

Considered: _____

WATER PERMIT NO. VR 1515-1

Phone: 923-4616

Name of Applicant: LeRoy Harrington

Post Office Address: HC 80, Box 735, Piedmont SD 57769

Amount of Water Claimed: 0.30 Total Acres: 21

Source of Water Supply: dry draw

Water to be used for: irrigation County: Meade

About 10 miles East of Piedmont

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-2-91 Fee: \$15.00 Remarks Claimed

priority date of May, 1952

Corrected Application Received _____ Period of Annual Use April 1 - October 31

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

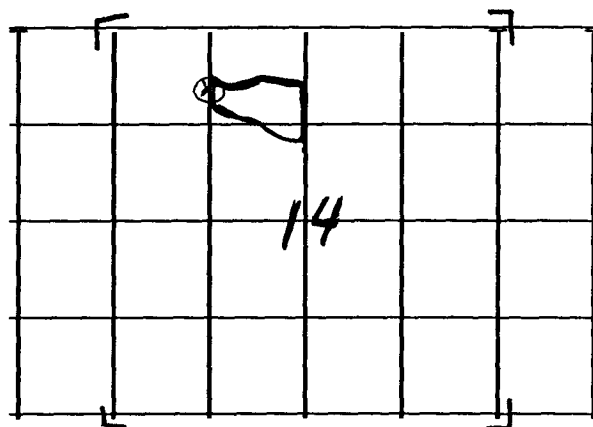
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: center of N 1/2 NW 1/4

Sec 14-T3N-R8E

Land to be Irrigated: NE 1/4 NW 1/4,

SE 1/4 NW 1/4 Sec 14-T3N-R8E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: LeRoy Mernaugh Reviewed and the Number

Assigned on 2-13-91 By Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1515-1 FOR IRRIGATION

Date of Receipt of Claim March 13, 1991.

Date of Validation May 1, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1515-1 for irrigation purposes for LeRoy Harrington, HC 80, Box 735, Piedmont SD 57769 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1515-1 appropriates 0.30 cubic feet of water per second from a storage dam (4.8 acre-feet storage capacity) along a dry draw to irrigate 21 acres. The dam is located in the N 1/2 NW 1/4 to irrigate lands located in the NE 1/4 NW 1/4, SE 1/4 NW 1/4; all in Section 14-T3N-R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is May 1, 1952.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Right Division
Department of Environment and Natural Resources

MAR 24 1992

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1515-1 FOR IRRIGATION

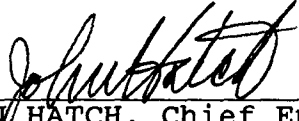
(1) LeRoy Harrington of HC 80, Box 735, Piedmont, SD 57769 made Application No. 1515-1, March 13, 1991 for validation of a vested right claim to appropriate 0.30 cubic feet of water per second from a dry draw storage dam (4.8 acre feet storage capacity), Meade County, South Dakota for irrigation purposes. Vested Water Right No. 1515-1 was validated May 1, 1991 with a priority date of May 1, 1952. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.30 cubic feet of water per second for beneficial use. The location of the diversion point is 1320 feet east and 1000 feet south of the NW corner of Section 14, T3N, R8E (N 1/2 NW 1/4)

The location of the irrigated acreage is:

T3N, R8E Section 14	NE 1/4 NW 1/4	18 Acres
	SE 1/4 NW 1/4	3 Acres
	Total-----	21 Acres

(3) Pursuant to Section 46-5-30.1 LeRoy Harrington of HC 80, Box 735, Piedmont, SD 57769 the holder(s) and/or owner(s) of Vested Water Right No. 1515-1 is issued a license to appropriate 0.30 cubic feet of water per second from a dry draw storage dam (4.8 acre-feet storage capacity) with a priority date of May 1, 1952 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1515-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

MAR 24 1992

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. 15/5-1 Hydrologic Unit 10120111
Basin Upper Cheyenne
Newspaper Meade Co Times-Tribune, Box 69

Sturgis 57785 (Wed)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant LeRoy Harrington Phone No. 923-4616
Post Office Address HC 80, Box 735, Piedmont State SD 57769
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.30 Total acres irrigated 21

3. Source of Water supply dry draw

4. Location of point of diversion 1320 ft east and 1000 ft south of the
northwest corner of Section 14, T3N, R8E
(N 1/2 NW 1/4 Section 14 - T3N - R8E) County Meade

5. Counties where water will be used Meade

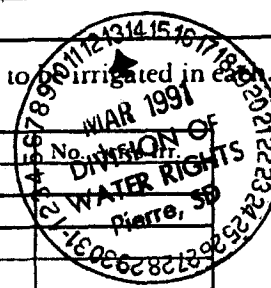
6. Annual period during which water is to be used April 1 to October 31

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.
NE 1/4 NW 1/4 Sec 14-T3N-R8E	18
SE 1/4 NW 1/4 "	3

Land Description	No. Acres Irr.

Attach sheet if more space is needed



8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)
Ditches with openings spread water that is diverted from the dam.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Meade)^{ss}

I, LeRoy Harrington, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed LeRoy Harrington

Subscribed and sworn to before me this 27th day of February 19 91

Carlene M. Rosenkrantz
Notary Public

My commission expires 8/19/98

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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 2.0

c) Crest Width 6 ft

Crest Length 300 ft

d) Height 8 ft

e) Primary Outlet Capacity _____
If Pipe, diameter _____

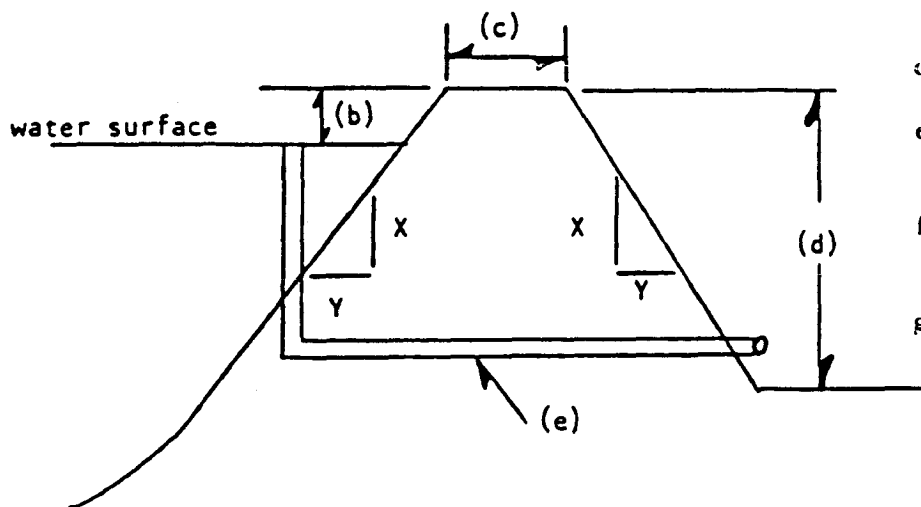
f) Secondary Spillway Capacity 50+cfs
Spillway width 50+ ft

g) X & Y Slope
Upstream 3:1
Downstream 2:1

Surface Area of Impoundment 2.0

Storage 4.8 acre feet

Drainage area above dam 280 ac.



Signature of Applicant _____



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) LeRoy Harrington
 Post Office Address HC80 Box 735 Piedmont SD 57769
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page
B. Date of start of construction of water supply system May 1952C. Date that water was first applied to beneficial use May 1952D. Name of owner of original water supply system Eugene HarringtonE. Amount of water originally applied to beneficial use .30 cfsF. Present Use of Water - Amount of water now being used .30 cfsDate that this water was first used May 1952

G. Chronological History of Water Use



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 Meade) SS

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

Signed LeRoy HarringtonSubscribed and sworn to before me Feb. twenty seventh, 19 91
Carlene M. Rosenow
 Notary Public or other qualified officer

My commission expires 8/19/98.
 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.

(Print name) 19_________
(Print name) 19____

Upper Cheyenne River Water District 10120111**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by LeRoy Harrington
HC 80, Box 735 of Piedmont, SD 57769 holder of

Permit No. _____, bearing the priority of _____ 19____ authorizing

the diversion of .3 cu. ft. per second of the waters of Dry Drawfor Irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Diversion Dam - 8 ft high, 6 ft top width, 300 ft long 2 ft Freeboard
3:1 & 2:1 side slopes, water diverts out of each end into
irrigation ditches

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

Ditches

C. Works used to apply water to beneficial use:

Ditches with openings to spread waterThe system is in the following condition FairThe point of diversion is located 1320 ft East and 1000 ft south of the North
West corner of Section 14, T3N R8EThe works are capable of diverting and conveying to the place of use 6.0cu. 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 T3N R8ENE 1/4 NW 1/4 Sec. 14 = 18 AcSE 1/4 NW 1/4 Sec. 14 = 3 Ac.comprising a total of 21 acres of land and the license should be issued for .3 cfsApplicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date June 17, 1986LeRoy J. Mernauagh.
(signature)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412582

Pierre, _____ March 13 _____, 19 91

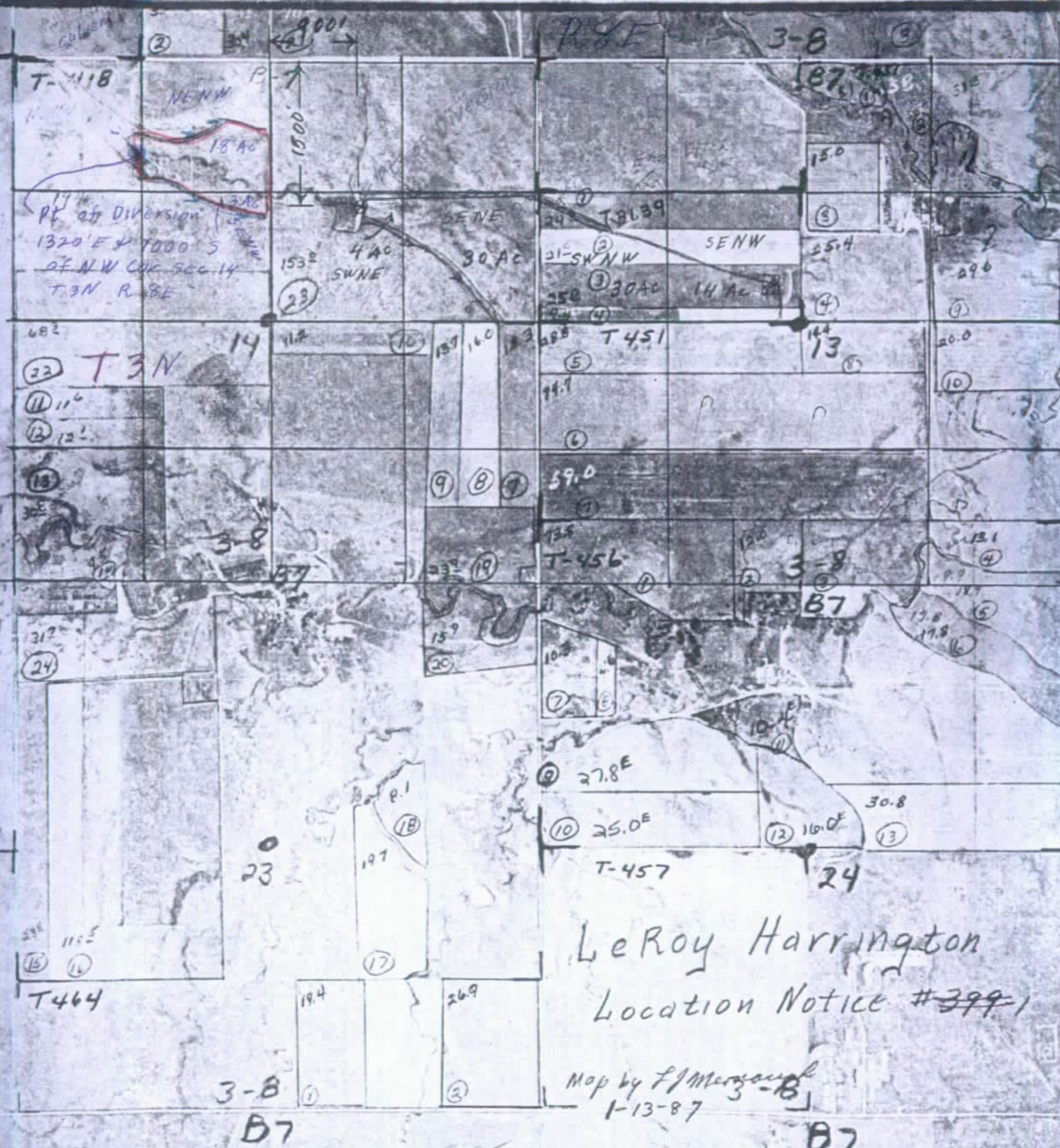
RECEIVED OF Le Roy Harrington, HC 80 Box 735, Piedmont, SD 57769

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

Fee for Application for Permit No. <u>1515-11</u> to Appropriate Water, to construct works and to put water to beneficial use _____	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 / Jmic
Chief Engineer

NOT TO SCALE





Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

June 2, 1987

LeRoy Harrington
HC 80, Box 735
Piedmont, South Dakota 57769

Dear Mr. Harrington:

On May 6, 1987 I talked with you about applying for a Vested Right for your irrigation system in the NW $\frac{1}{4}$ of Section 14, T3N-R8E. The area which is not covered with a permit.

Enclosed you will find two completed copies of Form 2, "Application for Irrigation" and Form 2A, "Supplemental Information". Please check these forms over and make any corrections necessary to make them as accurate as possible. Also enclosed is one copy of Form 2B "Affidavit of Water Use". Please fill this form out as accurate as you can. Then sign and notarize all forms where indicated and return all copies of the forms to this office with a check for \$15.00 to cover the cost of the filing fees.

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

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

Sincerely,

LeRoy J. Mernaugh
Natural Resources Engineer

LJM:ms
Enc.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 30, 1991

LeRoy Harrington
HC 80, Box 735
Piedmont SD 57769

Dear Mr. Harrington:

On June 2, 1987, you were sent applications forms in order to file a vested right claim for your irrigation system located in the NW 1/4 Section 14-T3N-R8E. This application is necessary to obtain a permit which will reflect your water use. To date, we have not received a response from you regarding this application.

Enclosed is another set of partially completed application forms. Please review these forms and make any corrections necessary. The enclosed Affidavit of Water Use form also needs to be completed. Please sign and notarize the forms where indicated. The filing fee for a vested right is \$15.00.

Obtaining water permits ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application forms or contacting me by April 1, 1991.

Sincerely,

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosures

Report on Vested Water Right Claim No. 1515-1
LeRoy Harrington
March 15, 1991

Background

Application No. 1515-1 requests validation of a vested right claim for appropriation of 0.3 cubic feet of water per second (cfs) from a storage dam to irrigate 21 acres. The claimed priority date is May 1952. The dam, with a storage capacity of 4.8 acre feet, is located along a dry draw in the N1/2 NW1/4, Section 14, T3N-R8E, in Meade County. Water is used to irrigate 21 acres located in the NE1/4 NW1/4 and SE1/4 NW1/4, Section 14, T3N-R8E.

Discussion

On June 19, 1986, LeRoy Mernaugh, Division of Water Rights Engineer, inspected another project for the applicant. During this inspection, he noticed that the applicant, LeRoy Harrington, did not have a water permit for the 21 acres. The inspection also showed that the land had been developed and water had been put to beneficial use.

Water is diverted from the dam through a series of ditches. Due to the small size of the dam, it does not have to meet dam safety criteria.

Conclusions

1. According to the applicant, water has been put to beneficial use since May 1952.
2. Due to the small size of the dam, it does not have to meet dam safety rules.
3. Water is used whenever it is available.
4. The claim has been inspected by the Division of Water Rights and found to exist as described.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

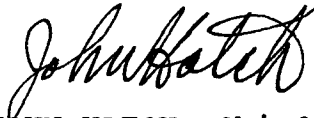
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1515-1, LeRoy Harrington

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. 1515-1, LeRoy Harrington, HC 80 Box 735, Piedmont, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1515-1 for 0.30 cfs because 1) water has been appropriated as described for irrigation use with a priority date of May 1, 1952, 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 report on application for additional information.

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

JOHN HATCH, Chief Engineer
March 18, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 28, 1991

LeRoy Harrington
HC 80 Box 735
Piedmont, SD 57769

Dear Mr. Harrington:

Your Application No. 1515-1 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 Meade County Times-Tribune printed at Strugs, 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.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Meade County Times-Tribune
Box 69
Sturgis, SD 57785

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1515-1 to be published twice. Please publish the notice on or before April 3, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is LeRoy Harrington, HC 80, Box 735, Piedmont, SD 57769.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
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 Notice on April 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1515-1 to Appropriate Water

Notice is given that LeRoy Harrington, HC 80, Box 735, Piedmont, SD 57769 has filed an application to validate a vested water right claim to appropriate 0.30 cubic feet of water per second (cfs) from a storage dam (4.8 acre-feet storage capacity) along a dry draw to irrigate 21 acres with a priority date of May 1, 1952. The dam is located in the N 1/2 NW 1/4 to irrigate lands located in the NE 1/4 NW 1/4, SE 1/4 NW 1/4; all in Section 14-T3N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1515-1 for 0.3 cfs because 1) water has been appropriated as described for irrigation use with a priority date of May 1, 1952, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1515-1 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 74:02:01:19 thru 74:02:01:22.

Water rights permit

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

NOTICE OF HEARING
To Validate Vested
Water Right Application
No. 1515-1 to

Appropriate Water

Notice is given that LeRoy Harrington, HC 80, Box 735, Piedmont, SD 57769 has filed an application to validate a vested water right claim to appropriate 0.30 cubic feet of water per second (cfs) from a storage dam (4.8 acre-feet storage capacity) along a dry draw to irrigate 21 acres with a priority date of May 1, 1952. The dam is located in the N 1/2 NW 1/4 to irrigate lands located in the NE 1/4 NW 1/4, SE 1/4 NW 1/4; all in Section 14-T3N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1515-1 for 0.3 cfs because 1) water has been appropriated as described for irrigation use with a priority date of May 1, 1952, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 22, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or

Marion Albion

Subscribed and sworn to before me this

10 day of April 1991
 Jackie Wilson
 Notary Public, South Dakota



the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1515-1 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD. If this application is opposed or the recommendation is contested, the May 1, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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; 74:02:01:19 thru 74:02:01:22.

Publ April 3, 10, 1991
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 24 1992

LeRoy Harrington
HC 80, Box 735
Piedmont, SD 57769

Dear Mr. Harrington:

Enclosed are your Validated Vested Water Right and Water License No. 1515-1. 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,

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

enclosures