

No. 5642
 Water Division No. 2 South Chayenne River District
 (Blanks to be filled by the Engineer for the W. H. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Ray Sides
 Postoffice address Smithwick, County Fall River, State S.D.

~~I. If a corporation~~

~~(a) Name of same~~

~~(b) Date and place of incorporation~~

~~(c) Amount of capital stock~~

~~(d) Amount paid in~~

~~(e) Names and addresses of directors~~

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Already completed.

(b) Cash on hand, \$.....

(c) Treasury stock, \$.....

(d) Bonds to be issued, \$.....

(e) Other resources, \$.....

2. Name of diversion work Sides diversion No. I.
 3. Amount of water claimed 6.34 max allowable cubic feet per second 1332.2 Ac. Ft. per Yr.
 4. Source of water supply Surface run off from local water sheds.
 5. Location of point of diversion From NW* Sec. 32- T.8 S - R.9 E. B.M., 92 Rods.
South, 10° East. on N bank Fall River County.
 6. Annual period or periods during which water is to be used Whenever flow occurs during annual
 7. To be used for: period.

1. Irrigation or domestic use: Gravity, overhead, , , , or combination system? Gravity irrigation.

(a) Number of acres to be irrigated 444.4 acres.

(b) Legal subdivisions to be irrigated See attached map- I/I6 Section.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None.

~~III. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:~~

~~(a) Nature of use~~

~~Name any of the above uses claimed~~

~~(b) Amount of power to be generated~~

~~horse power~~

~~Amount claimed for engine cooling~~

~~(c) Location of plant~~

~~(d) Method of developing power~~

~~(e) Point where water will be returned to stream~~

8. Estimated cost of work:

(a) Head Gates, \$ 600.00

(c) Fluming, \$ 3000.00

(d) Other structures

(b) Pumping plant, \$

5500.00

Rock, \$

Total, \$ 11,100.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Water diverted through system of ditches and dikes.

II. Dimensions of works:

(a) Dam: Height 13 ft. feet; length at bottom 230 feet; length at top 465 feet; thickness at bottom 75 feet; thickness at top 10 feet; slope at front water face 3/1; slope at back face 2/1; material used in construction Earth.

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres. No storage

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET ACRE-Feet CAPACITY

(c)* Head gate: Width 10.0 feet; height 1.6 feet; Material Plank Weir

(d) Canal: Total length .2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.0 Mile	.8 feet	8 feet	10 feet	5.0 feet
At .2 Mile	.8 feet	8 feet	10 feet	5.0 feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Already complete years.

11. Time required for complete application of water to the proposed beneficial use Now being utilized years.

12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County of Fall River ss.

RAY SIDES

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

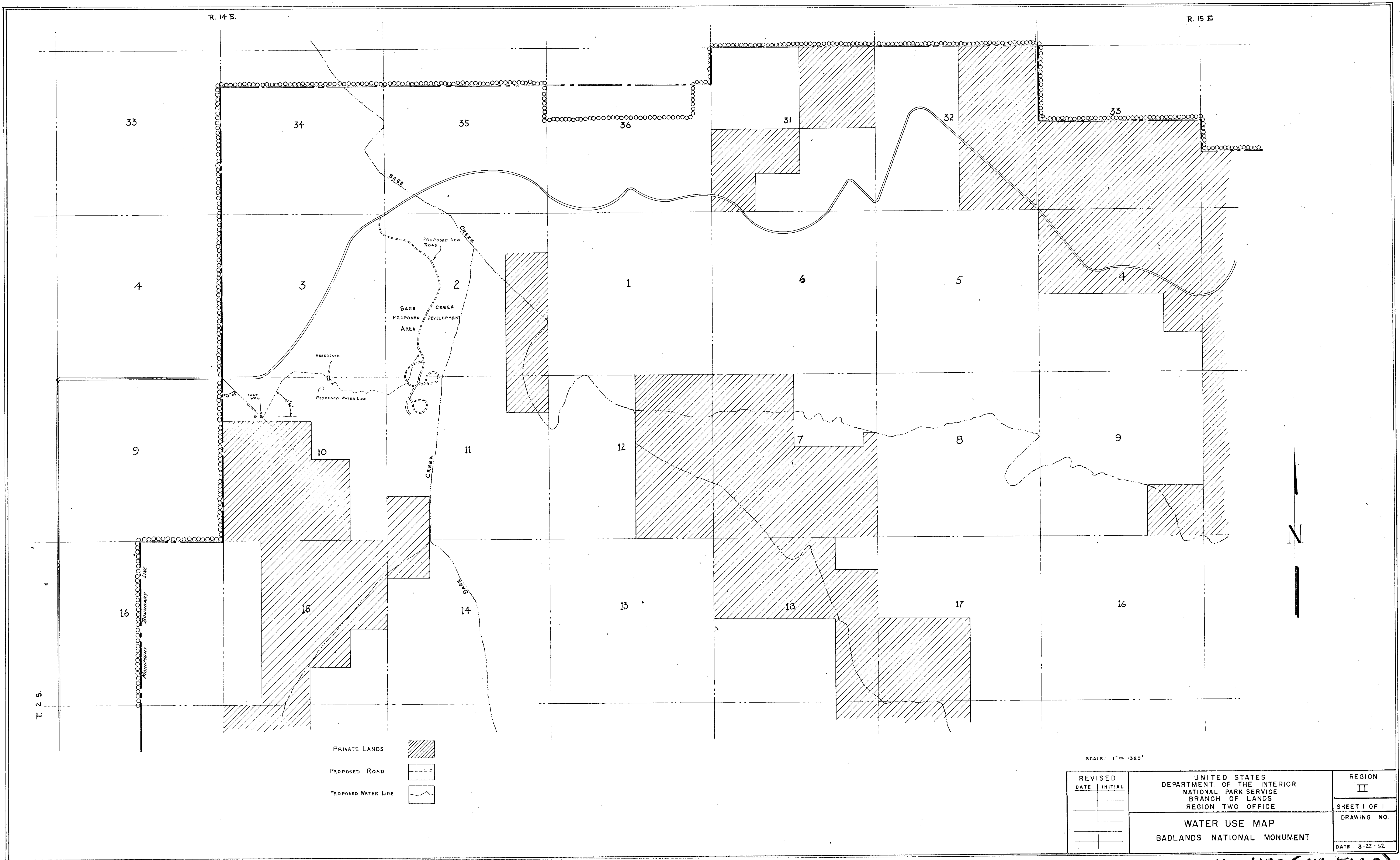
Ray Sides

Subscribed and sworn to before me this 5th day of November 1959.

My commission expires Jan. 21, 1961

Notary Public for the State of South Dakota

*Each diversion must have a headgate or insuring device.



Remarks by State Water Resources Commission:

"Vested Right Claimed"

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of

Hughes

19

Pierre, South Dakota,

December 28, 1959

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock

A.m. upon the 6th day of November, 1959.

State Water Resources Commission

By:

John Rimmer

Chief Engineer, Executive Officer

Number of permit

561-2

Date of first receipt of application

November 6

1959

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1951

19

Approved

December 28

1959

Recorded in Book

5

Page

292

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified ~~is to be completed on or before~~ ^{has been completed}

2nd. The whole of said work ~~is to be completed on or before~~ ^{was} 1951

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith ~~is~~ ^{was}

Completed in 1951

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 6.34 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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~~ ^{was} actually and beneficially applied for irrigation on or before 1951; said water to be used during the following described annual period:

whenever flows are available during growing season

Witness my hand this

28th

day of

December

1959

State Water Resources Commission

By:

John Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 28

1959

Water License Issued

December 28

1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 561-2

WHEREAS, On the 6th day of November A. D. 1959
Ray Sides

of Smithwick County of Fall River and State of
South Dakota duly made application (No. 561-2) to us for Vested Right permit to use 6.34
cubic feet per second of the waters of dry draws
County of Fall River, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 28th day of December A. D. 1959
Vested Right Permit No. 561-2 was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described on or before xxx xxx
A. D. 1951 and for the application to beneficial use of said
water on or before xxx xxxxxx A. D. 1951
and,

WHEREAS, On the 6th day of November A. D. 1959
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.34
cubic feet per second of said waters, as evidenced by our Certificate No. 561-2
dated December 28, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 6.34 cubic feet per second of water, with date of
priority of 1951 xxx and,

WHEREAS, On the 6th day of November A. D. 1959
proof was duly made of the application to beneficial use of 6.34 cubic feet per second of said water;
to be used for irrigation as shown

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Ray Sides

of Smithwick Vested right
the holder and owner of said permit No. 561-2

a water right, dating from 1951 to the use of 6.34

cubic feet per second of the waters of dry draws

in the County of Fall River and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point 8 10⁰ E 92 rods

from the NW Corner Sec. 32 T 8 S, R 2 E

and conducted to and upon portions of Sec. 20, 29, 31 & 32, more fully

described in Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 28th day of December A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. **561-2**

South Cheyenne
 Water Division No. **2** **River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Ray Sides**

of **Smithwick**, County of **Fall River**, and State of
South Dakota the holder, of **Vested Right** Permit No. **561-2**, Issued upon Application

No. **561-2**, bearing date of priority of **1951**, authorizing the diversion of

6.34 cu. ft. per second of the waters of **dry draws**

County of **Fall River**, State of South Dakota, at **a point S 10° E**

92 rods from NW corner Sec. 32, T 8 S, R 9 E

for **irrigation**

purposes, has **3** fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said **Vested Right** Permit; that said works are **recognized as** satisfactory

~~completing~~ for diverting and conveying to the place of intended use **6.34** cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

NE$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 20 14.8 ac.	NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 31, 6.0 ac.
NW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 20 17.2 ac.	SW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 31, 17.6 ac.
SW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 20 24.0 ac.	SE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 31, 18.0 ac.
SE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 20 13.6 ac.	NW$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 32, 37.2 ac.
NE$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 20 2.0 ac.	NE$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 32, 26.4 ac.
NW$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 20 29.2 ac.	NW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 32, 32.8 ac.
NE$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 20 8.0 ac.	NE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 32, 9.2 ac.
SE$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 20 1.0 ac.	SW$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 32, 17.2 ac.
SW$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 20 30.0 ac.	SE$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 32, 3.6 ac.
SE$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 20 1.6 ac.	
NW$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 29 9.4 ac.	
NE$\frac{1}{4}$NW$\frac{1}{4}$ Sec. 29 16.0 ac.	
SE$\frac{1}{4}$NE$\frac{1}{4}$ Sec. 29 24.8 ac.	
NE$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 29 20.8 ac.	
SE$\frac{1}{4}$SW$\frac{1}{4}$ Sec. 29 8.0 ac.	
SW$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 29 29.2 ac.	
SE$\frac{1}{4}$SE$\frac{1}{4}$ Sec. 29 26.8 ac.	

Witness my hand this **28th** day of **December** A. D. 19**52**

State Water Resources Commission

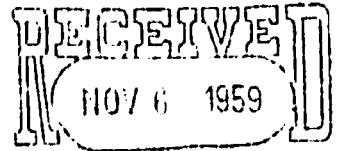
By:

J. W. GRIMMS,

Chief Engineer, Executive Officer

Area No.	Description	Acreage
1.	NENW Sec 20 T8S R9E	14.8
2.	NWNE	17.2
3.	SWNE	24.0
4.	SENE	13.6
5.	NESW	2.0
6. NWSE	NWSE	29.2
7.	NESW	8.0
8.	SESW	1.0
9.	SWSE	30.0
10.	SESE	1.6
11.	NWNE Sec 29 " "	9.4
12.	NENE	16.0
13.	SENE	24.8
14.	NESE	20.8
15.	SESW	8.0
16.	SWSE	29.2
17.	SESE	26.8
18.	NENE Sec 31 " "	6.0
19.	NWNW Sec 32 " "	37.2
20.	NENW	26.4
21.	NWNE	32.8
22.	NENE	9.2
23.	SWNE Sec 31 " "	17.6
24.	SENE	18.0
25.	SWNW Sec 32 " "	17.2
26.	SENW	3.6

444.4

Location No. 52-1-2Water Division No. 2Booth Chazyenne
Public Water District

STATE WATER RESOURCES COMMISSION

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Ray Sides, Smithwick, S.D. Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Vested right is being submitted along with app. for permit to appropriate water.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Surface run off from local water sheds (location same as item 5)

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Water is diverted during annual period of use, not to exceed 1333.2

Ac. ft. per. year, by Sides diversion No. I.

See form 2- Question 9-for dimensions. Completed in Fall of 1951.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation by gravity- See attached map and listing for legal description and acreage.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 6.35 C.F.S. or 1333.2 Ac. ft. per year.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Whenever flow occurs during annual period, by gravitational means, through a series of ⁽¹⁾ditches and dikes, in the amount available, not to exceed 1,000.0 Ac. Ft. per year, since the fall of 1951.

(Sign) P. J. Sides

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Hot Springs, County of Fall River

State of South Dakota, on this 5th day of November A. D. 19 59

Witnesses. Joyce Wilson

Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Morris H. Sunders

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3121

September 21, 1988

NOTICE

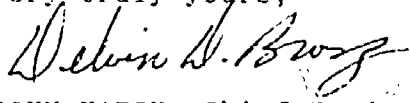
Ray Sides
Smithwick SD 57782

Dear Mr. Sides:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 561-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



SOUTH



Department of Water & Natural Resources

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

December 1, 1988

Vested Water Right
Claim No. 561-2

Ray Sides
Smithwick SD 57782

Dear Mr. Sides:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,

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

cc: Bruce Laymon, Bureau of Reclamation



File No. 561-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Ray Sides

ADDRESS: Smithwick, SD

COUNTY: Fall River

DATE: 6/7/91

TELEPHONE: 424-2875

RE: Vested Right Claim Inspection

COMMENTS: On June 5, 1991, accompanied by Mr. Sides, I inspected the area claimed under Vested Right No. 561-2. The plugs and the diversion dikes were all in good condition. No erosion could be seen on the dikes or the dams. Mr. Sides stated that water is always put to beneficial uses whenever it is available.

** Recommend validation of Vested Right Claim No. 516-2.

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.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

SOUTH DAKOTA

VESTED WATER RIGHT NO. 561-2 FOR IRRIGATION

Date of Receipt of Claim November 6, 1959.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 561-2 for irrigation purposes for Ray Sides, Smithwick SD 5782 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 561-2 appropriates 6.34 cubic feet of water per second from dry draws located in the SW 1/4 NW 1/4 Section 32; to irrigate 444.4 acres located in the NE 1/4 NW 1/4, NW 1/4 NE 1/4, S 1/2 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 20; N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, S 1/2 SE 1/4, SE 1/4 SW 1/4 Section 29; NE 1/4 NE 1/4, S 1/2 NE 1/4 Section 31; NW 1/4, N 1/2 NE 1/4 Section 32; all in T8S-R9E.
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. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1951.
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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Ray Sides
Smithwick SD 57782

Dear Mr. Sides:

The Water Management Board has validated the enclosed Vested Water Right No. 561-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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

enclosure



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Bele Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

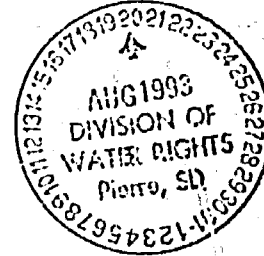
WTR 4.10

BF-430

WTR 4.10

BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Bele Fourche Irrigation District
PO Box 225
Newell SD 57760

Ray Sides

V.R. # 561-2

