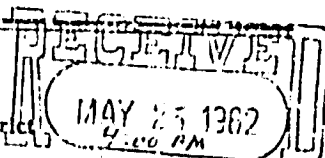


No. 769-2Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant GILBERT L. SUGARER
Postoffice address WALL, County PENNINGTON, State S. DAK.

- 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)

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work RUSH LAKE DIVERSION & IRRIGATION3. Amount of water claimed 4.0 cubic feet per second4. Source of water supply DRY DRAWS & CREEK5. Location of point of diversion N 64° W, 192 rods, and N 22° W, 120 rods from the
SE corner Section 22, T2N R16E on bank PENNINGTON County.6. Annual period or periods during which water is to be used Whenever available

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY(a) Number of acres to be irrigated 285.7 Acres.(b) Legal subdivisions to be irrigated SEE ATTACHMENT

(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.) _____

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

(a) Nature of use recreation uses
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 _____

V/R

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

Reservoir created by dikes on existing streamII. Dimensions of works. To hold water at a elevation

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet, height.....feet;
Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
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
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.11. Time required for complete application of water to the proposed beneficial use Completed years.

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

Not applicable

STATE OF SOUTH DAKOTA

County of Lincoln

ss.

I, L. R. SHERMAN

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 L. R. Sherman

Subscribed and sworn to before me this

day of

19

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of

HUGHES

vs.

Pierre, South Dakota,

MA JUNE 1

1962

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock

P.m. upon the 25TH day of

MAY

1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit

769-2

Date of first receipt of application

MAY 25

1962

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

1935

19

Approved

JUNE 1

1962, Recorded in Book

7

Page

121

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

19

2nd. The whole of said work is to be completed on or before

19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

COMPLETED

19

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

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 4.0 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 crop 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 actually

and beneficially applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

Whenever available

Witness my hand this

1ST

day of

JUNE

1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 1

1962

Water License issued

JUNE 1

1962

Area	Desc.	Lot	Sec.	Township	Range	Acre
1	NE $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	36.0
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	12.0
3	SE $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	24.0
4	SW $\frac{1}{4}$ NE $\frac{1}{4}$		21	2N	16E	36.0
5	SE $\frac{1}{4}$ NE $\frac{1}{4}$		21	2N	16E	4.0
6	NW $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	16E	22.0
7	NE $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	13E	7.2
8	NW $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	40.0
9	NE $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	16.0
10	SE $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	16E	16.0
11	SW $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	40.0
12	SE $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	36.0
Total						265.2

STATE OF SOUTH DAKOTA

WATER LICENSE No. 769-2

WHEREAS, On the 25th day of May A. D. 1962

Gilbert L. Shearer

of Wall County of Ponnington and State of South Dakota duly made application (No. 769-2) to us for a Vested Right permit to use 4.0 cubic feet per second of the waters of dry draws and a slough County of Ponnington, State of South Dakota, for irrigation and recreation purposes; and

WHEREAS, On the 1st day of June A. D. 1962 recognizing Vested Right

/ Permit No. 769-2 was issued to said applicant for the diversion of said water, ~~recognizing the~~ completion of the works of diversion therein described ~~XXXXXX~~ ~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said water ~~XXXXXX~~ and,

WHEREAS, On the 30th day of April A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.0 cubic feet per second of said waters, as evidenced by our Certificate No. 769-2 dated June 1, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.0 cubic feet per second of water, with date of priority of 1935 and,

WHEREAS, On the 30th day of April A. D. 1962 proof was duly made of the application to beneficial use of 4.0 cubic feet per second of said water; for irrigation of 285.2 acres and recreational use in Section 21, T2N, R16E.

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 Gilbert L. Shearer

Vested Right

of Wall the holder and owner of said permit No. 769-2

a water right, dating from 1935 to the use of 4.0

cubic feet per second of the waters of dry draws and a slough

In the County of Pennington and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at points N 64° W 192 rods and

N 22° W 120 rods from the SE corner, Section 21, T2N, R16E

and conducted to and upon portions of Section 21, T2N, R16E

for the purpose of irrigation and recreation

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 1st day of June A. D. Nineteen

Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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. 769-2Water Division No. 2 E. Chayenne River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Gilbert L. Shearer

of Wall, County of Ponnington, and State of South Dakota, the holder of Vested Right of Permit No. 769-2, Issued upon Application No. 769-2, bearing date of priority of 1935, authorizing the diversion of 4.0 cu. ft. per second of the waters of dry draws and a slough

County of Ponnington, State of South Dakota, at points N 64° 192 rods and N 22° W 120 rods from the SE corner, Section 22, T2N, R16E

for irrigation and recreation

purposes, has 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 Permit; that said works are recognized as ~~and are~~ satisfactory ~~and are~~ for diverting and conveying to the place of intended use 4.0 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: all in Section 21, T2N, R16E

<u>NE $\frac{1}{4}$ NW $\frac{1}{4}$</u>	<u>36.0</u>	<u>acres</u>
<u>SW $\frac{1}{4}$ NW $\frac{1}{4}$</u>	<u>12.0</u>	<u>"</u>
<u>SE $\frac{1}{4}$ NW $\frac{1}{4}$</u>	<u>24.0</u>	<u>"</u>
<u>SW $\frac{1}{4}$ NE $\frac{1}{4}$</u>	<u>30.0</u>	<u>"</u>
<u>SE $\frac{1}{4}$ NE $\frac{1}{4}$</u>	<u>4.0</u>	<u>"</u>
<u>NW $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>22.0</u>	<u>"</u>
<u>NE $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>7.2</u>	<u>"</u>
<u>NW $\frac{1}{4}$ SE $\frac{1}{4}$</u>	<u>40.0</u>	<u>"</u>
<u>NE $\frac{1}{4}$ SE $\frac{1}{4}$</u>	<u>16.0</u>	<u>"</u>
<u>SE $\frac{1}{4}$ SW $\frac{1}{4}$</u>	<u>18.0</u>	<u>"</u>
<u>SW $\frac{1}{4}$ SE $\frac{1}{4}$</u>	<u>40.0</u>	<u>"</u>
<u>SE $\frac{1}{4}$ SE $\frac{1}{4}$</u>	<u>36.0</u>	<u>"</u>
<u>Total</u>	<u>285.2</u>	<u>"</u>

Witness my hand this 1st day of June A. D. 1962

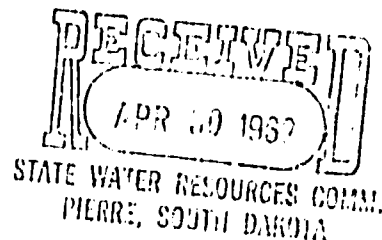
State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

Location No.

Water Division No. Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Gilbert L. Shearer, Wall, South Dakota

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.

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

Ans. Dry Draw N. 22° 00' W. 120 Rods SE corner of section 21 - 2N - 16E

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. By a system of ditches and dikes, these have been built in the 30's and been kept in good working repair.

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. see attached sheets

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

Ans. None

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

Ans. 4.1 cfs

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. This has worked when over run off was of the extent so the system could flood and store water. Usually every spring run off and summer when rains caused flooding. COMPLETION

(Sign) Robert L. Brown

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 Wheat County of Beaumont State of South Dakota, on this 27th day of April A. D. 1916

Witnesses.

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.

For L M D Small
Wall, La. Dak.

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 _____



Department of Water & Natural Resources

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

September 2, 1987

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City SD 57709

Dear Mr. Hollenbeck:

Enclosed are copies of the Water Licenses and maps for Water Right Nos. 769-2 (Gilbert Shearer) and 1806-2 (Cow Creek Ranch). I was unable to find much information on Vested Right No. 769-2. I hope the enclosed copies have the information you need.

If you need additional information or have any questions on the enclosed data, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

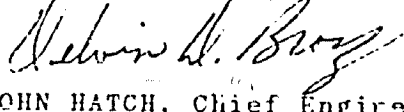
Gilbert L. Shearer
Wall SD 57790

Dear Mr. Shearer:

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). 769-2 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, 1986

Vested Water Right
Claim No. 763-2

Gilbert L. Shearer
Wall SD 57790

Dear Mr. Shearer:

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 Layton, Bureau of Reclamation



Water Rights Division - DWR
Conversation or File Documentation

File No. 769-2

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY Pennington

DATE: 7-24-90 TELEPHONE _____

RE: Vested Right Claim Inspections in

COMMENTS:

On July 16, 1990

The following vested right claims were inspected and are

recommended for validation:

461-2, ~~462-2~~, ~~463-2~~, 769-2, 509-2, 565-2, 948-2

495-2 and 926-2.

July 19, 90

The following vested right claims were inspected and ~~are~~ are recommended
for validation.

5-2, 499-2, and 925-2

* This claim is for groundwater and surface water (Cheyenne River)
The groundwater part of it never developed.

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: NPS ha d

769-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 1993

Gilbert L. Shearer
Wall SD 57790

Dear Mr. Shearer:

The original Notice of Intent to Validate Vested Water Right Claims was published with an error. The location of the lands to be irrigated for your Vested Water Right No. 769-2 were advertised incorrectly. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD. For your information, a copy of the notice is 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
Natural Resources Engineer
605 773-3352

enclosure

769-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Pennington) ss

I, Helena M. Bauer

certify that the attached printed Notice was

taken from the Rapid City Journalprinted and published in Rapid CityCounty of Pennington and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:January 20, 1993January 27, 1993Cost of Printing: 11 7/16 inch legal@ 5.10 per inch printed 2 times \$116.68

(Signature)

Bookkeeping

(Title)

January 27, 1993

(Date Signed)

Jan. 20, 93 L91
 READVERTISMENT OF
 NOTICE OF INTENT TO
 VALIDATE VESTED
 WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Pennington County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 23 and 30, 1988 in the Rapid City Journal, is necessary to correct errors in the previously published notice.

Vested Water Right No. 6072, Ray and Donna Alexander, Box 815, Hill City, SD 57745, appropriates 0.022 cubic feet of water per second (cfs) from one well located in Lot 18, Section 12-T2S-R4E. The water is for commercial use. The priority date is 1/1/1930.

Vested Water Right No. 7892, Gilbert L. Shearer, Wall, SD 57790, appropriates 4.0 cfs from dry draws for recreational use and to irrigate 2552 acres. The points of diversion are located in the NE1/4 SW1/4, NE1/4 SE1/4 Section 21-T2N-R14E. The irrigated lands are located in the S1/4 NW1/4, NE1/4 NW1/4, S1/4 NE1/4, N1/4 SW1/4, SE1/4 SW1/4 and SE1/4 Section 21-T2N-R14E. The priority date is 1/1/1935.

Vested Water Right No. 10522, Lee Ahrlin, Triple T Ranch, 412 Fox Run Place, Rapid City, SD 57701, appropriates 1.77 cfs from Rapid Creek to irrigate 124 acres. The point of diversion is located in the SE1/4 SE1/4 Section 8-T1N-R8E. The irrigated lands are located in the NW1/4 NW1/4, S1/4 NW1/4, N1/4 SW1/4, SW1/4 NW1/4 and SE1/4 Section 34-T1N-R8E. The priority date is 1/1/1935.

1/1993.

Any person who wishes to oppose validation of any of the read-vested water right claims shall file a petition of intent to oppose the validation by February 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3101 (505 773 3352) and with the vested water right holder at the listed address. The petition may be in formal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m., March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, S.D. The March 3, 1993 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 validation. The request for an automatic delay must be filed by February 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-3, 46-5-8, 46-5-13 thru 46-5-15, 46-5-22 thru 46-5-27, 46-5-48, 46-5-49, 46-6-1 thru 46-6-3, 46-6-8, 46-6-11, 46-6-13, 46-6-15, 46-6-14, 46-6-21, 46-7-1 thru 46-7-3, 46-7-12, 46-7-14, 46-7-15 and Board Rules PRSD 74:02:01:01 thru 74:02:01:05-03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by February 22, 1993, at the above Water Rights Division address for: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Robert E. Roberts
 Secretary
 Department of
 Environment
 and Natural Resources



769-2



IN REPLY
REFER TO

WTR 4.10
BF-430

United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226



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
Project Manager

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

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 226
Newell SD 57760



769-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 17 1993

Gilbert L. Shearer
Wall SD 57790

Dear Mr. Shearer:

The Water Management Board has validated the enclosed Vested Water Right No. 769-2. 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

VESTED WATER RIGHT NO. 769-2 FOR IRRIGATION

Date of Validation March 3, 1993.

1. Vested Water Right No. 769-2 appropriates 4.0 cubic feet per second of water from dry draws for recreational use and to irrigate 285.2 acres. The points of diversion are located in the NE1/4 SW1/4, NE1/4 SE1/4 Section 21, T2N, R16E. The irrigated lands are located in the S1/2 NW1/4, NE1/4 NW1/4, S1/2 NE1/4, N1/2 SW1/4, SE1/4 SW1/4 and SE1/4; all in Section 21, T2N, R16E.

2. The appropriation may not exceed the amount of water needed for beneficial use for recreational use and 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 to December 31.
3. The priority date of the Vested Water Right is January 1, 1935.
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.

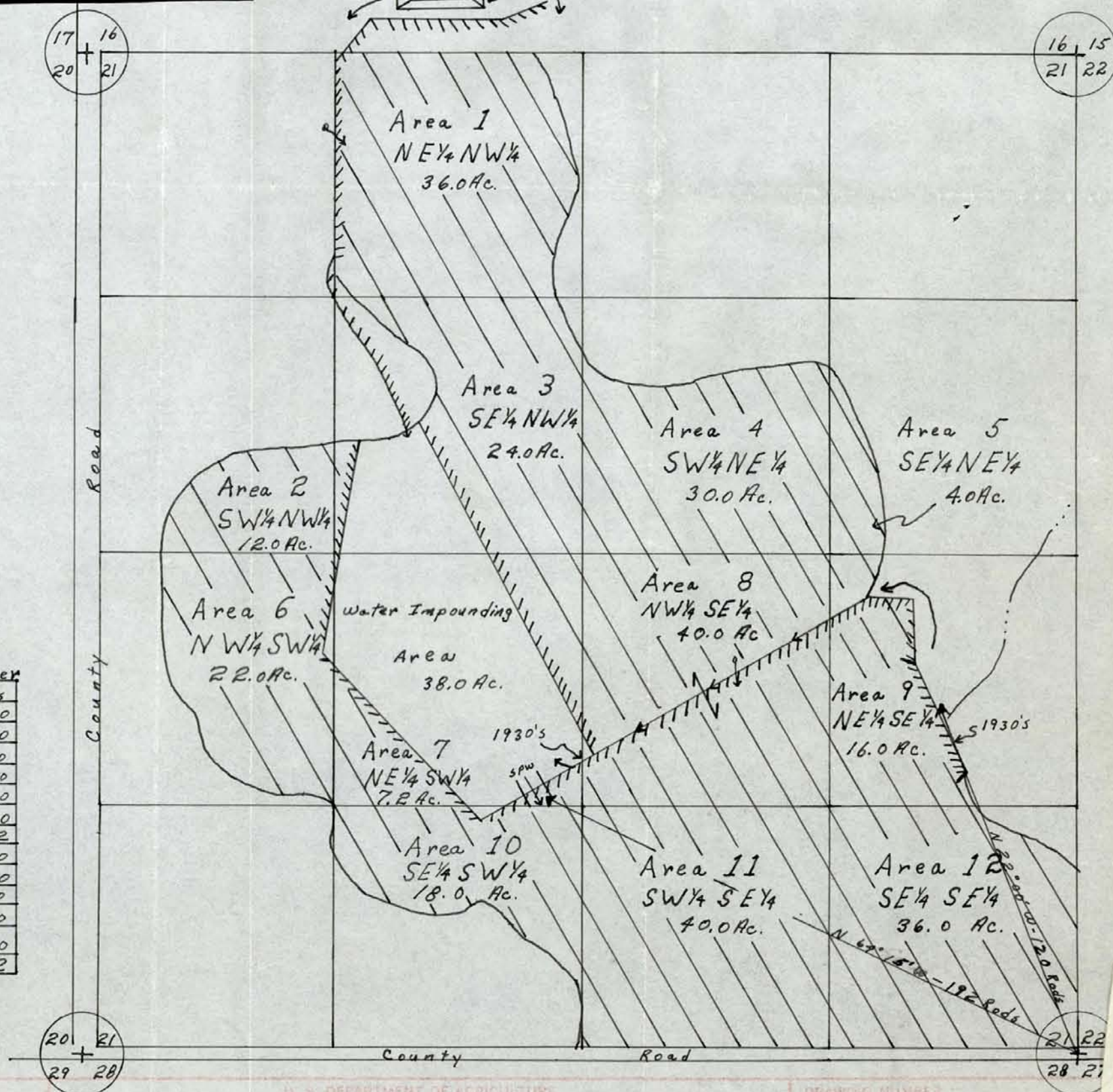
By: John H. Smith
Chief Engineer

date

Division of Water Rights
Dept. of Environment and Natural Resources

All Land Owned by Gilbert L. Shearer

Area	Desc.	Lot	Sec	Township	Range	Acres
1	NE $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	36.0
2	SW $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	12.0
3	SE $\frac{1}{4}$ NW $\frac{1}{4}$		21	2N	16E	24.0
4	SW $\frac{1}{4}$ NE $\frac{1}{4}$		21	2N	16E	30.0
5	SE $\frac{1}{4}$ NE $\frac{1}{4}$		21	2N	16E	4.0
6	NW $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	16E	22.0
7	NE $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	16E	7.2
8	NW $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	40.0
9	NE $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	16.0
10	SE $\frac{1}{4}$ SW $\frac{1}{4}$		21	2N	16E	18.0
11	SW $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	40.0
12	SE $\frac{1}{4}$ SE $\frac{1}{4}$		21	2N	16E	36.0
Total						285.2



REFERENCE

Gilbert L. Shearer
Rush Lake Division & Irrigation

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
ASSISTING
East Pennington
SOIL CONSERVATION DISTRICT

DRAWING NUMBER

SHEET 1 OF 1 SHEETS
DATE 19 March 1962

W.R. # 769-2