an application to validate a vested water right claim on October 31, 1986. Vested Right No. 2157-2 claims 3.74 cubic feet of water per second from the Red Canyon Creek to irrigate 261.5 acres by waterspreading. The point of diversion is located in the SW 1/4 SE 1/4 Section 17-T8S-R3E. Readvertisement of the notice of hearing published on March 27 and April 3, 1991 in the Edgemont Herald Tribune is needed to correct the legal description of the irrigated acres. The corrected legal description of the irrigated acreage is the SE 1/4 NW 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4, NE 1/4 Section 29; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 28; all in T8S-R3E. The water use has a claimed priority date of October 19, 1894.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2157-2 for 3.74 cfs and that the applicable portions of Water Right Filing Nos. 0568-2 and 0569-2 and Location Notice No. 135-2 be incorporated into No. 2157-2 and the abandoned portions of Nos. 0568-2, 0569-2 and 135-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of October 19, 1894, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 74:02:01:19 thru 74:02:01:22.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 24 1993

Lloyd Honadel
Wyo Rt, Box 3
Edgemont, SD 57735

Dear Mr. Honadel:

Enclosed are your Validated Vested Water Right and Water License No. 2157-2. 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,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 12, 2000

Donald Massa
P.O. Box 970
Hot Springs, SD 57747

Dear Dr. Massa:

I am writing regarding the water right permit application you filed for appropriating water from Red Canyon Creek for irrigation and our telephone conversation in this matter. I apologize for my tardiness in getting this letter to you but things have been hectic this spring.

On March 31st you filed an application to appropriate flood waters from Red Canyon Creek to irrigate 180 acres by water spreading. In the description of the project you indicate that the existing system had not been used for sometime and that the diversion structure was in need of some dirt work and the canals need cleaning.

We found an existing vested water right exists for land that includes the acreage you listed on your application. Vested Water License No. 2157-2 is listed in the name of Lloyd Honadel with a priority day of October 19, 1894. A copy of this vested water right and the map outlining the irrigated acres is enclosed.

From a review of the existing documents it is apparent to me that the land you are proposing to irrigate are covered under Vested Water Right No. 2157-2. The real question is whether this existing vested water right is subject to cancellation based on forfeiture for nonuse. Your new application states water has not been used for 10 – 20 years. The irrigation system was inspected by a water rights staff person in 1984 and Mr. Honadel was prompted to file for a vested water right. The vested water right was ultimately validated by the Water Management Board in 1991.

State law requires that a person entitled to the use of appropriated water must use it for the purpose for which it was appropriated at least once every three years. If the water is not used, the use of water is forfeited for nonuse. In other words, South Dakota is a “use it or lose it” state when it comes to water rights. However, there are legal excuses or exceptions to the nonuse of water. The attached sheet lists statutes and rules dealing with excuses for nonuse of water.

The fact that this was a water spreading system that likely only diverts flows from Red Canyon Creek during higher flow periods may provide legal excuse if water was not available to be diverted. Whether the existing vested water right is still in place rests on whether there was legal excuse for not using the water. Please carefully review the statutes on the attachment. I realize you probably don't have a complete history of the water use on the property.

If Vested Water Right No. 2157-2 is not subject to cancellation for nonuse, a simple transfer of ownership can be filed transferring the water right to your name. However, if you feel the vested water right is subject to cancellation for nonuse, then we will need to proceed with your new application. However, I am unsure until a staff report is prepared whether we would be able to recommend favorably on the application. For now I am keeping your application but returning your submitted check for the application filing fee until we resolve the status of Vested Water Right No. 2157-2.

I have not been able to keep this letter short or simple. I do not what to proceed with processing a new application that may result in you forfeiting the 1894 priority date established by Vested Water Right No. 2157-2. Please review this information over carefully and then give me a call at your convenience so we may discuss the status of this vested water right and your application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant DONALD L. MASSA Phone 605 745-3975 (w) 662-6440 (H)
(check one) X Owner Tenant/lessee
Mailing Address PO Box 970 Hot Springs State SD 57747
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed *CFS or **GPM ***AF Total Acreage 180
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply FLOOD FROM RED CANYON CREEK
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SE4 of SW4 of
Section 17-T8, Range 3 (diverts from Red Canyon Creek)
County Fall River
5. County or counties where water will be used FALL RIVER
6. Annual period during which water is to be used APRIL - AUGUST (RAIN SEASON)
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW4 of NE4 section 29-8-3	30	NE4 of SE4 section 29-8-3	40
SW4 of NE4 section 29-8-3	40		
SE4 of NE4 section 29-8-3	40		
NW4 of SE4 section 29-8-3	30		

8. Give a description of the project. (Attach sheet if more space is needed)
EXISTING SYSTEM THAT HAS NOT BEEN USED FOR 10-20 YEARS.
SOME DIRT WORK NEEDED AT DIVERSION POINT DUE TO FLOOD DAMAGE.
CANAL NEEDS TO BE CLEANED OF DEBRIS.

STATE OF SOUTH DAKOTA) SS
County of Fall River

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, DONALD L. MASSA, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature [Signature] DDS

Subscribed and sworn to before me this 29th day of March 2000

My Commission
Expires 12-13-2005

[Signature]
Notary Public signature

OWNER: **Don Massa**
Fall River county, SD APPOX. SCALE: **4"/mile**
 DATE: **February, 2000**
 Assisted by Darrel DuVall, NRCS

Fall River county, SD APPOX. SCALE: 4"/mile

DATE: **February, 2000**

Assisted by Darrel DuVall, NRCS

Prepared by USDA Natural Resources Conservation Service
Cooperating with Fall River Conservation District.

↑ N

Section 29, T 8, R 3

Red Canyon Creek

diversion point

Dog Tower

SH-GC

① Rangeland
375 Acres

SW-FC

(5) Ra
51

SW
FC

128

 $R_1 \approx$