

No. 111-376-2

Office of State Engineer
DOCUMENT FILE

Dep. & Const. Settlement Ag.
Sauv. River Co.

Sec. 33, T. 8. S. R. 9 E

Priority: Oct. 25, 1937

29.21 ac. fl.

By *W. A. Shaw*

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

U. S. Water Right No. 376-2

LB-SD-1 Job No. 226-120A
Name of Project

S. Cheyenne Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of Agriculture, Resettlement Administration, has complied with the State Laws and has been issued a withdrawal No. US 376 bearing date of October 25, 1937 withdrawing from further appropriation 29.21 acre-feet per annum of water for storage; of the waters of a Dry Draw in the Stream, County of Fall River, State of South Dakota, at a point S. 81 15' E., 1920' from the W. 1/4 Cor. Sec. 33, T.28., R.2E., for stock water purposes; has fully complied with the provisions of the laws of the State of South Dakota relating to completion of the works set out and described in Section 61.0137, that said works are completed in accordance with information filed in the office of the State Engineer, and 29.21 acre-feet per year is thereby appropriated for the above purposes bearing date of priority of October 25, 1937.

Witness my hand this 13th day of September 1939.

State Engineer.

CERTIFICATE OF WITHDRAWAL
of
WATER FOR APPROPRIATION
to the
UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

LD-311-1 Job No. 225-120

Water Division No. 2
S. Eugene Water District
Source of Appropriation-Stream

The United States of America, Department of Agriculture, ~~Administration~~, having filed "Notice of Intent" to utilize certain heretofore unappropriated public waters of the State of South Dakota, in accordance with the requirements of the statutes of the State of South Dakota, such statutes and authority being contained in Section 61.0137 1939 Revised Code of South Dakota, now therefore;

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of S. O'Connell District, the annual amount of 20.01 acre-feet of water to maintain storage in No. 120 A reservoir created by damming said stream at a point as described as follows: Sec. 15, Twp. 61 N., Range 11 W. feet distant from the W. Corner of Section 33, Township 61 N., Range 11 W.. The purpose of such storage is for stock water 1/2 mi. to Northwest end of dam.

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of _____ a maximum of _____ cubic feet per second to be diverted through the _____ ditch, canal or pipe line at a point located on the _____ bank _____ feet distant from the _____ Corner of Section _____ Township _____, Range _____ for the purpose of _____ during the months of _____

This certificate and withdrawal shall in no manner prejudice, alter, amend or affect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending on the date of this certificate, but the rights and privileges of any and all such prior appropriators or applicants for appropriation of water shall remain inviolate and intact, the same as if the within withdrawal had not been made.

This certificate shall be and is subject to cancellation in accordance with the provisions of the statutes hereinbefore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statutes heretofore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 25th day of October, 1937.

State Engineer

DESCRIPTION OF EARTH IMPOUNDING DAM
RESERVOIR AND SPILLWAY DAM NO. 226JOB NUMBER 226 - 120 AResettlement Administration
Lincoln, Nebraska

Region VII

Project South Dakota
StateLD SD 1
NumberA. Location of Dam and Reservoir 377 SNE $\frac{1}{4}$ SW $\frac{1}{4}$ of the Sec. 33; Township 8 S; Range 9 E;
of the Black Hills Meridian; County Fall River.B. General Data

Tract 2728

1. Area of drainage basin above dam:
- 1.0
- sq. miles.

(Note: For areas greater than 5 sq. miles give size to nearest sq. mi.;
for areas smaller than 5 sq. miles give area to nearest tenth.)

2. Average annual precipitation on water shed in inches:
- 19.81

3. Give amount of rainfall in inches and duration of the heaviest downpour
-
- that can be expected based upon reliable records or information of the
-
- vicinity.

a. 4.88 inches.R = 2.25"/hr.c = .3b. 24 hours ~~minutes~~.S = 10'/1000H = .035c. U. S. Weather BureauSource of information.

4. Give description of water shed.

a. The slopes are sod-covered, ~~cultivated, bare.~~Grass land.(Note: Answer (a) by striking out words not needed. Only a general
description is wanted. If desired, a word or two may be given
in the space that is provided.)b. Average length of drainage basin 1.0 miles.c. Average width of drainage basin 1.0 miles.

5. Maximum run-off of drainage area at the damsite:
- 156
-
- cu. ft. per second.

(over)

C. Description of Dam

1. Height above low point of valley at centerline of dam: 12.6 ft.
2. Length along centerline at top of dam: 434 ft.
3. Width of top: 10 ft.
4. Upstream slope: 3 ft. horizontally to 1 ft. vertically.
5. Downstream slope: 2 ft. horizontally to 1 ft. vertically.
6. Volume in embankment: 4450 cu. yds.
7. Distance above high-water line to top of dam: 5 ft.
8. Distance above water surface to top of dam when spillway is discharging maximum run-off: 3.0 ft.

D. Description of Spillway

1. Bottom width: 40 ft.
2. Slope of sides: 1 1/2 : 1 (Give ratio horizontal to vertical.)
3. Gradient of spillway ditch: 0.10 ft. per hundred ft.
4. Maximum discharge: 242.4 cu. ft. per second.
5. Depth of water in spillway at time of maximum discharge: 2.6 ft.

(Note: The surface of water in the spillway must be at least 30" below the top of the dam when the spillway is discharging the maximum run-off of the drainage basin.)

E. Description of Reservoir

1. Area when filled to level of spillway: 10.47 acres.
2. Area when ~~half full~~ ^{4' below spillway}: 2.92 acres.
3. Area at depth of two feet: .05 acres.
4. Volume when filled to level of spillway: 29.21 acre-ft.
5. Volume when ~~half full~~ ^{4' below spillway}: 2.43 acre-foot.
6. Volume at depth of two feet: 0.5 acre-foot.
7. Average depth when full: 3.8 feet.

(over)

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

That Oscar Hermstad, Project Manager, Bad Lands - Fall River Land Adjustment Project, Resettlement Administration, U. S. Department of Agriculture, whose post office is Eapid City, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land in the name of the United States, to wit:

Tract 2728

SW $\frac{1}{4}$, Section 33, Township 8 South, Range 9 East, B. H. M., in Fall River County, South Dakota. Availing him self of the right granted him under the provisions of Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has located and claims the right to construct a certain dam across a dry draw situated in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 33, township 8S, range 9E, B.H.M., for Live Stock Purposes.

Said locator claims for the above purpose 1,272,387 cubic feet of water plus losses due to annual evaporation during the following described annual periods January 1st to December 31st, inclusive, each year.

Said location was made on the 27th day of April, 1937.

Witness my hand and seal this 29th day of June, 1937.



Locator, Project Manager
Resettlement Administration,
U. S. Department of Agriculture

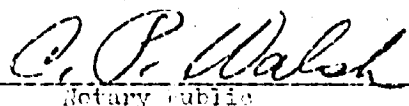
STATE OF SOUTH DAKOTA)
: ss
County of Pennington)

On the 29th day of June, 1937, before me

C. P. Walsh a Notary Public in and

for the County and State aforesaid, personally appeared Oscar Hermstad, Project Manager, to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.


Notary Public

My Commission Expires: May 4, 1940.

RECEIVED

OCT. 25 1937

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

PETITION

TO DEAN W. LOUCKES
STATE ENGINEER
STATE OF SOUTH DAKOTA
PIERRE, SOUTH DAKOTA

Comes now Oscar Hornstad, Project Manager, Bad Lands - Fall River Land Adjustment Project, Resettlement Administration, U.S. Department of Agriculture, whose post office is Rapid City, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land in the name of the United States, being desirous of obtaining a certificate from the State Engineer in accordance with Sec. 8239, Revised Code of the State of South Dakota, so petitions the State Engineer to wit:

In support of said petition, your affiant deposes and says:

(1) That notice of appropriation, copy of which is hereto annexed and made a part of this petition was posted under date of July 15, 1937 and recorded under date of September 7, 1937.

(2) That the dam referred to in said notice was completed under date of July 6, 1937.

(3) That said dam is 434 feet in length and 12.6 feet in height.

(4) That said dam is located upon the land described as follows:

NE¹SW¹ of Section 33, Twp 8 South, Rge 9 East,
BHM, Fall River County, South Dakota.

(5) That said land is to be used for Stock Water purposes.

Wherefore your affiant respectfully requests that a certificate be issued to him in accordance with the law in force made and provided,

SECRETARY USDA

Subscribed and sworn to before me this 23rd day of Sept., 1937.

5-11-1937
Notary Public

My commission expires: July 10, 1939.

RECEIVED

OCT 25 1937

OFFICE OF STATE ENGINEER

PIERRE, S. DAK.

RECEIVED

FEB 20 2008

WATER RIGHTS
PROGRAM

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. US376-2Date: 15 Feb. 2008I/We request that Water Right/Permit No. US376-2 formerly owned by:USDA Forest Service

be transferred to:

New Owner Name: Sides Ranch, Inc. John S. Sides, PresidentAddress: P.O. Box 137City, State, Zip Smithwick SD 57782 Telephone No. (605) 424-6515

Title to the following described land(s)/property has been transferred as described above:

Black Hills Meridian, Fall River County, South Dakota
T. 8S., R. 9 E., Sec 33, NE1/4SW1/4.

☒ I understand that the validity of Water Right/Permit No. US376-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Sides Ranch Inc John S. Sides the new owner, certify that the above information is true and correct.
President

John S. Sides for Sides Ranch Inc
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Archaeological Site 39FA1595
Deed Restriction Survey
Located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 33, T8S, R9E, BHM
Fall River County, South Dakota

Description of Deed Restriction Boundary:

Beginning at a point on the high water line of the existing reservoir from which the center west $\frac{1}{16}$ corner, section 33, bears N49°19'W, 568.4 feet distance; thence along lines 20 through 37 of the deed restriction boundary as shown hereon and returning to point of beginning. Restriction area contains 11.53 acres, more or less.

EXHIBIT "A"

N89°59'W

1320.71

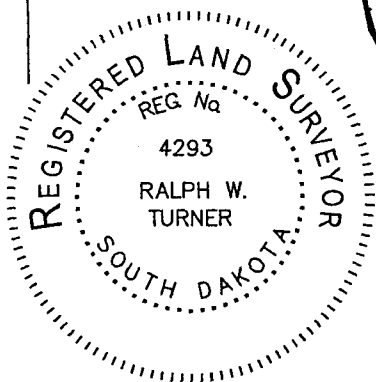
SE1/4NW1/4

Basis of Bearing

Center West 1/16th corner

Center 1/4 corner

Deed Restriction Boundary



SURVEYOR'S CERTIFICATE

I, Ralph W. Turner do hereby certify that this plat was made from a field survey done by me or under my direct supervision at the request of the U.S. department of Agriculture, Forest Service and that it represents the land shown hereon, to the best of my knowledge.

Ralph W. Turner June 8, 2011
RALPH W. TURNER LS 4293 DATE

LINE TABLE		
LINE	LENGTH	BEARING
L20	308.3	S56°27'W
L21	103.3	S21°35'E
L22	153.7	S75°46'E
L23	244.9	S12°28'E
L24	452.0	S26°58'E
L25	47.1	N77°46'E
L26	388.8	N09°28'W
L27	253.7	N35°10'E
L28	295.5	N14°09'E
L29	224.1	S60°12'E
L30	168.3	N25°15'E
L31	333.8	N51°49'W
L32	49.3	N65°53'W
L33	183.3	N11°40'E
L34	219.3	N43°55'W
L35	336.2	S38°26'W
L36	238.4	S25°24'W
L37	104.1	S49°34'E

Prepared BY:
Ralph W. Turner
Black Hills National Forest
25041 North Hwy. 16
Custer, SD 57730-7239
605-673-9200

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
ROCKY MOUNTAIN REGION
BUFFALO GAP NATIONAL GRASSLANDS



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 20 00 20 08

RECEIVED OF Sides Ranch, Inc., PO Box 137, Smithwick SD 57782

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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 <u>US376-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

03558

By

Harland Erbele

Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 21, 2008

US376-2

John S Sides
Sides Ranch Inc
PO Box 137
Smithwick SD 67782

Dear Mr. Sides:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on US Withdrawal No. 376-2. The transfer has been completed. US Withdrawal No. 376-2 formerly held by the USDA Forest Service is now listed in the name of "Sides Ranch Inc."

Enclosed is your Receipt No. 03538 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352