

WATER PERMIT NO. VR 1529-1

Phone: 701-567-2666

Name of Applicant: **Stippich, Inc.**

Post Office Address: Box 670, Hettinger ND 58639

Amount of Water Claimed: 2.22

Total Acres: NA

Source of Water Supply: **Grand River**

Water to be used for: sand & gravel operation

County: Perkins

About 21 miles W. 4S of Lemmon

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY

Date Received: 8-8-91

Fee: 15.00

Remarks

Corrected Application Received _____ Period of Annual Use May 1 - November 1

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

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

Diversion Point: **SE 1/4 SW 1/4 Sec 10-T22N-R12E**

Land to be Irrigated:

A handwritten 'X' is located in the third column from the left and the second row from the bottom. A handwritten '10' is located in the fourth column from the left and the second row from the bottom.

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Richard M Sander Reviewed and the Number

Assigned on 8-8-91 By Karen Schlaak

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1529-1

(1) Stippich, Inc. of Box 670, Hettinger, ND 58639 made Application No. 1529-1, August 8, 1991 for validation of a vested right claim to appropriate 2.22 cubic feet of water per second from the North Fork Grand River, Perkins County, South Dakota for commercial purposes. Vested Water Right No. 1529-1 was validated February 19, 1992 with a priority date of January 1, 1946. 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 2.22 cubic feet of water per second for beneficial use. The location of the diversion point is: in the E 1/2 SW 1/4 Section 10, T22N, R12E. This Vested Right is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in the E 1/2 SW 1/4 and W 1/2 SE 1/4 Section 10, T22N, R12E. Water used in the gravel washing operation is discharged into the dugout.

(3) Pursuant to Section 46-5-30.1 Stippich, Inc. of Box 670, Hettinger, ND 58639 the holder(s) and/or owners(s) of Vested Water Right No. 1529-1 is issued a license to appropriate 2.22 cubic feet of water per second from the North Fork Grand River with a priority date of January 1, 1946 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use (sand & gravel washing operation). This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1529-1 and subject to South Dakota State Law.



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

AUG 5 1992

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1529-1

Date of Receipt of Claim August 8, 1991.

Date of Validation February 19, 1992.

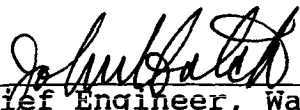
The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1529-1 for Stippich, Inc., Box 670, Hettinger ND 58639 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1529-1 appropriates 2.22 cubic feet of water per second from the North Fork Grand River located in the E 1/2 SW 1/4 Section 10-T22N-R12E. This claim is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10-T22N-R12E. Water that is used in the gravel washing operation is discharged into this dugout.
2. The appropriated water is used for supply water for a sand and gravel washing operation and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following annual period: May 1 - November 1.
4. The priority date of the Vested Water Right is January 1, 1946.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

This vested water right is subject to low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

AUG 5 1992
date

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 of 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) Stippich, Inc.

Post Office Address Box 670 Hettinger ND 58639
(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 1946C. Date that water was first applied to beneficial use 1946D. Name of owner of original water supply system Stippich Sand & Gravel* E. Amount of water originally applied to beneficial use 1,000 Gal. per minute* F. Present Use of Water - Amount of water now being used 1,000 Gal. per minuteDate that this water was first used This location May 1986

G. Chronological History of Water Use

Water has been used from the Grand River for a sand and gravel washing operation since 1946.

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 Perkins) SS

* I, LAVERNE STIPPICH PRESIDENT STIPPICH INC. the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Laverne StippichSubscribed and sworn to before me JULY 31, 1991

TIMOTHY C. DUCHSCHER
 Notary Public, Adams County, ND
 My Commission Expires January 17, 1992

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.

_____, 19____
(Print name)_____, 19____
(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412786

Pierre, _____ August 8, 19 91

RECEIVED OF Stippich Inc., Box 670, Hettinger, ND 58639

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

Fee for Application for Permit No. <u>1577-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	1500
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	1500

By John Hatch
Chief Engineer

App'l. No. 1529-1



6/24/91

On June 18, 1991 I was doing a
annual inspection of the gravel mining
operation at the following location
SW $\frac{1}{4}$ sec 10 - T22N - R12E

This site is operated by
Stippich d.m.c.

Box 670

Hettinger, N. Dak.

58639

President ~~La~~ LaVerne Stippich
phone # 701-567-2666

at this time I noticed that they
are running a gravel washing
operation and pumping from the
Grand River. I am wondering if
they have a water right for this
operation.

I will be waiting for your ~~answer~~ answer.

Martin Gertsonson
Minerals & Mining
DENR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 1991

Laverne Stippich
Stippich Inc.
Box 670
Hettinger, ND 58639

Dear Mr. Stippich:

Enclosed are the application forms and and instruction sheet for applying for a vested right. I have also enclosed a copy of the file for Application No. 690-1, which to the best of my knowledge was never issued back in the mid 1960's.

I have transposed the known information onto the application and highlighted the areas which need your attention on the forms. Briefly here's what is left for you to fill out.

1. Submit a \$15 vested right application filing fee.
2. Put the maximum diversion rate in gallons per minute in Item No. 2 of Form 2.
3. In Item No. 4 of Form 2 put down the legal description of the point of diversion from the Grand River to the nearest 40 acre parcel (quarter-quarter).
4. Sign Form 2 and have notarized.
5. Submit map showing location of diversion point (referencing a section corner) and have signed by a government employee. Go to your local ASCS office for this map.
6. Complete the affidavit of water use (Form 2B) and sign and have notarized.

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

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: StippichADDRESS: _____ COUNTY PerkinsDATE: 8/8/91 TELEPHONE 701-567-2666RE: Water Permit Application No 1529-1

COMMENTS:

I called Mr. Stippich regarding the legal description of the point of diversion. I said the ~~map~~ point of diversion on the map and the application form were not the same. He said the E $\frac{1}{2}$ SW $\frac{1}{4}$ Sect. 10, T22N, R12E was correct and told me to make the necessary changes to the application

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Stippich

File No. VR# 1529-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Stippich Inc.

ADDRESS: Box 670, Hettinger, ND 58639

COUNTY: Perkins

DATE: 9/19/91

TELEPHONE: (701)567-2666

RE: Vested Water Right Application

COMMENTS: I contacted Jim Stippich to find out if the sand and gravel operation discharges any water into the NF Grand River or they have a storage pond? Jim told me that they have a pond approximately 240 yards by 240 yards and 4-5 feet deep. I left a message for LaVern to give me a call and also told Jim they may need a permit to store water.

** Checked with Kent Woodmansey regarding NPDES permit for the operation, he told me that he received a letter from LaVern Stippich stating that they were not discharging any water into the river.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: VR Claim No. 1529-1, Stippich, Inc.

ADDRESS: Box 670, Hettinger, ND 58639 COUNTY: Perkins

DATE: 9/27/91 TELEPHONE: _____

RE: Discussion with LaVern Stippich

COMMENTS:

Mr. Stippich called the office to ask the status of his vested right claim. I stated that Rassool Ahadi was in the process of preparing a report on the claim and had some questions. I stated the our Division of Environmental Regulation did not have a NPDES permit on file for discharge into the North Fork of the Grand River. Mr. Stippich again said that he had an old discharge permit that dated back to the 1950's.

He state that he no longer does discharge to the river but instead to a settling pond. The pond is a dugout 240 yards by 240 yards and approximately 4 to 5 feet deep with a capacity of around 60 acre feet of water. The dugout/pond is located 300 feet south east of the point of the diversion from the river. The legal description would be portions of the E1/2 SW1/4 and the W1/2 SE1/4 Section 10, T22N, R12E.

Mr. Stippich stated his operation has always had a settling pond of this approximate size since its inception back in 1946 even though the loction of his operation has changed.

I told him if Rassool had any additional questions, I would have him call

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Handlund

Report on Vested Water Right Application No. 1529-1
Stippich, Inc.
September 19, 1991

Background

Vested Water Right Application No. 1529-1 requests validation of a vested right claim to appropriate 2.22 cubic feet per second (cfs) from the North Fork of the Grand River. The diversion point is located in the E1/2 SW1/4 Section 10, T22N-R12E, in Perkins County. The claim is also for storage of 59.5 acre feet of water in a settling pond/dugout in the E1/2 SW1/4, W1/2 SE1/4 Section 10, T22N-R12E. Water is used in a sand and gravel operation and is discharged into this dugout. The applicant claims a priority date of January 1, 1946.

Discussion

On July 1, 1965, an application was received from Stippich Inc. to recognize a vested right claim. Recognition of the claim was postponed pending receipt of a discharge permit from the former South Dakota Water Pollution Committee (state and federal laws have changed since 1965). Since no water is discharged into the North Fork of the Grand River, a NPDES (National Pollutant Discharge Elimination System) permit, which is issued by the U.S. Environmental Protection Agency, is not required.

The Affidavit, submitted with the original application (marked ANNEX "A"), indicates that the diversion point was located in the E1/2 SE1/4 Section 6, T22N-R12E. The diversion point in the Application No. 1529-1, is in the E1/2 SW1/4 Section 10, T22N-R12E.

In the sand and gravel operation, Stippich Inc. uses a pond, 4-5 feet deep, 240 yards by 240 yards, to recirculate the water. Water is pumped from the North Fork of the Grand River into the pond to replace water that is lost due to evaporation and seepage.

Conclusions

1. According to the Affidavit of Water Use, water has been put to beneficial use since 1946.
2. Water from the sand and gravel operation is discharged into a settling pond.
3. If Vested Water Right Application No. 1529-1 is validated,

the following qualification should be imposed on the the claim:

Low flows should be bypassed for downstream domestic users.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



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

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1529-1, Stippich, Inc.

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1529-1, Stippich, Inc., c/o Laverne Stippich, Box 670, Hettinger, ND 58639.

The Chief Engineer is recommending VALIDATION of Application No. 1529-1 for 2.22 cfs because 1) water has been appropriated as described for a sand and gravel washing operation with a priority date of January 1, 1946, 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 subject to the following qualification:

This vested water right is subject to low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch for". The signature is fluid and cursive, with a large initial "J" and "H".

JOHN HATCH, Chief Engineer
October 29, 1991

South Dakota



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**DEPARTMENT of ENVIRONMENT
and 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.

October 30, 1991

Laverne Stippich
Stippich, Inc.
Box 670
Hettinger, ND 58639

Dear Mr. Stippich:

Your Application No. 1529-1 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 Lemmon Leader printed at Lemmon, 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,

Karen Schlaak

for

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.

South Dakota



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1991

Lemmon Leader
Box 180
Lemmon, SD 57638

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1529-1 to be published twice. Please publish the notice on November 7, 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 Stippich, Inc., Box 670, Hettinger, ND 58639.

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,

Karen Schlaack

for
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 November 7, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1529-1 to Appropriate Water

Notice is given that Stippich, Inc., Box 670, Hettinger, ND 58639 has filed an application to validate a vested water right claim to appropriate 2.22 cubic feet of water per second from the North Fork of the Grand River located in the E 1/2 SW 1/4 Section 10-T22N-R12E. This claim is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10-T22N-R12E. Water that is used in the gravel washing operation is discharged into this dugout. The water use has a claimed priority date of January 1, 1946, and is used in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1529-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1946, 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 November 25, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on December 4, 1991, at 10:15 am, Kneip Room, Governor's Inn, 700 West Sioux Avenue, Pierre, SD. 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, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 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 November 25, 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.

South Dakota

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1991

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

Laverne Stippich
Stippich, Inc.
Box 670
Hettinger ND 58639

Dear Mr. Stippich:

I am writing to advise you that the legal notice of hearing published in the Lemmon Leader for Water Permit Application No. 1529-1 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Lemmon Leader printed at Lemmon SD.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Lemmon Leader

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 ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1991

Lemmon Leader
Box 180
Lemmon SD 57638

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1529-1 to be published twice. Please publish the first notice on December 5, 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 Stippich, Inc., Box 670, Hettinger ND 58639.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ 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 December 5, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1529-1 to Appropriate Water

Notice is given that Stippich, Inc., Box 670, Hettinger, ND 58639 has filed an application to validate a vested water right claim to appropriate 2.22 cubic feet of water per second from the North Fork of the Grand River located in the E 1/2 SW 1/4 Section 10-T22N-R12E. This claim is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10-T22N-R12E. Water that is used in the gravel washing operation is discharged into this dugout. The water use has a claimed priority date of January 1, 1946, and is used in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1529-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1946, 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 December 23, 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. 1529-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 2, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 January 2, 1992, 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 December 23, 1991.

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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.

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF PERKINS



PUBLIC NOTICES
"BECAUSE THE PEOPLE MUST KNOW"

I, Cindy Lensegraver

being the first duly sworn under oath say: The Lemmon Leader is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, published by the Leader Publishing Co., Inc. in Lemmon, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

Dec. 5, 12, 1991

that the full amount of the fees charged for publishing the same to-wit: the sum of 58.00 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Cindy K. Lensegraver

Subscribed and sworn to before me this 7th day of January, 19 92

Alice A. Faurst

Notary Public, South Dakota

(Seal)

My Commission Expires
February 7, 1997

NOTICE OF HEARING To Validate

Vested Water Right Application No. 1529-1 to Appropriate Water

Notice is given that Stippich, Inc., Box 570, Hettinger ND 58639 has filed an application to validate a vested water right claim to appropriate 2.22 cubic feet of water per second from the North Fork of the Grand River located in the E 1/2 SW 1/2 Section 10-T22N-R12E. This claim is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10-T22N-R12E. Water that is used in the gravel washing operation is discharged into this dugout. The water use has a claimed priority date of January 1, 1946, and is used in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1529-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1946, 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 December 23, 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. 1529-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 2, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 2, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 January 2, 1992, 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 December 23, 1991.

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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.

(Publish Dec. 5, 12, 1991)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 1992

Laverne Stippich
Stippich, Inc.
Box 670
Hettinger ND 58639

Dear Mr. Stippich:

I am writing to advise you that the legal notice of hearing published in the Lemmon Leader for Vested Right Application No. 1529-1 was not correct. The notice stated that the point of diversion from the Grand River would be located in the E 1/2 SW 1/2. The correct location is the E 1/2 SW 1/4. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Vested Right is free from legal problems due to inaccurate public notice. The information needed to readvertise the notice is being sent to the Publisher of the Lemmon Leader printed at Lemmon SD.

The Division of Water Right will pay the cost of readvertisement. If you have any questions, please contact this office.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 1992

Lemmon Leader
Box 180
Lemmon SD 57638

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Vested Water Right Application No. 1529-1 to be published twice. Please publish the first notice on January 23, 1992 with the second publication 7 days later.

Please BILL the Water Rights Division for the cost of publication.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ 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 January 23, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1529-1 to Appropriate Water

Notice is given that Stippich, Inc., Box 670, Hettinger, ND 58639 has filed an application to validate a vested water right claim to appropriate 2.22 cubic feet of water per second from the North Fork of the Grand River located in the E 1/2 SW 1/4 Section 10-T22N-R12E. This claim is also for storage of 59.5 acre-feet of water in a settling pond/dugout located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 10-T22N-R12E. Water that is used in the gravel washing operation is discharged into this dugout. The water use has a claimed priority date of January 1, 1946, and is used in a sand and gravel washing operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1529-1 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1946, 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.

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For purposes of publishing 1) the notice of hearing on Application No. 1529-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 19, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 19, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 February 19, 1992, 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 February 10, 1992.

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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Perkins) ss.

m



I, Alice A. Farstad

certify that the attached printed Notice was taken
 from the Lemmon Leader

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the _____

_____ city _____ of _____ Lemmon

County of Perkins and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

Jan. 23, 1992

Jan. 30, 1992

Alice A. Farstad
 (Signature)

Publisher
 (Title)

Jan. 31, 1992
 (Date Signed)

Cost of Printing: 61.59

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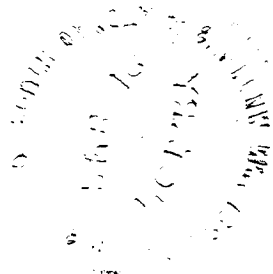
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(Public Hearing, 30, 1992)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

1529-1

Stippich, Inc.
Box 670
Hettinger, SD 58639

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 1529-1. 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 cursive script, appearing to read "John Hatch".

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

enclosures