

Considered: _____

Vested Right
WATER PERMIT NO. 1381-1

MAP No. same

Name of Applicant Dale E. Madsen

Post Office Address Route 1, Box 55, New Underwood, SD 57761

Amount of Water Claimed 1.6 cfs Total Acres 112

Source of Water Supply Dry Draws

Water to be used for irrigation County Meade

About 5 miles N of New Underwood.

PROOF OF PUBLICATION: Received Not Received _____

APPLICATION: Validated Approved may 6, 1987 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Feb. 13, 1987 Fee \$15.00 Remarks _____

Feb. 12, 1912

Corrected Application Received _____ Period of Annual Use Mar 1 - Nov 1

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

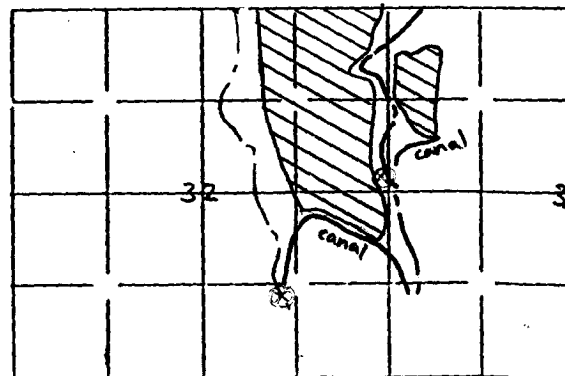
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point No. 1: SW $\frac{1}{4}$ SE $\frac{1}{4}$; No. 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$;

both in section 32-T3N-R11E

Land to be Irrigated NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ section 32;

W $\frac{1}{2}$ NW $\frac{1}{4}$ section 33; all in T3N-R11E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Leroy Mernaguh Reviewed and the Number assigned on February 28, 1987 By Ron Duvall

No. 1381-1 Hydrologic Unit 1012011
 Map No. same Basin Upper Cheyenne
 Newspaper Meade Co. Times-Tribune, Box 69 (card)
Sturgis

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

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

Incorporates Location Notice #421-1

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 _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Dale E. Madsen Phone No. 754-6554Post Office Address Route 1, Box 55, New Underwood, South Dakota State 57761
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s) 1.6 Total acres irrigated 1123. Source of Water supply Dry Draws4. Location of point of diversion Pt #1 - 1200'N and 1500'W of the SE Corner of Section 32;
Pt #2 - 100'N and 50'W of the E $\frac{1}{2}$ Corner of Section 32, T3N-R11ECounty Meade5. Counties where water will be used Meade6. Annual period during which water is to be used March 1 thru November 1

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.
NWNE Section 32-T3N-R11E	13
NENE Section 32-T3N-R11E	33
SWNE Section 32-T3N-R11E	7
SENE Section 32-T3N-R11E	34

Land Description	No. Acres Irr.
NESE Section 32-T3N-R11E	11
NWNW Section 33-T3N-R11E	9
SWNW Section 33-T3N-R11E	5

Attach sheet if more space is needed

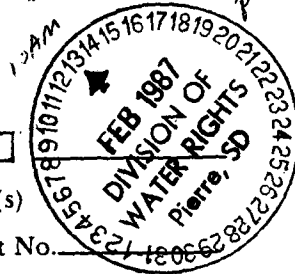
8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Completed**Diversion dams divert water from dry draw thru irrigation supply ditches onto land to irrigate by water spreading.**

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 Pennington)^{ss}

Dale E. Madsen

I, Dale E. Madsen 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 Dale E. MadsenSubscribed and sworn to before me this 12th day of February 19 87Marlene Deal Notary Public

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1381-1

Dale E. Madsen RR 1, Box 55 New Underwood
(Applicant) (Post Office Address)

South Dakota 57761 With the following qualifications.
(State) (Zip Code)

The applicable portions of Location Notice No. 421-1 were incorporated into Vested Water Right No. 1381-1. The abandoned portions of Location Notice No. 421-1 have been cancelled.

(SEE VR 1)

~~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: John Hatch
Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

JUL 16 1987, 19____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1381-1

Dale E. Madsen
(applicant)

Route 1, Box 55, New Underwood
(post office address)

SD 57761
(state) (zip code)

Date of receipt of Application February 13, 19 87.

Validated May 6, 19 87.

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 the applicant may claim right is Feb. 12, 19 12.
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 irrigation.
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 the appropriation hereby validated shall not exceed _____

1.6 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 has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Mar 1 - Nov 1.

WATER MANAGEMENT BOARD

By: John H. [Signature]
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

JUL 16 1987, 19 87.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1381-1

(1) Dale E. Madsen
of RR #1, Box 55, New Underwood, South Dakota 57761
made Application No. 1381-1, February 13, 1987
for validation of a vested right claim to appropriate 1.6
cubic feet per second of water from dry draws,
Meade County, South Dakota for irrigation
purposes. Vested Water Right No. 1381-1, with a priority
date of February 12¹⁹¹² was validated May 6, 1987 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 1.6 cubic feet per second of water for
beneficial use. The location of the diversion point(s) ~~xxx~~ are
#1 - 1200'N and 1500'W of the SE Corner of Section 32;
#2 - 100'N and 50'W of the E 1/4 Corner of Section 32; all in T3N-R11E

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 T3N-R11E,

Section 32 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 13 Acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33 Acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 7 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 11 Acres

Section 33 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 9 Acres

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 Acres

TOTAL 112 ACRES

(4) Pursuant to Section 46-5-30.1 Dale E. Madsen

of RR#1, Box 55, New Underwood, South Dakota 57761

the holder(s) and/or owners(s) of Vested Water Right No. 1381-1

is issued a license to appropriate water, the right to use

1.6 cubic feet per second of water from dry draws

with a priority date of February 12, 1912

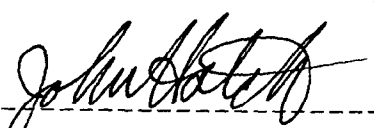
from the location specified in (2) of this license. The water to

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 Vested

Water Right No. 1381-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer

Water Rights Division

Department of Water and Natural

Resources JUL 16 1987

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410741

Pierre, February 13, 19 87

RECEIVED OF Dale E. Madsen, Route 1, Box 55, New Underwood, SD 57761

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

Fee for Application for Permit No. <u>1381-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	VR
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

Chief Engineer

John Hatch

JOHN HATCH

MS



29

58 Speding
Est. 1978
19A

R1/E

3-11

14-R 911-13.6

57.5

NW 1/4 NE 1/4

NE 1/4 NE 1/4

13 Ac

33 Ac

SW 1

1978

NW 1/4 NW 1/4

9 Ac

SW NE 1/4

7 Ac

SE 1/4 NE 1/4

34 Ac

SW NW 1/4

5 Ac

NE 1/4 SE 1/4

11 Ac

Point of Diversion #2
50' W & 100' N
of E 1/4 corner
of sec. 32

32
57.5
25.38

Point of Diversion #1

Map by J. Munnagh
11/29/81

Dale Madsen

3-11
14-12

V.R. Appl. No. 1381-1

LeRoy J Mernaugh
(signature)

Affidavit of Water UseLocation Notice 421-1
Basis for Vested Right Application

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) Dale E. Madsen

Post Office Address Route 1, Box 55, New Underwood, South Dakota 57761
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation October 10, 1911 Date of Posting 1911

Date of recording February 12, 1912 Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1911C. Date that water was first applied to beneficial use 1912 (estimate)D. Name of owner of original water supply system Edward B. MillerE. Amount of water originally applied to beneficial use 3 + cfsF. Present Use of Water - Amount of water now being used 3 + cfsDate that this water was first used 1912

G. Chronological History of Water Use

1911 Edward B. Miller constructed the spreader system.

1936 Duhammel obtained the property and continued to use the system.

1943 Dale Madsen purchased the property and has continued to use the system.

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)

County of Pennington) ss

I, Dale E. Madsen the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Dale E. MadsenSubscribed and sworn to before me 12th of February, 1987

Marlene Deas
 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.

Dale E. Madsen 1987
(Print name)

(Print name)

LOCATION NOTICE

15

✓ P 15

KNOW ALL MEN BY THESE PRESENTS:

#421-1

#421-1

THAT Edward B. Miller whose post office is Winfield, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: SW 1/4 NE 1/4 E 1/4 NE 1/4 S 1/4 T 32 N R 15 E S 1/4 section County Nine township Three North range Eleven East B. H. M. in Lincoln County, South Dakota. Said lands comprising deeded land Desert-Entry No. Rapid City Land District, availing himself of the right granted him under the provisions of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SW 1/4 of the NE 1/4 section thirty two township Three North range Eleven East B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose Three cubic feet of water per second during the following described annual periods whole of each year inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the NE 1/4 section on north side sec 29 the east end of dam bears S. 23° E. 2838 ft.

The ditch will run in a Northeasterly direction to and on said land for a distance of 25.00 feet.

Said location was made on the 10th day of October 1911 Locality Date

Witness my hand and seal this 25th day of October 1911

Edw. B. Miller
from Philips
W. B. Bailey

Edward B. Miller
Locator.

State of South Dakota,

County of Pennington

On the 25th day of October 1911, before me

W. B. Bailey, a notary public in and for the County and State aforesaid, personally appeared Edward B. Miller to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

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

W. B. Bailey
My comm. exp. Aug 1st 1912 Notary Public.

Pierre, South Dakota, February 13th 1912

This is to certify that the foregoing location notice was received at this office at 7 o'clock A.M., upon the 12th day of February 1912, and after examination it was filed for

Samuel H. Lee
State Engineer.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

January 30, 1987

Dale Madsen
Route 1, Box 55
New Underwood, South Dakota 57761

Dear Mr. Madsen:

On December 15, 1986 I visited with you about applying for a Vested Right and incorporating Location Notice No. 421-1 into the Vested Right.

Enclosed are two copies of Form 2A "Application for Permit" and one copy of Form B "Affidavit of Water Use". Please check these two forms over and make any changes necessary to make them as accurate as possible. Sign and notarize all copies where specified and return all forms to this office with a check for \$15.00 for the filing fee.

Enclosed also is a map of the area. Please check this over and make any changes necessary to make it as accurate as possible. If you make changes on the map, please return it along with the forms so that we may correct our office copy. If there are no changes you may keep it for your use.

You may keep the enclosed copy of the Location Notice upon which the Vested Right is based. The enclosed instruction sheet explains the procedure for applying for a Vested Right.

If you have any questions regarding the matter, please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Natural Resources Engineer

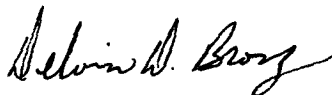
LJM:ms
Enc.

REPORT ON VESTED RIGHT APPLICATION NO. 1381-1
DALE E MADSEN
March 5, 1987

Application No. 1381-1 requests validation of a vested right claim for the appropriation of 1.6 cubic feet of water per second from dry draws to irrigate 112 acres. The water has been used since the system was constructed. The recording date for the system is February 12, 1912. The points of diversion ^{are} ~~is~~ located in the SW 1/4 SE 1/4 and the SE 1/4 NE 1/4 of Section 32, T3N, R11E. The irrigated acreage is located in the NE 1/4, NE 1/4 SE 1/4 of Section 32 and in the W 1/2 NW 1/4 of Section 33, all in T3N, R11E.

Conclusions:

1. The project is a water spreading system. It was inspected by LeRoy Mernaugh and found to exist as described.
2. Water has been put to beneficial use since the time that the system was constructed.
3. It is recommended that the vested right claim be validated with a priority date of February 12, 1912.



for LEROY MERNAUGH
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1381-1

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. 1381-1, Dale E Madsen, Rt 1, Box 55, New Underwood SD.

The Chief Engineer is recommending VALIDATION of Application No. 1381-1 because 1) water has been appropriated as described for irrigation use with a priority date of February 12, 1912, 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, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
March 24, 1987

Instruction to Newspaper - Publish first publication of the following Notice on or before April 8, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1381-1 to Appropriate Water

Notice is hereby given that Dale E. Madsen whose mailing address is Rt 1, Box 55, New Underwood, South Dakota has filed an application to validate a vested right claim to appropriate 1.6 cubic feet of water per second from two dry draws to irrigate 112 acres with a claimed priority date of February 12, 1912. The points of diversion are located in the SW 1/4 SE 1/4 and the SE 1/4 NE 1/4 both in Section 32, T3N, R11E. The irrigated acreage is located in the NE 1/4, NE 1/4 SE 1/4 Section 32; W 1/2 NW 1/4 Section 33; all in T3N, R11E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1381-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of February 12, 1912, 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, Pierre SD, May 6, 1987 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 April 24, 1987. 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; 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 April 24, 1987.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA COUNTY OF MEADE

Joan Lewis, being duly sworn, says:

That Meade County Times-Tribune is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Sturgis, Meade County, South Dakota, by Allison Publishing Inc.; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

April 8,	1987	198
April 15,	1987	198
	198	198
	198	198
	198	198

that the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 50.76, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Joan Lewis
Billing Clerk

Subscribed and sworn to before me this
9th day of April A.D. 1987

Jack Wilson
Notary Public
County of Meade, South Dakota

NOTICE OF HEARING TO VALIDATE VESTED RIGHT APPLICATION NO. 1381-1 TO APPROPRIATE WATER

Notice is hereby given that Dale E. Madsen whose mailing address is Rt. 1, Box 55, New Underwood, South Dakota, has filed an application to validate a vested right claim to appropriate 1.6 cubic feet of water per second from two dry draws to irrigate 112 acres with a claimed priority date of February 12, 1912. The points of diversion are located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 32, T3N, R11E. The irrigated acreage is located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33; all in T3N, R11E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1381-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of February 12, 1912, 2) the use has been developed without unlawful impairment of existing rights, 3) it is beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, May 6, 1987 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, 2) approve 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 April 24, 1987. 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, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 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 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 24, 1987.

Publ April 8 & 15, 1987
Times-Tribune





Department of Water & Natural Resources

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

JUL 16 1987

Dale E. Madsen
Route 1, Box 55
New Underwood, South Dakota 57761

Dear Mr. Madsen:

Enclosed are your Validated Vested Water Right and Water License No. 1381-1.
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, appearing to read "John Hatch". The signature is fluid and cursive, with a large initial "J" and "H".

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

JH: ms

enclosures

The applicable portions of Location Notice No. 421-1 were incorporated
into Vested Water Right No. 1381-1. The abandoned portions of Location
Notice No. 421-1 have been cancelled.

Equal Opportunity Employer