

WATER PERMIT NO. 1580-1

Phone: _____

Name of Applicant: Donald and Nancy Turbiville

Post Office Address: HC 66A, Box 122, Buffalo SD 57720

Amount of Water Claimed: 0.12 cfs Total Acres: 9

Source of Water Supply: dry draws

Water to be used for: irrigation County: Harding

About 19S, ^{13W}23E miles _____ of Buffalo

PRIORITY Date Received: 5-26-93 Fee: \$15.00 Remarks: Priority date

November 1, 1953

Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 SW 1/4 Sec 31-T16N-R3E

Land to be Irrigated: NE1/4 NW 1/4 Sec 6-T15N-R3E
and SE 1/4 SW 1/4 Sec 31-T16N-R3E

	31				
	add'l acres				
	6				
	6				
	6				

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Mary Johnson Reviewed and the Number

Assigned on: 6-2-93 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1580-1 FOR IRRIGATION

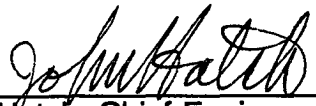
Date of Receipt of Claim May 26, 1993.

Date of Validation April 4, 1994.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1580-1 for irrigation purposes for Donald and Nancy Turbiville, HC 66A, Box 122, Buffalo SD 57720 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1580-1 irrigates 9 additional acres. An inspection of Vested Water Right Claim No. 387-1 found 0.30 cubic feet of water per second (cfs) appropriated from a dry draw dam (approximately 18 acre feet storage capacity) located in the NE 1/4 SW 1/4 Section 31-T16N-R3E irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T15N-R3E with priority dates of November 1, 1953 and December 1, 1954. This Vested Water Right claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Vested Water Right Claim No. 387-1 and this Vested Water Right, combined, appropriates 0.42 cfs from the dry draw dam to irrigate 30 acres.
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: January 1 - December 31.
3. The priority date of the Vested Water Right is: November 1, 1953.
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

NOV 14 1994
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1580-1 FOR IRRIGATION

(1) Donald and Nancy Turbiville of HC 66A, Box 122, Buffalo SD 57720, made Application No. 1580-1, May 26, 1993 for validation of a vested right claim to appropriate 0.12 cubic feet of water per second from a dry draw dam (approximately 18 acre-feet storage capacity), Harding, County, South Dakota, for irrigation purposes. Vested Water Right No. 1580-1 was validated April 4, 1994 with a priority date of November 1, 1953. 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.

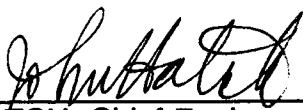
Vested Water Right No. 1580-1 authorizes irrigation of additional acreage that was developed but not validated under Vested Water Right No. 387-1. The applicable portions of Vested Water Right No. 387-1 has been incorporated into Vested Right Water License No. 1580-1. A priority date of November 1, 1953 is retained for the irrigation from the diversion point located in Section 31. A priority date of December 1, 1954 is retained for the irrigation from the diversion point located in Section 6.

(2) The vested right owner is entitled to divert 0.42 cubic feet of water per second for beneficial use. The location of the diversion points are: approximately 2558'E and 1700'N of the SW corner (NE 1/4 SW 1/4) Section 31-T16N-R3E and the NW 1/4 NW 1/4 Section 6-T15N-R3E.

The location of the irrigated acreage is:

Section 31-T16N-R3E	SE 1/4 SW 1/4	6 acres
Section 6-T15N-R3E	NE 1/4 NW 1/4	3 acres
	SW 1/4 NW 1/4	3 acres
	NW 1/4 SW 1/4	18 acres
Total		30 acres

(3) Pursuant to Section 46-5-30.1 Donald and Nancy Turbiville of HC 66A, Box 122, Buffalo SD 57720 the holders and/or owners of Vested Water Right No. 1580-1 is issued a license to appropriate 0.42 cubic feet of water per second from a dry draw dam (approximately 18 acre-feet storage capacity) with priority dates of November 1, 1953 and December 1, 1954 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. 1580-1 and subject to South Dakota State Law.



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

NOV 14 1994

date

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. 1580-1 Hydrologic Unit 10130304
Basin Moreau River
Newspaper Nation's Center News, Box 107, Buffalo
(office use only)



Application For Soil/Water Compatibility Permit And 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 Donald and Nancy Turbiville Phone
(check one) X Owner Tenant/lessee
Mailing Address HC 66A, Box 122, Buffalo State SD 57720
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.12 *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 dry draws
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) storage dam (see No. 387-1): NE1/4 SW1/4 section 31-T16N-R3E
County Harding
- County or counties where water will be used Harding
- Annual period during which water is to be used January 1 - December 31
- 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
NE1/4 NW1/4 sec 6-T15N-R3E	3		
SE1/4 SW1/4 sec 31-T16N-R3E	6		

- Type of Irrigation: Gravity: X Towline: Center Pivot: Gun: Other (Specify):
- Give a description of the project. (Attach sheet if more space is needed)

This claim is for 3 acres (NE1/4 NW1/4 sec 6) not included on the original claim for Vested Water Right No. 387-1 and for 6 acres (SE1/4 SW1/4 sec 31) within the area described on the original claim, but not included on the water license for No. 387-1. A priority date of November 1, 1953, is claimed for irrigation of the acreage from the diversion point located in section 31.

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

STATE OF SOUTH DAKOTA

County of Harding)^{SS}
Nancy Turbiville

I, Donald H. Turbiville, 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 Donald H. Turbiville Nancy Turbiville

Subscribed and sworn to before me this 20 day of May 19 93

Aileen Martin
Notary Public

My Commission Expires May 29, 2000

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:

b) Freeboard _____

c) Crest Width 12 feet

Crest Length 222 feet

d) Height 14.5 feet

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

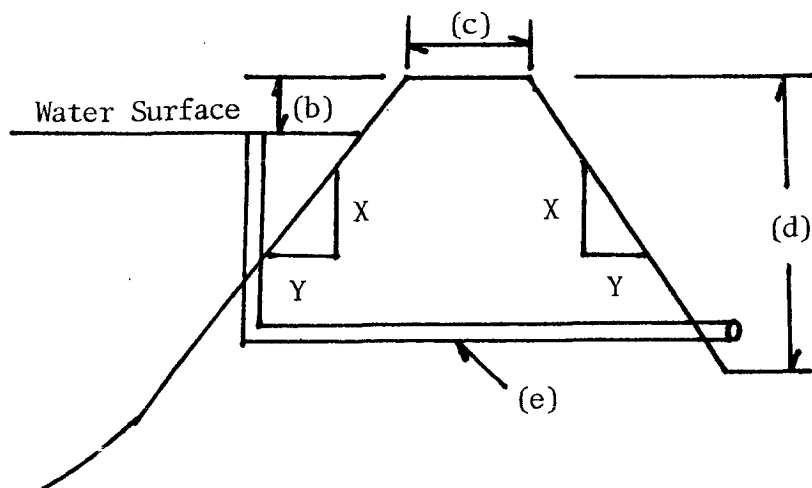
Upstream 3:1

Downstream 2:1

h) Surface Area of Impoundment 4 acres

i) Storage 16 _____ 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) Donald and Nancy Turbiville

Mailing Address HC 66A, Box 122 Buffalo SD 57720
(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 November 1953
- C. Date that water was first applied to beneficial use Began use in 1954
- D. Name of owner of original water supply system Dewey Turbiville
- E. Amount of water originally applied to beneficial use 0.12 CFS (higher during flood flows)
- F. Present use of water - amount of water now being used 0.12 CFS (higher during flood flows)
Date that this water was first used 1954

G. Chronological History of Water Use

*We flood these fields when water is available in the dam.
And Hay the land, grazing the land in the fall.*

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 Harding) ss

I, Donald H Turbiville, Nancy Turbiville the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Donald H Turbiville & Nancy Turbiville

Subscribed and sworn to before me May 20 19 93

My Commission Expires May 29, 2000

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.

Donald H Turbiville 19 93
(Print name)

Nancy Turbiville 19 93
(Print name)

RECEIPT

413784

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 28, 19 93

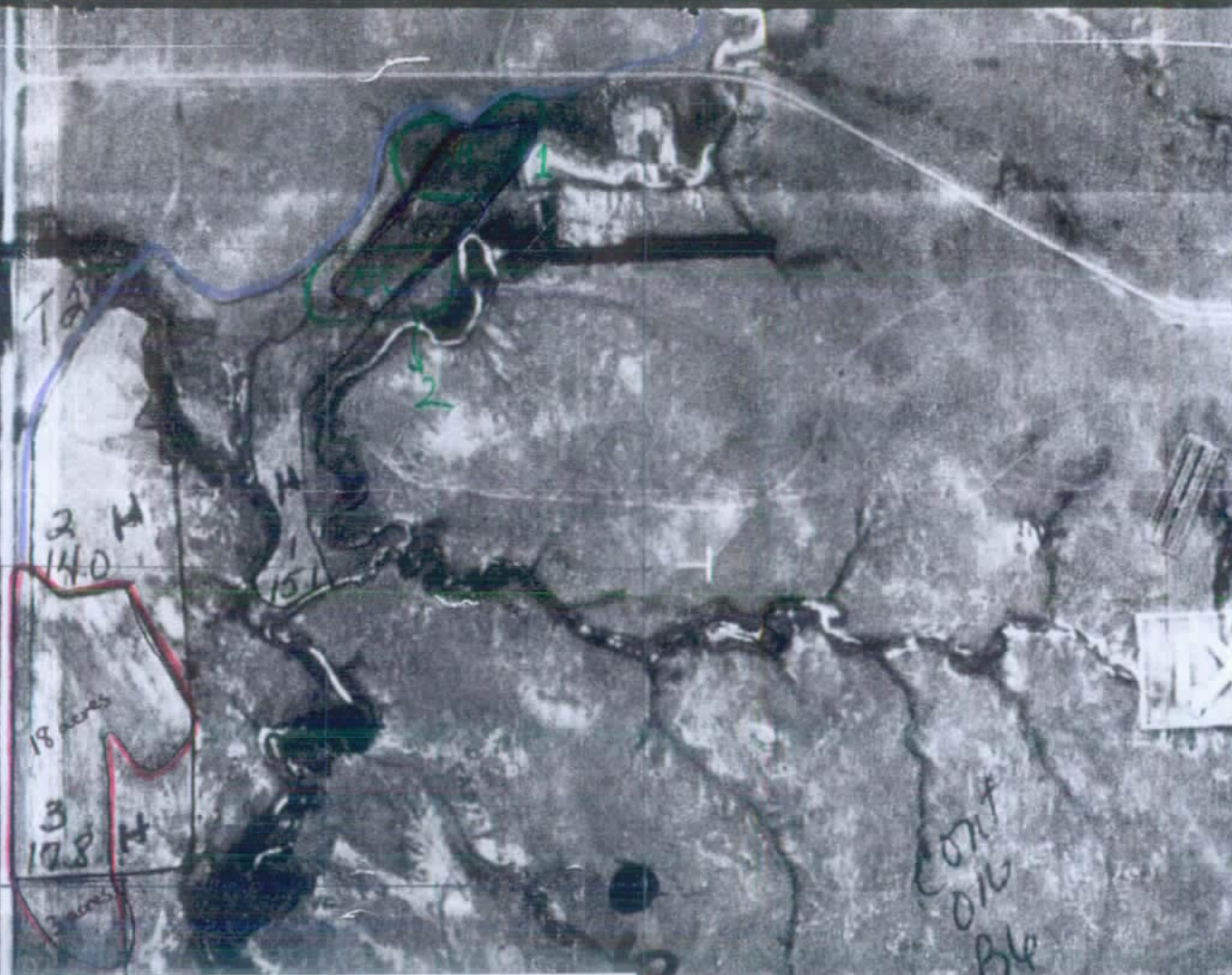
RECEIVED OF Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720

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

Fee for Application for Permit No. <u>1580-1</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

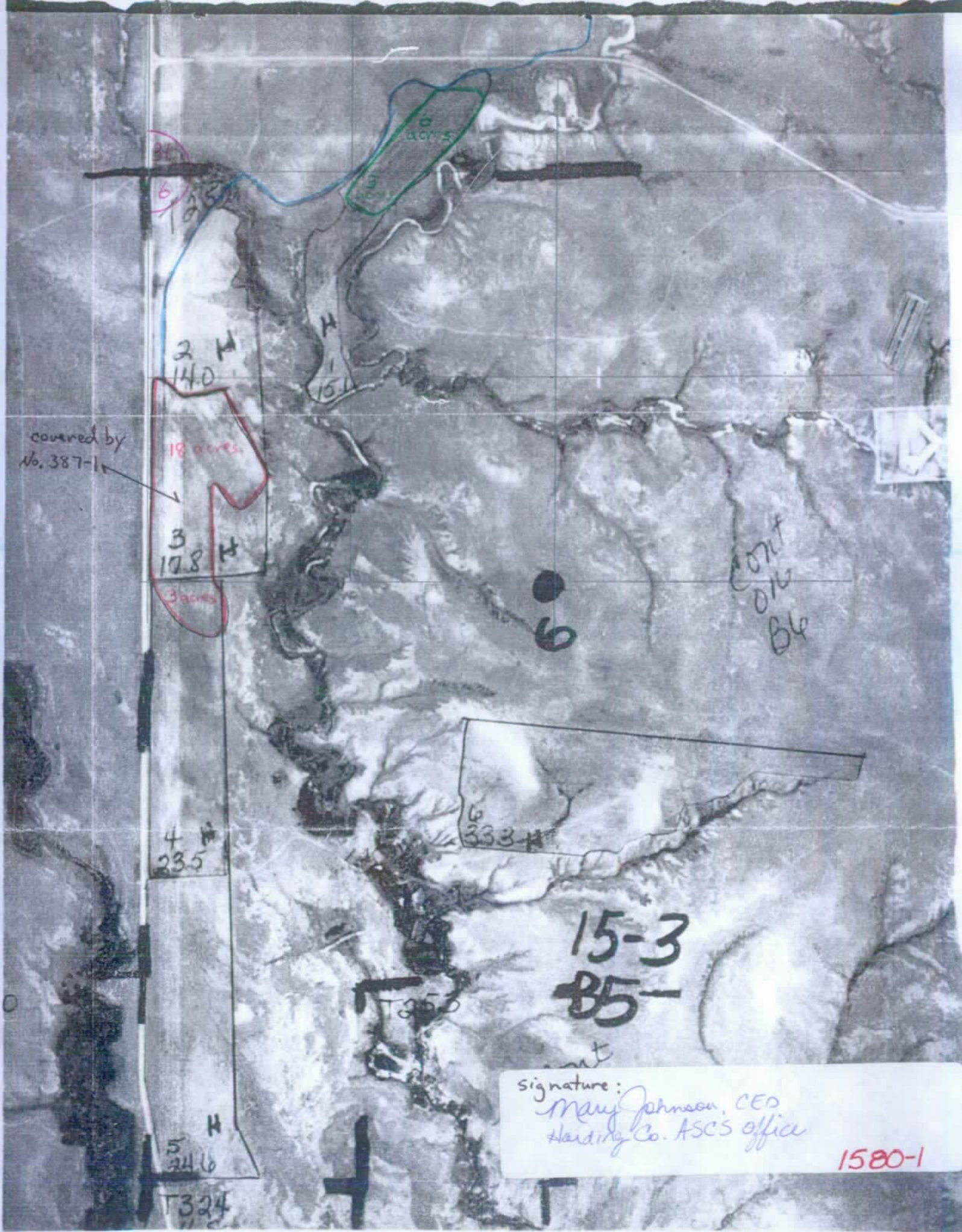
By John Hatch
Chief Engineer



The area in #1 and #2 that is irrigated that was in concern is outlined in dark blue.

Donall Turbiville





covered by
No. 387-1

6
18.5

2 H
140

18 acres

3 H
178

3 acres

4 H
235

5 H
246

T324

H
151

6
6 acres

6
333 H

6

cont
016
B4

15-3
85-

signature:
Mary Johnson, CEO
Harding Co. ASCS office

1580-1

Report on Vested Water Right Application No. 1580-1
Donald and Nancy Turbiville
June 8, 1993

Background

Vested Water Right Application No. 1580-1 requests validation of a claim for irrigation of an additional 9 acres. An inspection of Vested Right Claim No. 387-1 found 0.3 cubic feet of water per second (cfs) appropriated from a dry draw dam. The diversion point for Vested Right Claim No. 387-1 and Vested Water Right Application No. 1580-1 is located in the NE1/4 SW1/4 Section 31, T16N-R3E, in Harding County. Water is used to irrigate 21 acres located in Section 6, T15N-R3E, with priority dates of November 1, 1953, and December 1, 1954. This application is requesting validation of an additional 0.12 cfs to irrigate 9 acres located in the NE1/4 NW1/4 Section 6, T15N-R3E, and SE1/4 SW1/4 Section 31, T16N-R3E, with a claimed priority date of November 1, 1953.

Discussion

Vested Water Right Claim No. 387-1 was inspected on June 7, 1989. The inspection showed that 21.0 acres were being irrigated using water from a dry draw dam. The inspection also showed that the acreage listed in the application was developed. The applicant, however, stated that he had no plans to irrigate this acreage in 1989. Diversion point for Vested Water Right Application No. 1580-1 and Vested Right Claim No. 387-1 is from the same dry draw dam which is located in the NE1/4 SW1/4 Section 31, T16N-R3E. The dry draw is a tributary of Cady Creek which joins the South Fork of the Moreau River in Section 35, T15N-R3E. No flow data is available for the dry draw.

There are no other water permits/rights for the dry draw or Cady Creek.

Conclusions and Recommendations

1. There are no flow records for the dry draw.
2. Water must be bypassed for downstream domestic water use.
3. Approval of Vested Water Right Application No. 1580-1 should not have any adverse affect on water uses from the dry draw.

4. It is recommended that Vested Water Right Application No. 1580-1 be validated for a diversion rate of 0.13 cfs, for irrigation of the additional 9.0 acres, with a November 1, 1953, priority date.

MR 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. 1580-1, Donald and Nancy Turbiville

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. 1580-1, Donald and Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720.

The Chief Engineer is recommending VALIDATION of Application No. 1580-1 for 0.12 cfs because 1) water has been appropriated as described for irrigation use with a priority date of November 1, 1953, 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 dark ink, appearing to read 'John Hatch', is positioned above the printed name and date.

JOHN HATCH, Chief Engineer
July 8, 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.

August 11, 1993

Donald and Nancy Turbiville
HC 66A Box 122
Buffalo, SD 57720

Dear Mr. & Mrs. Turbiville:

Your Application No. 1580-1 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 Nation's Center News printed at Buffalo, SD (Ph # 375-3228). 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
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

August 11, 1993

Nation's Center News
Box 107
Buffalo, SD 57720

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1580-1 to be published twice. Please publish the notice on August 18, 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 Donald and Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720.

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 August 18, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1580-1

Notice is given that Donald and Nancy Turbiville, HC 66A, Box 122, Buffalo, SD 57720 has filed an application to validate a vested water right claim to irrigate 9 additional acres. An inspection of Vested Water Right Claim No. 387-1 found 0.30 cubic feet of water per second (cfs) appropriated from a dry draw dam (approximately 18 acre-feet of water storage capacity) located in the NE 1/4 SW 1/4 Section 31-T16N-R3E irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T15N-R3E with priority dates of November 1, 1953, and December 1, 1954. This application claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Vested Water Right Claim No. 387-1 and this application, combined, appropriate 0.33 cfs from the dry draw dam to irrigate 30 acres. The water use has a claimed priority date of November 1, 1953.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1580-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of November 1, 1953, 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 September 7, 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

) SS.

COUNTY OF HARDING)

Linda Stephens ----- of said County and State, being duly sworn, on his oath, says: That the NATION'S CENTER NEWS is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State by Linda Stephens, Owner ----- and has been such newspaper during the time hereinafter mentioned and that I, Linda Stephens -----, the undersigned, am OWNER ----- of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed Notice To Validate Water Right -----
97 lines

----- a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once each week for - 2 ----- successive weeks.

The first publication being made on the 18 day of August 1993

The second publication being made on the 25 day of August 1993

The third publication being made on the ----- day of ----- 19-----

The fourth publication being made on the ----- day of ----- 19-----

The last publication being made on the ----- day of ----- 19-----

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 40.34 ----- and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.

Linda Stephens

Subscribed and sworn to before me this 26 day of August 1993

Walter Stephens

My Commission Expires 6-95



97 NOTICE OF HEARING To Validate Vested Water Right Application No. 1580-1

Notice is given that Donald and Nancy Turbiville, HC 66A, Box 122, Buffalo, SD 57720 has filed an application to validate a vested water right claim to irrigate 9 additional acres. An inspection of Vested Water Right Claim No. 387-1 found 0.30 cubic feet of water per second (cfs) appropriated from a dry draw dam (approximately 18 acre-feet of water storage capacity) located in the NE 1/4 SW 1/4 Section 31-T16N-R3E irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T15N-R3E with priority dates of November 1, 1953, and December 1, 1954. This application claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Vested Water Right Claim No. 387-1 and this application, combined, appropriate 0.33 cfs from the dry draw dam to irrigate 30 acres. The water use has a claimed priority date of November 1, 1953.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1580-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of November 1, 1953, 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 appli-

cant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 7, 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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

8-18-93

REPORT ON VESTED WATER RIGHT CLAIM NO. 1580-1
DONALD AND NANCY TURBIVILLE
OCTOBER 6, 1993

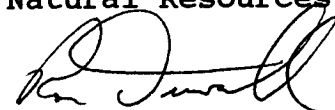
Vested Water Right Claim No. 1580-1 is to irrigate 9 additional acres. An inspection of Vested Water Right Claim No. 378-1 found 0.30 cubic feet of water per second (cfs) appropriated from two dry draw dams located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 31-T16N-R3E and in the NW 1/4 NW 1/4 Section 6-T15N-R3E irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T15N-R3E with priority dates of November 1, 1953 and December 1, 1954. This application claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Readvertisement of the notice of hearing published on August 18 and 25, 1993 is needed to correct the total amount of water claimed which was incorrectly advertised as being 0.33 cfs. The correct amount of water claimed by Vested Water Right Claim No. 387-1 and this application, combined, is 0.42 cfs from the dry draw dams to irrigate 30 acres.

Conclusions

1. This is a readvertisement of the Notice of Hearing to Validate Vested Water Right Application No. 1580-1.
2. This readvertisement is necessary to correct the total amount of water claimed by Vested Water Right Claim Nos. 387-1 and 1580-1.
3. The correct amount of water claimed by Vested Water Right Claim No. 387-1 and this application, combined, is 0.42 cfs from the dry draw dams to irrigate 30 acres.



Eric Gronlund
Natural Resources Engineer



Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
READVERTISED VESTED WATER RIGHT APPLICATION NO. 1580-1,
Donald and Nancy Turbiville

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 readvertised Vested Water Right Application No. 1580-1, Donald and Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720.

The Chief Engineer is recommending VALIDATION of readvertised Application No. 1580-1 for 0.12 cfs because 1) water has been appropriated as described for irrigation use with a priority date of November 1, 1953, 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 black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
February 24, 1994



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1994

Donald and Nancy Turbiville
HC 66A Box 122
Buffalo, SD 57720

Dear Mr. & Mrs. Turbiville:

The original notice of hearing for Vested Water Right No. 1580-1 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Nation's Center News printed at Buffalo, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

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

March 7, 1994

Nation's Center News
Box 107
Buffalo, SD 57720

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Vested Water Right No. 1580-1 to be published twice. Please publish the first notice on March 16, 1994, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

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 by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
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 Readvertisement of Notice of Hearing to Appropriate Water by Permit 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 March 16, 1994 with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING To Validate
Vested Water Right Application No. 1580-1 to Appropriate Water

Notice is given of readvertisement of Vested Water Right No. 1580-1 held by Donald and Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720. The vested water right claim was originally applied for on May 26, 1993. Vested Water Right Claim No. 1580-1 is to irrigate 9 additional acres. An inspection of Vested Water Right Claim No. 378-1 found 0.30 cubic feet of water per second (cfs) appropriated from two dry draw dams located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 31-T16N-R3E and in the NW 1/4 NW 1/4 Section 6-T15N-R3E, irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 6-T15N-R3E with priority dates of November 1, 1953, and December 1, 1954. This application claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Readvertisement of the notice of hearing published on August 18 and 25, 1993, is needed to correct the total amount of water claimed which was incorrectly advertised as being 0.33 cfs. The correct amount of water claimed by Vested Water Right Claim No. 387-1 and this application, combined, is 0.42 cfs from the dry draw dams to irrigate 30 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Readvertised Vested Water Right Application No. 1580-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of November 1, 1953, 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 4, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Harding) ss

I, Laverne E. Helms, Bus. Mgr.

certify that the attached printed Notice was

taken from the Nation's Center

News

printed and published in Buffalo, SD

County of Harding and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

March 16, 1994

March 23, 1994

Cost of Printing: \$48.48

Laverne E. Helms
 (Signature)

Bus. Mgr.
 (Title)

3-24-94
 (Date Signed)



Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 4, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application.

Russell L. Stone,
 Acting Secretary,
 Department of Environment
 and Natural Resources
 Joe Foss Building
 523 East Capitol
 Pierre, SD 57501-3181

Readvertisement of
 NOTICE OF HEARING
 To Validate Vested Water
 Right Application No. 1580-1
 to Appropriate Water

Notice is given of readvertisement of Vested Water Right No. 1580-1 held by Donald and Nancy Turbiville, HC 66A Box 122, Buffalo, SD 57720. The vested water right claim was originally applied for on May 26, 1993. Vested Water Right Claim No. 1580-1 is to irrigate 9 additional acres. An inspection of Vested Water Right Claim No. 378-1 found 0.30 cubic feet of water per second (cfs) appropriated from two dry draw dams located in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 31-T16N-R3E and in the NW 1/4 NW 1/4 Section 6-T15N-R3E, irrigating 21 acres located in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 8-T16N-R3E with priority dates of November 1, 1953, and December 1, 1954. This application claims an additional 0.12 cfs to irrigate 9 acres which are located in the NE 1/4 NW 1/4 Section 6-T15N-R3E and the SE 1/4 SW 1/4 Section 31-T16N-R3E. Readvertisement of the notice of hearing published on August 18 and 25, 1993, is needed to correct the total amount of water claimed which was incorrectly advertised as being 0.33 cfs. The correct amount of water claimed by Vested Water Right Claim No. 387-1 and this application, combined, is 0.42 cfs from the dry draw dams to irrigate 30 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Readvertised Vested Water Right Application No. 1580-1 because 1) water has been appropriated as described for irrigation with a claimed priority date of November 1, 1953, 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

PAYMENT REQUEST FORM

PAYEE: Nation's Center News
Box 107
Buffalo, SD 57720-0107

FROM: DENR
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Readvertisement of Notice of Hearing to Validate Vested
Water Right Application No. 1580-1 to Appropriate Water.

AMOUNT: \$48.48

FUNDING SOURCE:

GENERAL:

FEDERAL:

COMMENTS:

AUTHORIZATION:

John H. T. [Signature]

4-4-94

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Donald and Nancy Turbiville
HC 66A, Box 122
Buffalo SD 57720

Dear Mr. & Mrs. Turbiville:

The Water Management Board has validated the enclosed Vested Water Right Nos. 387-1 and 1580-1. These validation gives legal status to the claims and are the final document for your vested right. Also, enclosed is Vested Right Water License No. 1580-1. The applicable portions of Vested Water Right No. 387-1 have been incorporated into Vested Water License No. 1580-1.

As long as you use the water beneficially, as stated in the validation, 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

enclosure