

Considered: \_\_\_\_\_

Vested Right  
WATER PERMIT NO. 1369-1 <sup>8</sup>

MAP No. same

Name of Applicant Frank L. Matson

Post Office Address 353 Hillview Drive, Spearfish SD 57783

Amount of Water Claimed .11 cfs Total Acres NA

Source of Water Supply ground water Minne lusa Formation

Water to be used for commercial purposes County Lawrence

About \_\_\_\_\_ miles \_\_\_\_\_ of in Spearfish

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved 12/10/86 Subject to \_\_\_\_\_

F.F.& C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received August 6, 1986 Fee \$15.00 Remarks \_\_\_\_\_

1/1/48

Corrected Application Received Sept. 16, 1986 Period of Annual Use Jan 1 - Dec 31

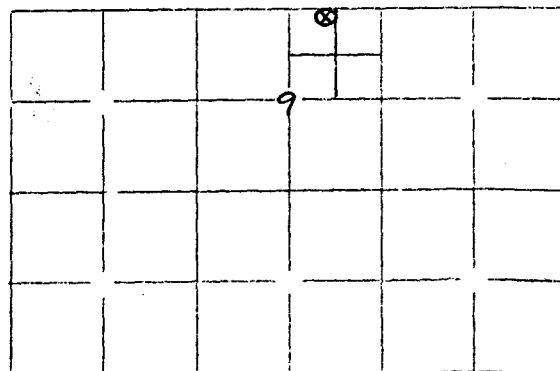
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point well: NW 1/4 NE 1/4 section 9-

T6N-R2E

Land to be Irrigated NA



Well Log: Driller not available Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well 500 feet REMARKS \_\_\_\_\_

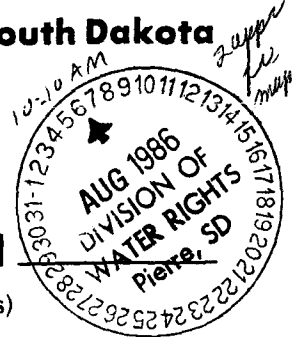
Type of Map aerial photo PREPARED BY Leroy Mernaugh Reviewed and the Number

assigned on October 17, 1986 By Ron Lussall

|                                  |                                 |
|----------------------------------|---------------------------------|
| No. <u>1369-1</u>                | Hydrologic Unit <u>10120203</u> |
| Map No. <u>same</u>              | Basin <u>Belle Fourche R</u>    |
| Newspaper <u>Queen City Mail</u> |                                 |

**Application For Permit To Appropriate Water Within The State Of South Dakota**

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. \_\_\_\_\_ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☒ Other commercial use See Permit No. \_\_\_\_\_☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. \_\_\_\_\_1. Name of Applicant Frank L. Matson Phone No. 642-4231Post Office Address 353 Hillsvie Drive, Spearfish, South Dakota State 57783  
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 50 gpm 0.11 cfs Total acres irrigated NA3. Source of Water supply groundwater - on well (Minnelusa)4. Location of point of diversion Lot A, NW 1/4 NE 1/4, Section 9, T6N, R2E NE 1/4 NE 1/4150 ft W and 50 ft S of the NW corner of the NW 1/4 NE 1/4  
of Section 9 T6N R2E County Lawrence5. Counties where water will be used Lawrence6. Annual period during which water is to be used continuous Jan 1 - Dec 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

At present time trailer court has 22 hookups.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)  
County of Lawrence)<sup>ss</sup>I, Frank L. Matson the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Frank L. MatsonSubscribed and sworn to before me this 5 day of August 19 86  
RUTH LOEWEL, Notary Public  
My Commission Expires November 21, 1990

Notary Public (or other qualified officer)

## WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. \_\_\_\_\_

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Post Office Address)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Zip Code)

With the following qualifications.

See Form VR-2

Date of first receipt of application \_\_\_\_\_, 19\_\_\_\_.

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19\_\_\_\_.

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_. Approved \_\_\_\_\_, 19\_\_\_\_.

The Water Management Board hereby approves this Water Permit No. \_\_\_\_\_ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is \_\_\_\_\_, 19\_\_\_\_.
2. One-fifth of the work is to be completed on or before \_\_\_\_\_, 19\_\_\_\_.
3. The whole of said work is to be completed on or before \_\_\_\_\_, 19\_\_\_\_.
4. The time limit for proof of beneficial use of water is \_\_\_\_\_, 19\_\_\_\_.
5. The water appropriated shall be used for the purpose of \_\_\_\_\_.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed \_\_\_\_\_ 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. For irrigation purposes said appropriation must be limited to not more than 2 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 \_\_\_\_\_, 19\_\_\_\_; said water to be used during the following described annual period: \_\_\_\_\_.

### WATER MANAGEMENT BOARD

By: \_\_\_\_\_  
Chief Engineer

Division of Water Rights  
Dept. of Water and Natural Resources

\_\_\_\_\_, 19\_\_\_\_



## VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1369-1

Frank L. Matson 353 Hillview Drive, Spearfish  
(applicant) (post office address)

SD 57783  
(state) (zip code)

Date of receipt of Application August 6, 1986.

Validated December 10, 1986.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is Jan. 1, 1948.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of commercial use.
4. The prior rights 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 unlawfully impaired by this appropriation.
5. The amount of appropriation hereby validated shall not exceed 0.11 cubic feet per second of time; 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 to which water has been actually and beneficially applied for commercial use. The water to be used during the following described period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John Hated  
(Chief Engineer)

Division of Water Rights  
Dept. of Water and Natural Resources

FEB 17 1987, 1987

**STATE OF SOUTH DAKOTA**

**VESTED RIGHT WATER LICENSE NO. 1369-1**

(1) Frank L. Matson of 353 Hillsvie Drive, Spearfish, SD 57783 made Application No. 1369-1, August 6, 1986 for validation of a vested right claim to appropriate 0.11 cubic feet per second of water from groundwater (one well), Lawrence County, South Dakota for commercial purposes. Vested Water Right No. 1369-1, with a priority date of January 1, 1948 was validated December 10, 1986 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

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 0.11 cubic feet per second of water for beneficial use.

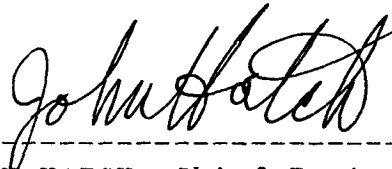
The location of the diversion point(s) is:

Lot A, NW 1/4 NE 1/4 Section 9, T6N, R2E (150 ft W and 50 ft S of the NW corner of the NE 1/4 NE 1/4 of Section 9, T6N, R2E).

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, water is diverted through a distribution system to provide water for Hillsvie Trailer Court.

(4) Pursuant to Section 46-5-30.1 Frank L Matson of 353 Hillsvie Drive, Spearfish SD 57783 the holder(s) and/or owners(s) of Vested Water Right No. 1369-1 is issued a license to appropriate water, the right to use 0.11 cubic feet per second of water from groundwater (one well) with a priority date of January 1, 1948 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 commercial use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1369-1 and subject to South Dakota State Law.

A handwritten signature in cursive script, reading "John Hatch", written in dark ink.

-----  
JOHN HATCH, Chief Engineer

Water Rights Division

Department of Water and Natural  
Resources

FEB 17 1987

**Affidavit of Water Use**

No. \_\_\_\_\_

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Frank L. Matson

Post Office Address 353 Hillview Drive, Spearfish, South Dakota 57783  
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting 1948

Date of recording \_\_\_\_\_ Recording date \_\_\_\_\_  
Where Book Page

B. Date of start of construction of water supply system 1948C. Date that water was first applied to beneficial use 1948D. Name of owner of original water supply system George DonnerE. Amount of water originally applied to beneficial use 50 gpmF. Present Use of Water - Amount of water now being used 50 gpmDate that this water was first used 1948

## G. Chronological History of Water Use

1948 George Donner dug the well and used it for  
a trailer court. It has been in continual use for  
a trailer court since the well was dug.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )

ss

County of Lawrence)

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

Signed Frank L. MatsonSubscribed and sworn to before me August 5, 1986

Keith Loewel, Notary Public  
 My Commission Expires November 21, 1990

Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Frank L. Matson 8-5-86 19\_\_\_\_  
(Print name)

\_\_\_\_\_  
(Print name) 19\_\_\_\_

# Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 4 inches Depth 500 feet
- b) Casing Type steel Diameter 4 inches Thickness standard
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack Thickness none Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material 450 feet
- f) Depth of Water (ground surface to water level) 25 feet
- g) Distance to nearest existing domestic well:
- On applicants property N/A On property owned by others 100 feet

## 2. Dugout Information Estimates

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

## 3. Water Storage Dams

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

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

\_\_\_\_\_  
\_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Outlet Dimensions:  
Pipe diameter \_\_\_\_\_

Spillway width \_\_\_\_\_

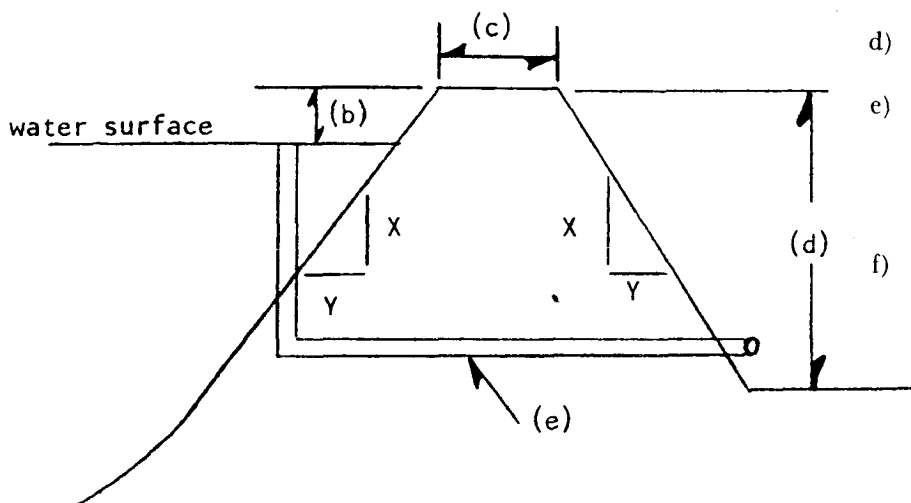
f) X & Y Slope  
Upstream \_\_\_\_\_

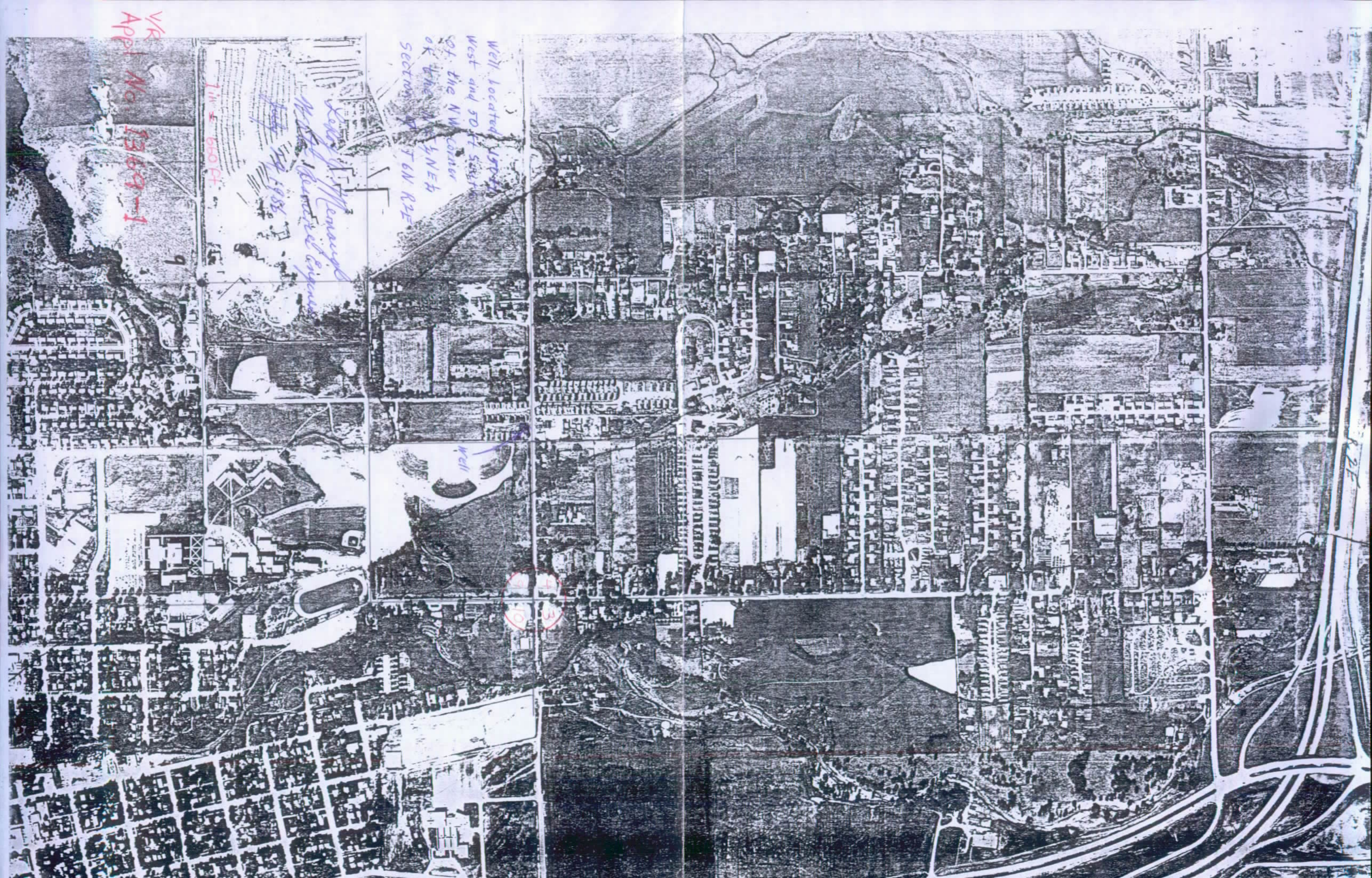
Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_





Well located 1904  
West and 30 ft 50 ft  
of the NW corner  
of the NE 1/4 NE 1/4  
Section 4 T6N R2E

Lester J. McNamee  
1750 ft. Mineral Springs  
July 19, 1956

1 mi. E 650 ft.

q

Well

18  
19

VR  
Appl No. 1369-1

WATER RIGHTS DIVISION  
(605) 773-3352

September 11, 1986

Frank L. Matson  
353 Hillview Drive  
Spearfish, South Dakota 57783

Dear Mr. Matson:

This letter is in response to your permit application received on August 6, 1986.

I have enclosed your permit applications and the map you returned with the application forms. The legal land description on the permit application and the map are not the same. According to the marked location of the well on the map the legal description is correct as described on the map. The description on the permit application was changed from "150 feet W and 50 feet S of the NW Corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ " to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ . I believe the description is correct as shown on the enclosed map. If you agree, please change the legal description circled in red on the permit applications to match the legal description on the map.

Please complete the needed corrections and return the permit application forms and the map to begin the processing of your application. Contact us if you have any questions.

Sincerely,

Ron Duvall  
Natural Resources Engineer

RD:ms  
Enc.

# RECEIPT

Division of Water Rights

410508

South Dakota Department of Water and Natural Resources

Pierre, August 6, 1986, 19\_\_

RECEIVED OF Frank L. Matson, Hillsvie Trailer Court, 353 Hillsvie Drive, Spearfish SD  
the following amount in fees for services rendered as provided for by law: 57783

|                                                                                                                                        |       |       |
|----------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>1369-1</u> to Appropriate Water, to construct works and to put water to beneficial use <u>VR</u> | 15    | 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. _____                                    |       |       |
| Fee for Filing Transfer Form _____                                                                                                     |       |       |
| Fee for Filing Extension Request _____                                                                                                 |       |       |
| Fee for Certified Copy of _____                                                                                                        |       |       |
| Fee for Print Copy of Map _____                                                                                                        |       |       |
| Fee for Certifying _____                                                                                                               |       |       |
| Fee for _____                                                                                                                          |       |       |
| (Any Other Work Provided by Law)                                                                                                       | Total | 15 00 |

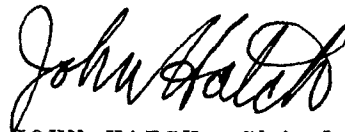
By John Hatch  
Chief Engineer JOHN HATCH (ms)

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 1369-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1369-1, Frank L. Matson, 353 Hillsvue, Spearfish SD.

The Chief Engineer is recommending VALIDATION of Application No. 1369-1 because 1) water has been appropriated as described for commercial use to provide a water supply for Hillsvue Trailer Court with a priority date of January 1, 1948, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer  
October 31, 1986

Report on Vested Water Right Application No. 1369-1  
Frank L. Matson  
October 20, 1986

Vested Water Right Application No. 1369-1 proposes to validate a vested right claim for the appropriation of 0.11 cubic feet of water per second from one well 500 feet deep (Minnelusa Formation) located in the NW 1/4 NE 1/4 Section 9, T6N, R2E. A priority date of January 1, 1948 has been claimed for the water use. Water is used for commercial purposes to provide water supply for the Hillsvew Trailer Court.

Conclusions:

1. According to the affidavit of water use, the works were constructed during 1948 and water has been put to beneficial use.
2. A priority date of January 1, 1948 should be assigned since the exact date for start of construction during 1948 is unknown.
3. The amount of water appropriated seems reasonable for the claimed use.
4. It is recommended that the vested right claim be validated.



Ron Duvall  
Natural Resources Engineer



# Department of Water & Natural Resources

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

November 5, 1986

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

Frank L. Matson  
353 Hillsvie Drive  
Spearfish SD 57783

Dear Mr. Matson:

Your Application No. 1369-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the QUEEN CITY MAIL printed at Spearfish SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures



# Department of Water & Natural Resources

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

November 5, 1986

QUEEN CITY MAIL  
Box 7  
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1369-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 12, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
Date \_\_\_\_\_

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

We are in receipt of your letter of \_\_\_\_\_ enclosing  
Notice of Hearing to Validate A Vested Right Application which  
was first published in our issue of \_\_\_\_\_.  
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

-----  
Name

-----  
Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before November 12, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

-----

NOTICE OF HEARING To Validate  
Vested Right Application No. 1369-1 to Appropriate Water

Notice is hereby given that Frank L. Matson whose mailing address is 353 Hillsvie Drive, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 0.11 cubic feet of water per second from one well 500 feet deep (Minnelusa Formation) located in the NW 1/4 NE 1/4 Section 9, T6N, R2E. The water use has a claimed priority date of January 1, 1948 and is used for commercial purposes to provide a water supply for Hillsvie Trailer Court.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1369-1 because 1) water has been appropriated as described for commercial use with a January 1, 1948 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 November 28, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

STATE OF SOUTH DAKOTA )  
 ) ss.  
County Lawrence )

I, William B. Kemper hereby

Water was taken from the Queen City Mail

city of Spearfish

November 12, 1986

November 19, 1986

William B. Jenger  
(Signature)

Publisher  
(Title)

11/19/86

(Date Signed)



99 lines x .2564 = \$25.38 (11/12)

99 lines x .2051 = 20.30 (11/19)

TOTAL COST      \$45.68

Notice is hereby given that Frank L. Matson whose mailing address is 353 Hillview Drive, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 0.11 cubic feet of water per second from one well 500 feet deep (Minnelusa Formation) located in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T6N, R2E. The water use has a claimed priority date of January 1, 1948 and is used for commercial purposes to provide a water supply for Hillview Trailer Court.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1369-1 because 1) water has been appropriated as described for commercial use with a January 1, 1948 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 November 28, 1986. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the reasons 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

The 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

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 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, Joe Foss Bldg., Pierre SD (650 773-3352) 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

Nov. 12 & 19



# Department of Water & Natural Resources

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

FEB 17 1987

Frank L. Matson  
353 Hillsvie Drive  
Spearfish SD 57783

Dear Mr. Matson:

Enclosed are your Validated Vested Water Right and Water License No. 1369-1.  
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,

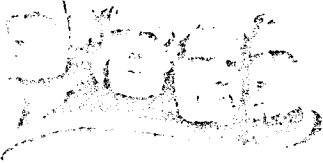
A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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

JH: ks

enclosures

*South Dakota*



GREAT FACES. GREAT PLACES.  
October 10, 1991

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

1369-1

Jim or Jeannette Sparks  
353 Hillsvie Drive  
Spearfish SD 57783

Dear Mr. & Ms. Sparks:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1369-1. The water right is currently listed in the name of Frank L. Matson.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1369-1



I\We request that Water Right No. 1369-1

formerly owned by: Frank L. Matson

be transferred to: (name & address) Jim or Jeannette Sparks, 353 Hillsvie Drive,

Spearfish SD 57783 (Telephone No.) 605 642-4231

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

(diversion point) NW 1/4 NE 1/4 Section 9-T6N-R2E

I\We understand that the validity of Water Right No. 1369-1 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )  
 )  
County of Lawrence )

I\We Jeannette Sparks 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, and that I know of my own personal knowledge that the information herein stated is true.

Jeannette Sparks.  
(Signed)

Subscribed and sworn to before me this 15 day of November, 19 91.

Terr A. Ward  
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

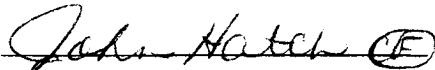
412922

Pierre, \_\_\_\_\_ November 19, 1991

RECEIVED OF Jim or Jeannette Sparks, 353 Hillsvie Dr., Spearfish, SD 57783

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

|                                                                                                                            |       |      |
|----------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |      |
| 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>Water Right No. 1369-1</u>                                                                 | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                     |       |      |
| Fee for Certified Copy of _____                                                                                            |       |      |
| Fee for Print Copy of Map _____                                                                                            |       |      |
| Fee for Certifying _____                                                                                                   |       |      |
| Fee for _____                                                                                                              |       |      |
| (Any Other Work Provided by Law)                                                                                           | Total | 2 50 |

By John Hatch   
Chief Engineer

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 21, 1991

No. 1369-1

Jim or Jeannette Sparks  
353 Hillsvie Drive  
Spearfish, SD 57783

Dear Mr. and Ms. Sparks:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1369-1.

Our records now show you as the owner of Water Right No. 1369-1.

Sincerely,

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary  
Water Rights Division  
605 773-3352

enclosure