

WATER PERMIT NO. VR 1578-1

Phone: 787-4277

Name of Applicant: Kenneth & Gregor McFarland

Post Office Address: HC 80, Box 747, Piedmont SD 57769

Amount of Water Claimed: 0.13 cfs Total Acres: 9

Source of Water Supply: Schaffer Draw

Water to be used for: irrigation County: Meade

About 18 miles southeast of Piedmont

PRIORITY Date Received: 4-23-93 Fee: \$15 Remarks: Priority date

of January 1, 1938 - - was not included on Vested Right No. 852-1

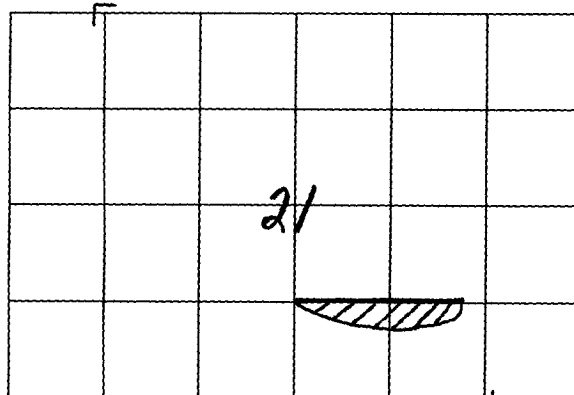
Corrected Application Received: 5-3-93 Period of Annual Use: March 30 - Oct 15

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

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

Diversion Point: NE 1/4 SW 1/4 Sec 21-T3N-R9E

Land to be Irrigated: S 1/2 SE 1/4 Sec 21-T3N-R9E



Well Log: Driller: _____ Licensed YES ☐ NO ☐

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Jim Wendte Reviewed and the Number

Assigned on: 5-3-93 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1578-1 FOR IRRIGATION

Date of Receipt of Claim April 23, 1993.

Date of Validation July 7, 1993.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1578-1 for irrigation purposes for Kenneth & Gregor McFarland, HC 80, Box 747, Piedmont SD 57769 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1578-1 irrigates 9 additional acres. Vested Right Claim No. 852-1 appropriates 2.77 cubic feet of water per second (cfs) from Schaffer Draw located in the NE 1/4 SW 1/4 Section 21 to irrigate 194 acres located in the NW 1/4, S 1/2 NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 21; all in T3N-R9E with a priority date of January 1, 1938. This permit appropriates an additional 0.13 cfs to irrigate 9 acres located in the S 1/2 SE 1/4 Section 21-T3N-R9E.
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: March 30 - October 15.
3. The priority date of the Vested Water Right is January 1, 1938.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

OCT 15 1993
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1578-1 FOR IRRIGATION

(1) Kenneth and Gregor McFarland of HC 80 Box 747, Piedmont, SD 57769, made Application No. 1578-1, April 23, 1993 for validation of a vested right claim to appropriate 0.13 cubic feet of water per second from Schaffer Draw, Meade, County, South Dakota, for irrigation purposes. Vested Water Right No. 1578-1 was validated July 7, 1993 with a priority date of January 1, 1938. 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.

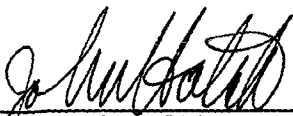
Vested Right No. 1578-1 was obtained to cover 9 acres omitted from Vested Right No. 852-1. The total acreage irrigated is the same as originally claimed under No. 852-1. The applicable portions of Vested Right No. 852-1 are incorporated into this Vested Right License No. 1578-1.

(2) The vested right owner is entitled to divert 2.90 cubic feet of water per second for beneficial use. The location of the diversion point is: a point S 63 degrees East, 1920 feet from the W 1/4 corner Section 21, T3N, R9E (NE1/4SW1/4).

The location of the irrigated acreage is: all in Section 21, T3N, R9E

NW1/4NW1/4	5 acres	NW1/4SW1/4	7 acres
NE1/4NW1/4	3 acres	NE1/4SW1/4	26 acres
SW1/4NW1/4	25 acres		
SE1/4NW1/4	27 acres	NW1/4SE1/4	40 acres
		NE1/4SE1/4	26 acres
SW1/4NE1/4	24 acres	SW1/4SE1/4	4 acres
SE1/4NE1/4	11 acres	SE1/4SE1/4	5 acres
		Total	203 acres

(3) Pursuant to Section 46-5-30.1 Kenneth and Gregor McFarland of HC 80 Box 747, Piedmont, SD 57769 the holders and/or owners of Vested Water Right No. 1578-1 are issued a license to appropriate 2.90 cubic feet of water per second from Schaffer Draw with a priority date of January 1, 1938 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. 1578-1 and subject to South Dakota State Law.



OCT 15 1993

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

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1578-1 Hydrologic Unit 10/2011
Basin Upper Cheyenne
Newspaper Meade Co. Times-Tribune, Box 69, Sturgis
(office use only)



Application For Permit To Appropriate Water

Type of Application: New X Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Kenneth + Greg or McFarland Phone 787-4277
(check one) X Owner Tenant/lessee
Mailing Address Hc 80 Box 747 Piedmont 57769 State South Dakota
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.13 *CFS or **GPM ***AF Total Acreage 9
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet -- storage capacity of dam/dugout if applicable)
- Source of water supply Schaffer Draw
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NE1/4 SW1/4 section 21-T3N-R9E (same as Vested Right Claim No. 852-1)
 County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used March 30 - October 15
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW1/4 SE1/4 section 21-T3N-R9E	4		
SE1/4 SE1/4 section 21-T3N-R9E	5		

- Give a description of the project. (Attach sheet if more space is needed)

This vested right claim is to cover 9 acres omitted on Vested Right Claim No. 852-1. The total acreage covered by both claims is the same as originally claimed on No. 852-1. The same diversion point is used on both claims.

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

STATE OF SOUTH DAKOTA)

County of Meade ss

I, Kenneth E McFarland, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Kenneth McFarland

Subscribed and sworn to before me this 30th day of April 1993

Debra L. Powers
Notary Public

Debra L. Powers
Notary Public



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

- 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 for each dam. The locations of the dams need to 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:

Same dam as on No. 852-1 _____

b) Freeboard _____

c) Crest Width _____ 10 feet

Crest Length _____ 150 feet

d) Height _____ 10 feet

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

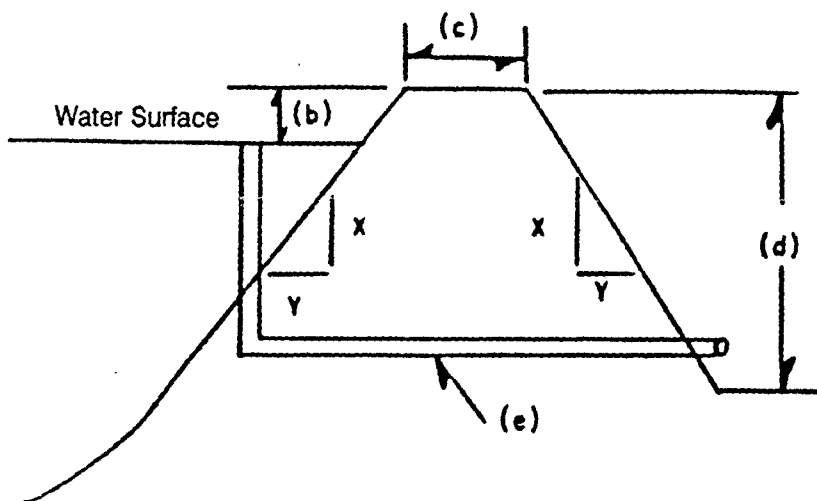
Upstream _____ 2.5:1

Downstream _____ 1.25:1

h) Surface Area of Impoundment _____ 3 acres

i) Storage _____ 4 _____ Acre Feet

j) Drainage Area above Dam _____ Acres



Affidavit of Water Use

No. _____

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) Kenneth & Gregor McFarland
Mailing Address Hc 80 Box 747 Piedmont SD 57769
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____
B. Date of start of construction of water supply system Original construction in 1938
C. Date that water was first applied to beneficial use 1938
D. Name of owner of original water supply system _____
E. Amount of water originally applied to beneficial use 0.03 cfs
F. Present use of water - amount of water now being used 0.03 cfs
Date that this water was first used 1938
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, Kenneth E McFarland the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Kenneth McFarland

Subscribed and sworn to before me April 30 19 93

Debra L. Powers
Notary Public

My Commission Expires June 10, 1998

Debra L. Powers
Notary Public

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.

Kenneth E McFarland Kenneth E. McFarland 4-22 19 93
(Print name)

_____, 19_____
(Print name)

RECEIPT

Division of Water Rights

413739

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 26, 19 93

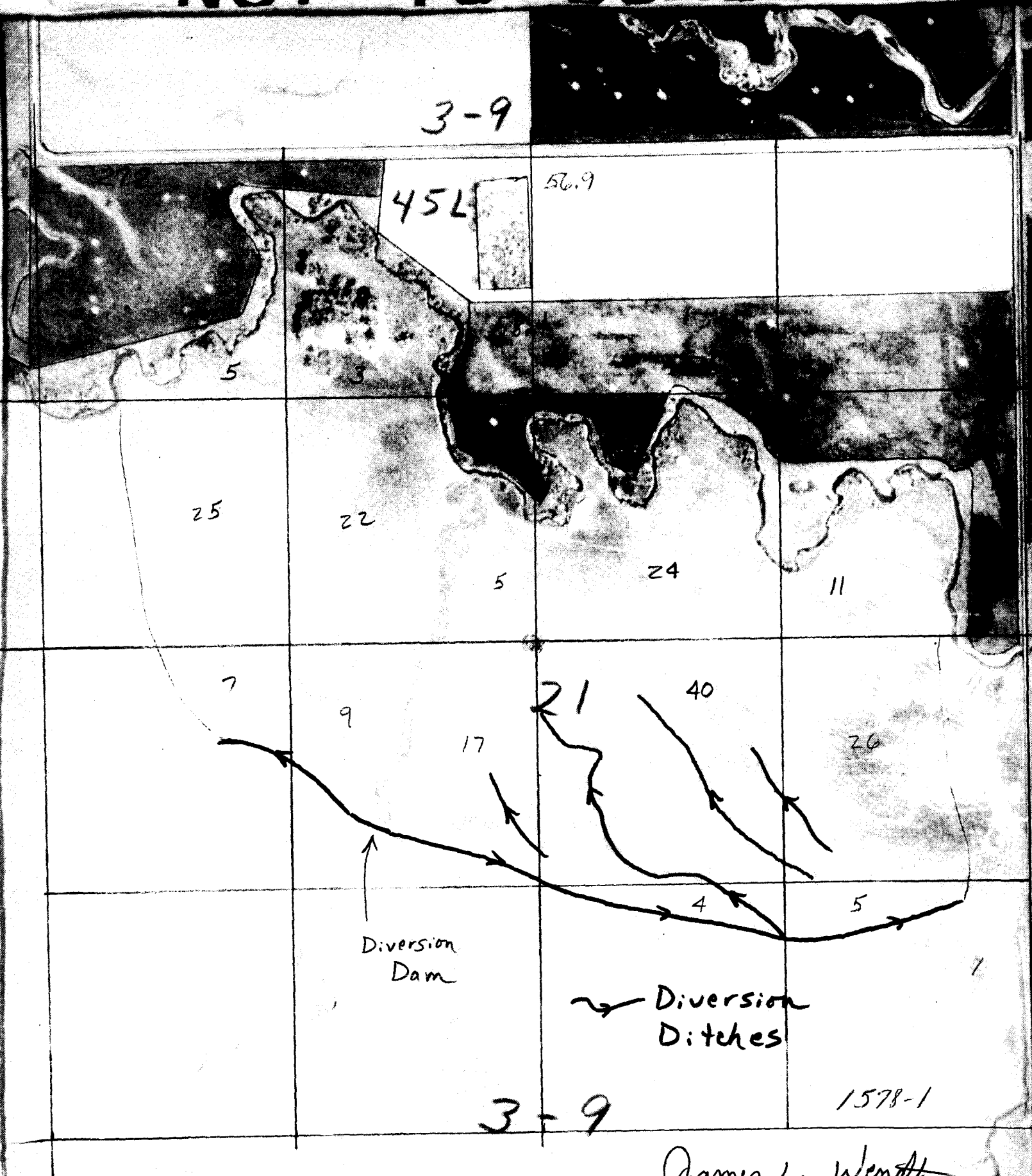
RECEIVED OF Triple Creek Ranch, HC 75 Box 324, Sturgis SD 57785

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

Fee for Application for Permit No. <u>1578-1</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

NOT TO SCALE

3-9

1578-1

James L. Wentz
N.R. Engineer
4-13-89

Report on Vested Water Right Application No. 1578-1
Kenneth and Gregor McFarland
May 6, 1993

Background

Vested Water Right Application No. 1578-1 requests to validated a claim to irrigate 9.0 additional acres not included in Vested Water Right Claim No. 852-1. Vested Water Right Claim No. 852-1 appropriates 2.77 cubic feet of water per second (cfs) from Schaffer Draw, located in the NE1/4 SW1/4 Section 21, T3N-R9E, in Meade County. Water is used to irrigate 194 acres located in the NW1/4, S1/2 NE1/4, N1/2 SW1/4, N1/2 SE1/4 21, T3N-R9E, with a priority date of January 1, 1938. This application appropriates an additional 0.13 cfs for irrigation of 9.0 acres which are located in the S1/2 SE1/4 Section 21, T3N-R9E.

Discussion

On April 13, 1989, Jim Wendte, Division of Water Rights Engineer inspected the acreage specified on Vested Water Right Claim No. 852-1. The inspection showed that the legal location of 9.0 acres of the irrigated land was not listed within the described location of the acreage for Vested Water Right Claim No. 852-1. The total number of acres claimed is the same, except that 9 acres was incorrectly described on the original Vested Right Claim No. 852-1.

Schaffer Draw is a tributary of Elk Creek. There are no other water rights/permits on Schaffer Draw downstream from the applicant's diversion point.

Conclusions and Recommendations

1. Water has been appropriated since 1938.
2. There are no flow records for Schaffer Draw.
3. Water is used whenever it is available.
4. There is no other irrigation water use from the draw downstream from the applicant's diversion point.
5. Water must be bypassed for downstream domestic water uses.

6. It is recommended that Vested Water Right Application No. 1578-1 be validated for the additional 9.0 acres (and additional 0.13 cfs) with a priority date of January 1, 1938.

M. Rashed

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

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

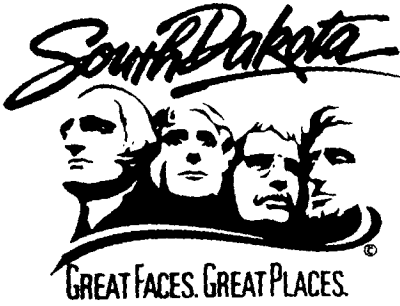
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1578-1, Kenneth and Gregor McFarland

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. 1578-1, Kenneth and Gregor McFarland, HC 80 Box 747, Piedmont, SD 57769.

The Chief Engineer is recommending VALIDATION of Application No. 1578-1 for 0.13 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1938, 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.


JOHN HATCH, Chief Engineer
May 18, 1993



**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.

May 21, 1993

Kenneth and Gregor McFarland
HC 80 Box 747
Piedmont, SD 57769

Dear Kenneth and Gregor:

Your Application No. 1578-1 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 Co. Times-Tribune printed at Sturgis, SD (Ph # 347-2503). 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 ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1993

Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1578-1 to be published twice. Please publish the notice on June 2, 1993, 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 Kenneth and Gregor McFarland, HC 80 Box 747, 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: 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 June 2, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1578-1 to Appropriate Water

Notice is given that Kenneth and Gregor McFarland, HC 80 Box 747, Piedmont, SD 57769 have filed an application to validate a vested water right claim to irrigate 9 additional acres. Vested Right Claim No. 852-1 appropriates 2.77 cubic feet of water per second (cfs) from Schaffer Draw located in the NE 1/4 SW 1/4 Section 21 to irrigate 194 acres located in the NW 1/4, S 1/2 NE 1/4, N 1/2 SW 1/4, N 1/2 SE 1/4 Section 21; all in T3N-R9E with a priority date of January 1, 1938. This application appropriates an additional 0.13 cfs to irrigate 9 acres which are located in the S 1/2 SE 1/4 Section 21-T3N-R9E. The water use has a claimed priority date of January 1, 1938.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1578-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1938, 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 June 25, 1993. 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 at 10:00 am, July 7, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The July 7, 1993, 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 June 25, 1993.

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 Eric Gronlund by June 25, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-22; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Meade) ssI, Faye D Pate

certify that the attached printed Notice was

taken from the _____

Meade County Times-Tribuneprinted and published in SturgisCounty of Meade and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:June 2, 1993June 9, 1993

Cost of Printing: _____

Faye D. Pate
(Signature)

Accountant

(Title)

(Date Signed)

Vested water
right claimDept. of Environment
and Natural Resources
Joe Foss Building
523 East CapitolPierre, S.D. 57501-3181
NOTICE OF HEARING

To Validate

Vested Water Right
Application No. 1578-1
To Appropriate Water

Notice is given that Kenneth and Gregor McFarland, HC 80 Box 747, Piedmont, SD 57769 have filed an application to validate a vested water right claim to irrigate 9 additional acres. Vested Right Claim No. 852-1 appropriates 2.77 cubic feet of water per second (cfs) from Schaffer Draw located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21 to irrigate 194 acres located in the NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; all in T3N-R9E with a priority date of January 1, 1938. This application appropriates an additional 0.13 cfs to irrigate 9 acres which are located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21-T3N-R9E. The water use has a claimed priority date of January 1, 1938.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1578-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1938, 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

NOTH 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 June 25, 1993. 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 at 10:00 am, July 7, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of this application based on the facts presented at the public hearing. The July 7, 1993, 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 June 25, 1993.

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 Eric Gronlund by June 25, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-22; 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, 74:09-01-19 thru

74:02:01:22. Robert E. Robert, Secretary, Department of Environment and Natural Resources.

Publ June 2 & 9, 1993

Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

Gregor B. & Kenneth E. McFarland
HC 80 Box 747
Piedmont, SD 57769

Dear Gregor and Kenneth:

Enclosed is Water License No. 1578-1. The applicable portions of Vested Right No. 852-1 are incorporated into this Vested Right License No. 1578-1.

Also enclosed is the receipt for the Notice of Transfer filed to transfer No. 852-1 to your names.

Very truly yours,

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

enclosures