

Water Right Number 1043-1

Considered JANUARY 22, 1975

Name of Applicant MELVIN W. SPENCER, SR.

Post Office Address FAITH

Amount of water claimed 9.50

Source of water supply MOREAU RIVER & DRY DRAINS

Water to be used for IRRIGATION

Acres to be irrigated 664.2

Water to be diverted and used in PERKINS County

about 13A, SE Miles of FAITH

Proof of Publication

Received 2-7-75

Not received

Approved

Subject to

Not approved

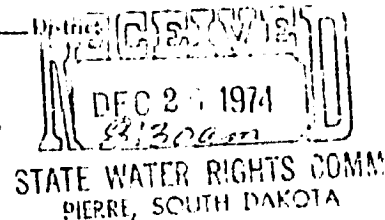
Action deferred

10. Remarks:

**INVOLVES CANCELLATION
OF 766-1**

Map No. 643-1 Water Division No. 1 No. 1043-1 MOREAU RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Melvin W. Spencer, Sr.
Postoffice address Faith, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Spencer Irrigation Project No. 1
4. Amount of water claimed (cubic feet per second) 9.5
5. Source of water supply Moreau River and Dry Draws
6. Location of point of diversion From Moreau River-between a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, and a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T14N, R16E; From Dry Draws: between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T14N, R16E and a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T14N, R17E County Perkins
7. Annual period or periods during which water is to be used when available irrigation
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 664-2

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.	Land Description	No. Acres Irr.
See attached sheet			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Faith Independent, Faith, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

☒ Pumping

B. Works proposed to transport water to place of use.

☒ Pumping and Sprinkling

C. Works proposed to apply water to beneficial use.

☒ Pumping and SprinklingEstimated Total Cost \$ 82,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

☒ County of Perkins

I, Melvin W. Spencer, Sr., the applicant, certify that I have read the foregoing application and 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 Melvin W. Spencer, Sr.Subscribed and sworn to before me this 23 day of December, 19 74

Edna Hume
Notary Public (or other qualified officer)
Register of Deeds, Perkins County,
S. Dak.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1043-1

MELVIN W. SPENCER

(Applicant)

FAITH

(Post Office Address)

SOUTH DAKOTA 57626

(State)

With the following modifications:

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS ON THE MOREAU RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE MOREAU RIVER ARE DEFINITELY & RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

Date of first receipt of application DECEMBER 26 19 74
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MARCH 20 19 75 Recorded in Book 13 Page 185

WATER RIGHT PERMIT NO. 1043-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1043-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 26 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20 19 77
3. The whole of said work is to be completed on or before MARCH 20 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 9.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 20 19 84; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 20TH day of MARCH 19 75

WATER RIGHTS COMMISSION

By:

Donald Russell

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____

Lands to be irrigated, Melvin W. Spencer

T14N, R16E		Acres
Section 1	NW $\frac{1}{4}$ SE $\frac{1}{4}$	19.4
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.4
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.8
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.1
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	10.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	12.6
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.6
Section 2	SW $\frac{1}{4}$ SE $\frac{1}{4}$	19.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	22.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.3
Section 11	NW $\frac{1}{4}$ NE $\frac{1}{4}$	32.7
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	37.8
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	28.9
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	34.0
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	7.6
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.8
Section 12	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35.0
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27.0
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25.8
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15.8
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.4
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	9.7
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.9
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.2
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	0.4
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	0.7
T14N, R17E		
Section 6	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21.2
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	30.1
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	15.8
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	<u>31.1</u>
Total Acres		664.2

1043-1 & 1044-1

March 3, 1975

Mr. Wayne Ducheneaux, Chairman
Cheyenne River Sioux Tribal Council
Eagle Butte, South Dakota 57625

Dear Mr. Ducheneaux:

As was indicated to you in Governor Richard E. Kneip's letter of February 24, 1975, Water Right Applications Nos. 1043-1 and 1044-1 of Melvin W. Spencer involving diversions of water from the Moreau River will be considered by the Water Rights Commission at 2:30 P.M. on March 19, 1975 at its office in Pierre, South Dakota.

As was indicated, only one of these water right applications, No. 1044-1 proposed use of water within the Cheyenne River Reservation exterior boundaries.

In a letter dated February 20, 1975 Mr. Melvin W. Spencer requested that the 243 acres proposed for irrigation (Water Right Application No. 1044-1) located inside the Ziebach County Line (being that portion located within the exterior boundaries of the Cheyenne Indian Reservation) be withdrawn from Water Right Application No. 1044-1.

Sincerely,

DONALD DRISCOLL
Chief Engineer
WATER RIGHTS COMMISSION

DD/bw

cc: Mr. Don Coleman, Dupree, South Dakota 57623

Mr. Melvin W. Spencer, Faith, S.D. 57626

Publish first publication, on or before January 8, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 27, 1974Notice is hereby given that Melvin W. Spencerwhose post office address is Faith, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use9.5 cubic feet of water per second of time from the Moreau River & dry draws through the Spencer Irrigation Project #1, the point of diversion of which is to be located in the from the Moreau River between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, T14N, R16E, and from dry draws between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, T14N, R16E and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Twp. 14N, Range 17E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SE $\frac{1}{4}$, Section 6, T14N, R17E; SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1; S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 11; NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, all in T14N, R17EThis application No. 1043-1 will be considered by the Water Resources Commission at their office at Pierre upon the 22nd day of January, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Melvin W. Spencer, Faith, S.D. 57626

**South Dakota Department of
Water & Natural Resources**
Foss Building
23 East Capitol
Pierre, South Dakota 57501

No. 1043-1

Division of Water Rights
605 773-3352

December 21, 1983

Melvin Spencer, Sr.
Falth, South Dakota 57626

Dear Mr. Spencer:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1043-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

State of South Dakota
Water License No. 1043-1

(1) Heivin W. Spencer, Sr.
of Fulth, South Dakota 57626
made Application No. 1043-1 December 26, 1974 for a water permit to appropriate
9.5 cubic feet per second of water from Moreau River and dry draws
Perkins County, South Dakota for Irrigation purposes.
Permit No. 1043-1 with a priority date of December 26, 1974
was approved March 20, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 20, 1980 and for the application to beneficial use of said
water on or before March 20, 1984.

The original publication notice could not be located at the time Permit No. 1043-1
was inspected for licensing purposes. The permit was readvertised to bring it into
compliance and was approved on July 25, 1984 by the Water Management Board. The
priority date of December 26, 1974 will be retained.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.40 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on dry draws in the S½SE¼ of
Section 6, T14N, R17E (DC/D)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, — to irrigate the following land all in Section 6,

T14N, R17E

NE 1/4 SE 1/4 30.1 (DA)

NW 1/4 SE 1/4 21.2 (DB)

SW 1/4 SE 1/4 15.8 (DC)

SE 1/4 SE 1/4 31.1 (DD)

TOTAL 98.2 ACRES

(4) Pursuant to §16-5-30.1 Malvin W. Spencer Estate, c/o Violette Spencer

of Star Route, Box 427, Faith, South Dakota 57626

the holder(s) and/or owner(s) of Water Permit No. 1043-1 is issued a license to appropriate water, the right to use 1.40 cubic feet per second of water from dry draws with a priority date of December 21, 1974 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1043-1 and subject to South Dakota State Law.

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

JOHN HATCH

March 27, 1984

10-20-85

LICENSE FOR PERMIT NUMBER 1043-1

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines: Dikes

a) size of lines 3-4 ft high

b) type earth

c) length 900 ft

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒	☐	2. Special Qualifications to permit being abided by.
☒	☐	3. All Structures, wells and lands on map.

REMARKS:

Permit No. 1043-1Moreau River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by _____

Melvin W. Spencer, Sr. of Faith, SD holder ofPermit No. 1043-1, bearing the priority of December 26 19 74 authorizingthe diversion of 9.5 cu. ft. per second of the waters of dry drawsfor irrigation purposes, in Perkins County.

I have to report on the conditions of the same as follows:

Dikes: size - 3 to 4 ft high

type - earth

length - 900 ft.

A. Works used to divert the water:

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

C. Works used to apply water to beneficial use:

waterspreadingThe system is in the following condition goodThe point of diversion is located dry draws: S 1/2 SE 1/4 of sec 6, T14N, R17EThe works are capable of diverting and conveying to the place of use 1.40cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T14N, R17ENE 1/4 NE 1/4 SE 1/4 sec 6 Acres 30.1NW 1/4 NE 1/4 SE 1/4 " 21.2SW 1/4 NE 1/4 SE 1/4 " 15.8SE 1/4 NE 1/4 SE 1/4 " 31.1comprising a total of 98.2 acres of land and the license should be issued for 1.40 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date Oct 20, 1983Lands listed in NE 1/4 on permit,
but advertised in SE 1/4 (correct location)Ron Duval
(signature)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, John W. Hir

certify that the annexed printed copy

Water was taken from the Faith

A newspaper which during the who
herein after stated, has been and is p

City _____ of _____

County of Meade
that the said notice was published
two dates:

March 14 & 21

[Signature]
(Sic)

[Signature]
(Tit)

3-6

(Dat)



Notice

NOTICE OF HEARING on
Application No. 1043-1 to Ap-

propriate Water
Notice is hereby given that
Violetto Spencer whose mail-
ing address is Faith, South
Dakota made an application
for a permit on December 26,
1974. This notice replaces the
original notice which cannot
be located. The original ap-

plication was to appropriate
9.5 cubic feet per second to
irrigate 664.2 acres. This
notice changes the appropri-
ation from 9.5 cubic feet per
second to 1.40 cubic feet per
second and the acreage irri-
gated from 664.2 acres to 98.2
acres. The diversion rate
and acreage in this notice
are totals and are not in
addition to the original appli-
cation. Therefore, 1.40 cubic
feet per second is to be
diverted from dry draws in
the SE 1/4 of Section 6 and
98.2 acres are to be irrigated
in the SE 1/4 of Section 6; all in
T14N, R17E.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the
Water Rights Division rec-
ommends Approval of Ap-
plication No. 1043-1 because
1) unappropriated water is
available, 2) will be no un-
lawful impairment of exist-
ing rights, 3) is beneficial
use of water and 4) is in the

public interest.
This application will be con-
sidered by the Water Man-
agement Board at Room 216,
Joe Foss Building, 523 E.
Capitol, Pierre, South Dako-
ta on April 25, 1984 at 10:00
am.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and
the Board is authorized to
make a determination on
this application after it
reaches a conclusion based
upon facts presented at the
public hearing. Any interest-
ed person who may be affect-
ed by a Board decision and
who intends to participate in
the hearing before the Board
and present evidence or
cross-examine witnesses ac-
cording to SDCL 1-26 must
file a written petition with
BOTH the Applicant and the
Chief Engineer by April 13,
1984. The petition may be
informal, but must include
a statement setting forth the
petitioner's interest in the
application, the reason for
the petitioner's opposition to
or support of the application,
and the signature and mail-
ing address of the petitioner
or his legal counsel if legal
counsel is obtained. The ap-
plicant need not file a peti-
tion.

This application is made
pursuant to the provisions of
SDCL 46-1-1 thru 46-1-9.

46-1-12 thru 46-1-15; 46-2-3, 1;
46-2-9; 46-2-11; 46-2-13; 46-2-17;
46-5-1 thru 46-5-16; 46-5-24;
46-5-25; 46-5-30, 2; 46-5-31;
46-2A-1 thru 46-2A-10;
46-2A-12; 46-6-3; 46-6-3, 1;
46-6-6, 1; 46-6-10; 46-6-13;
46-6-14; and Board Rules
ARSD 74:02:01:01 thru
74:02:01:15.

This hearing is an advcr-
sary proceeding. The appli-
cant or any person, after
filing a petition, has the right
to be present or to be repre-
sented by a lawyer. These
and other due process rights
will be forfeited if they are
not exercised. Decisions of
the Board may be appealed
to the Circuit Court and the
State Supreme Court as pro-
vided by law. Any person wishing a copy
of the Chief Engineer's rec-
ommendation, further infor-
mation on this application or
to assure access to the hear-
ing by the handicapped can
contact the Water Rights
Division, DWNR, Joe Foss
Bldg., Pierre, SD
(605 773-3352) for assistance
prior to the hearing date.
The time of the hearing will
be automatically extended
for at least twenty days upon
written request of the appli-
cant or any person who has
filed a petition to oppose or
support the application. The
request for extension must
be filed with the Chief En-
gineer by April 13, 1984.
The Faith Independent
March 14, 1984
March 21, 1984

Cost of Printing: _____

Water Rights Division
605 773-3352

March 8, 1984

1043-1

Violette Spencer
St Rt, Box 427
Faith SD 57626

Dear Mrs. Spencer:

Permit No. 1043-1 will be readvertised in the FAITH INDEPENDENT on March 14, 1983. The advertisement is to replace the original advertisement which cannot be located in our records. The re-advertisement cost will be paid by the Division of Water Rights.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

DWNR 806-7/83

WP ~~806-7/83~~ No. 1043-1

Instruction to Newspaper: - Publish first publication of the following Notice on or before March 14, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1043-1 to Appropriate Water
~~and/or to Amend Water Permit on Water Rights No. _____~~

Notice is hereby given that Violette Spencer whose mailing address is _____, South Dakota ~~has~~ made an application for a permit

Right on December 26, 1974. This notice replaces the original notice which cannot be located. The original application was to appropriate 9.5 cubic feet per second to irrigate 664.2 acres. This notice changes the appropriation from 9.5 cubic feet per second to 1.40 cubic feet per second and the acreage irrigated from 664.2 acres to 98.2 acres. The diversion rate and acreage in this notice are totals and are not in addition to the original application. Therefore, 1.40 cubic feet per second is to be diverted from dry draws in the S 1/2 SE 1/4 of Section 6 and 98.2 acres are to be irrigated in the SE 1/4 of Section 6; all in T4N, R17E.

Pursuant to SDCL 46-21-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1043-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on April 25 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 13, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (typo) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-28 thru 46-5-40; (transition land) 46-5-30.1, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-22 thru 46-5-24, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.

RECEIPT

Division of Water Rights

No 4 9485

South Dakota Department of Water and Natural Resources

Pierre, January 12, 1984

RECEIVED OF Melvin W. Spencer Estate, c/o Violette Spencer, SR, Box 427, Faith, SD
the following amount in fees for services rendered as provided for by law: 57626

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1043-1</u>		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____	50	00
Fee for _____ (Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

JOHN HATCH/ins

No. 1043-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

October 16, 1984

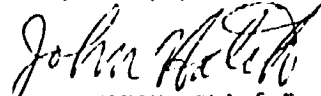
Melvin W. Spencer Estate
c/o Violette Spencer
Star Route, Box 427
Faith, South Dakota 57626

Dear Mrs. Spencer:

Enclosed herewith is, Water License No. 1043-1. This is the final water right document completing your process of obtaining a water right.

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

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

NOT TO SCALE

46.1
June Mason East (ow)
Orville Lauer (op)

Henry Scott (ow)

2

Melvin Spencer (ow)

14-16
3-137R

June Mason East (ow)
Orville Lauer (op)

Melvin Spencer (ow)

~~No 1043-1~~
Appl 1043-1