

WATER PERMIT NO. 1654-1

Name of Applicant: F. L. Clarkson Limited Partnership

Address: PO Box 551, Belle Fourche SD 57717

Phone: 892-3270

Amount of Water Claimed: 0.71 cfs - 23 AF storage

Total Acres: 50 acres

Source of Water Supply: dry draw

Water to be used for: irrigation & stockwatering

County: Butte

Type of Waste Disposal System: NA

Location: approximate 30 miles northwest of Belle Fourche

PRIORITY

Date Received: 9-9-97

Fee: \$15.00

Corrected Application Received: 9-16-97

Period of Annual Use: April 1 - October 31

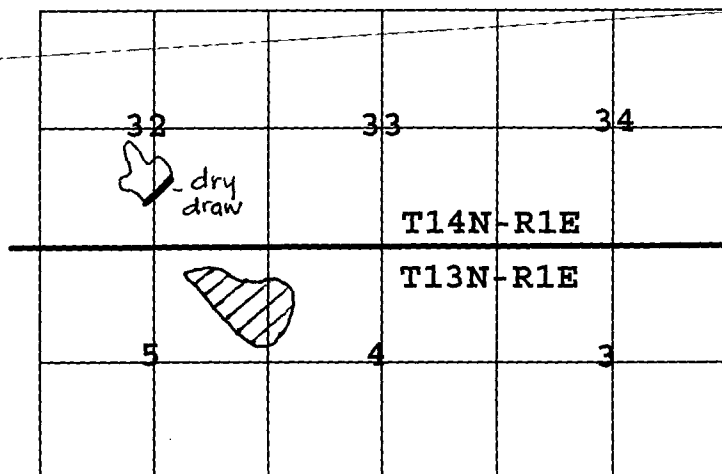
Remarks: Uses same diversion point as authorized by No. 37-1. Claimed priority date of November 5, 1908.

Diversion Point: SW 1/4 SE 1/4, SE 1/4 SW 1/4

Sec 32-T14N-R1E

Land to be Irrigated: N 1/2 NE 1/4, SE 1/4 NE 1/4

Sec 5; W 1/2 NW 1/4 Sec 4; all in T13N-R1E



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: plat

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 9-17-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1654-1 FOR IRRIGATION

Date of Receipt of Claim September 9, 1997.

Date of Validation November 3, 1997.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 1654-1 for F. L. Clarkson Limited Partnership, PO Box 551, Belle Fourche SD 57717 irrigation purposes for with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1654-1 appropriates 0.71 cubic feet of water per second from a dry draw dam (23 acre-feet storage capacity) located in the SW 1/4 SE 1/4, E 1/2 SW 1/4, Section 32-T14N-R1E to irrigate 50 acres located in the N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 5 and W 1/2 NW 1/4 Section 4; all in T13N-R1E. The water is also used for stockwatering purposes.
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: for irrigation April 1 - October 31 and for stockwatering January 1 - December 31.
3. The priority date of the Vested Water Right is November 5, 1908.
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 Program
Department of Environment and Natural Resources

FEB 27 1998

date



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1654-1 FOR IRRIGATION

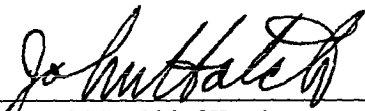
(1) F.L. Clarkson Limited Partnership, c/o Jeb H Clarkson, PO Box 551, Belle Fourche SD 57717 made Application No. 1654-1, September 9, 1997 for validation of a vested right claim to appropriate 0.71 cubic feet of water per second from a dry draw (23 acre-feet storage capacity), Butte County, South Dakota, for irrigation and stockwatering purposes. Vested Water Right No. 1654-1 was validated November 3, 1997 with a priority date of November 5, 1908. 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 vested right owner is entitled to divert 0.71 cubic feet of water per second for beneficial use. The location of the diversion point is: 1,030 feet north and 100 feet east of the south quarter corner of Section 32-T14N-R1E (SW 1/4 SE 1/4, SE 1/4 SW 1/4).

The location of the irrigated acreage is:

Section 5-T13N-R1E	NW 1/4 NE 1/4	2 acres
	NE 1/4 NE 1/4	20 acres
	SE 1/4 NE 1/4	11 acres
Section 4-T13N-R1E	NW 1/4 NW 1/4	8 acres
	SW 1/4 NW 1/4	9 acres
Total		50 acres

(3) Pursuant to Section 46-5-30.1 F. L. Clarkson Limited Partnership, c/o Jeb H Clarkson, PO Box 551, Belle Fourche SD 57717 the holder and/or owner of Vested Water Right No. 1654-1 is issued a license to appropriate 0.71 cubic feet of water per second from a dry draw (23 acre-feet storage capacity) with a priority date of November 5, 1908 from the location specified in (2) of this license. The water is used for irrigation and stockwatering purposes. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1654-1 and subject to South Dakota State Law.


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

FEB 27 1998

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____



Application For Permit To Appropriate Water For Irrigation

Type of Application: New ☒ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant F.L. CLARKSON LIMITED PARTNERSHIP Phone _____
A SOUTH DAKOTA LIMITED PARTNERSHIP
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address P.O. BOX 551 BELLE FOURCHE, State SD 57717
(Street, RR. or Box) (Zip Code)
2. Amount of water claimed 0.71 *CFS or **GPM ***AF Total Acreage 50
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply dry draw
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1030 ft N and 100 ft E of the
S1/4 corner section 32-T14N-R1E (SW1/4SE1/4, SE1/4SW1/4)
County Butte
5. County or counties where water will be used Butte
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre division, 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
NW1/4NE1/4 section 5-T13N-R1E	2	SW1/4NW1/4 section 4-T13N-R1E	9
NE1/4NE1/4 section 5-T13N-R1E	20		
SE1/4NE1/4 section 5-T13N-R1E	11		
NW1/4NW1/4 section 4-T13N-R1E	8		

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

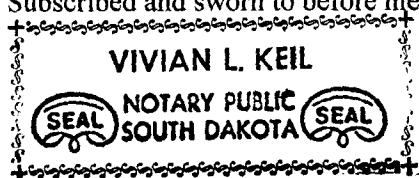
This project uses a diversion point authorized by Water Permit No. 37 and irrigates an area originally intended to be another diversion dam according to the original map filed with No. 37. Since the above irrigated 50 acres is outside of the acreage described on No. 37-1, a vested right is being claimed for irrigation of this acreage.

STATE OF SOUTH DAKOTA) SS
County of Butte

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

I, JEB H CLARKSON, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Jeb H Clarkson
Subscribed and sworn to before me this 5th day of September 19 97



Vivian L. Keil
Notary Public
My Commission Expires: 10-17-2002

Supplemental Information

(type or print in ink)



1. Well Information—Proposed Construction NOT APPLICABLE

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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. Wastewater Disposal System Information NOT APPLICABLE

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

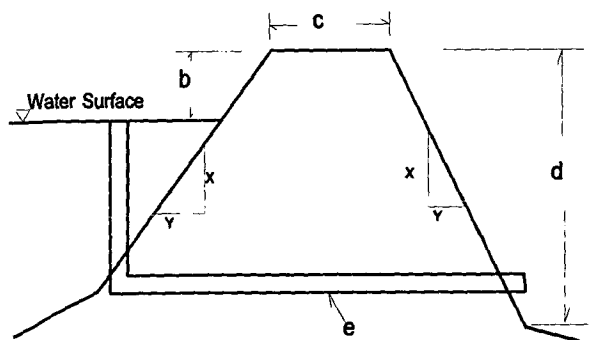
3. Dugout Information NOT APPLICABLE

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. 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 4 ft
- c) Crest Width 20 ft
Crest Length ≈ 800 ft
- d) Height 11 ft
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream ≈ 2:1
Downstream ≈ 2:1
- h) Surface Area of Impoundment ≈ 8 ac
- i) Storage ≈ 23 Acre Feet
- j) Drainage Area Above Dam 1,700 Acres

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed document historical water use, 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) F.L. CLARKSON LIMITED PARTNERSHIP, A SD LIMITED PARTNERSHIP

Mailing Address P.O. BOX 551 BELLE FOURCHE, SD 57717
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation Nov 5, 1908 (37-1 filing date) Date of Posting _____
Date of Recording Approved on January 4, 1909 Recording Date _____
- B. Date of start of construction of water supply system to be completed by January 4, 1912
- C. Date that water was first applied to beneficial use no later than January 4, 1913
- D. Name of owner of original water supply system Albert and Rachel Henderson
- E. Amount of water originally applied to beneficial use 7.0 cfs (see No. 37-1)
- F. Present use of water - amount of water now being used 0.71 cfs to irrigate 50 acres
Date that this water was first used no later than January 4, 1913 (according to 37-1)
- G. Chronological History of Water Use

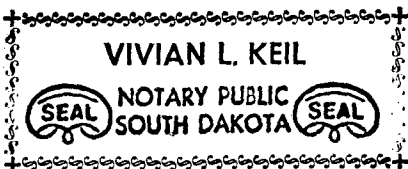
This project uses a diversion point authorized by Water Permit No. 37 and irrigates an area originally intended to be another diversion dam according to the original map filed with No. 37. The last spreader dike of the irrigated area matches the location of a proposed dam fill under No. 37-1. It is believed that construction to irrigate the 50 acres occurred at the same time as construction of several other dry draw dams authorized by No. 37-1. Based on this, a priority date of November 5, 1908 is claimed.

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 Butte) SS

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

Signed Jeb H Clarkson
Subscribed and sworn to before me September 5th 19 97
Vivian L. Keil
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 are true.

F.L. Clarkson 19 97
(Print Name) (Print Name)

Permit No. 1654-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 14, 1997, made a thorough examination of the water use system owned by F. L. Clarkson Limited Partnership c/o Jeb H Clarkson of PO Box 551, Belle Fourche SD 57717 holder of Vested Right No. 1654-1, bearing the priority of November 5, 1908 authorizing the diversion of 0.71 cu. ft. per second and/or the storage of 23 acre-feet of the waters of a dry draw for irrigation and stock watering purposes, in Butte County.

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

Works used to divert the water: **DAM INFORMATION**

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ section 32-T14N-R1E

- | | |
|--|--|
| 1) Height to crest <u>11</u> feet | 5) Crest length <u>800</u> feet |
| 2) Height to primary spillway <u>7</u> feet | 6) Spillway length <u>1500</u> feet (spills to irrigation canal) |
| 3) Height to secondary spillway <u>NA</u> ft | 7) Spillway width <u>10</u> feet |
| 4) Crest width <u>20</u> feet | 8) Approx. storage <u>23</u> ac-ft |

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

- 1) Type earthen canal 2) Size 3 feet deep by 10 feet wide 3) Length ≈ 1,500 feet

C. Works used to apply water to beneficial use:

Three spreader dikes: Two dikes each with a 24 inch corrugated metal pipe (CMP) and headgate and the last spreader dike with a 36 inch CMP and headgate (see map)

The system is in the following condition fair. The point of diversion is a dam located ≈ 1,030 feet N and 100 feet E from the S $\frac{1}{4}$ corner of section 32-T14N-R1E (SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 0.71+ cu. ft. per second of water and/or storing 23 acre-feet of water which is to be used for irrigation and stock watering. Water has been put to beneficial use to the maximum extent as follows:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec 5-T13N-R1E 2 ac	SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 5-T13N-R1E 11 ac	SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 4-T13N-R1E 9 ac
NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec 5-T13N-R1E 20 ac	NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 4-T13N-R1E 8 ac	

comprising a total of 50 acres of land and the license should be issued for 0.71 cfs and/or 23 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date report completed: November 21, 1997



Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

The map prepared for Application No. 1654-1 is based on the on-site investigation. This map can also serve as the map for the Report of Examination of Works.

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1654-1

DATE OF INVESTIGATION	August 14, 1997
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Kevin Buchholz HC 62, Box 7 Belle Fourche SD 57717
NAME & ADDRESS OF PERMIT HOLDER	F. L. Limited Partnership PO Box 551 Belle Fourche SD 57717
DIVERSION POINT LEGAL LOCATION	Dam: $\approx$ 1,030 feet N and $\approx$ 100 feet E from the S$\frac{1}{4}$ corner of section 32-T14N- R1E (SW$\frac{1}{4}$SE$\frac{1}{4}$, SE$\frac{1}{4}$SW$\frac{1}{4}$)

Other permit(s) associated with the project: No. 37-1

DAM INFORMATION:

CHEMIGATION EQUIPMENT:

- 1) Height to crest 11 feet
- 2) Height to primary spillway 7 feet
- 3) Height to secondary spillway NA ft
- 4) Crest width 20 feet
- 5) Crest length 800 feet
- 6) Spillway length 1,500 feet (spills to canal)
- 7) Spillway width 10 feet
- 8) Approx. storage 23 ac-ft

- 1) Does chemigate N

DISTRIBUTION LINES OR CANALS:

- 1) Type earthen canal
- 2) Size 3 feet deep by 10 feet wide
- 3) Length $\approx$ 1,500 feet

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Not applicable

RECEIPT

415468

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 16, 19 97

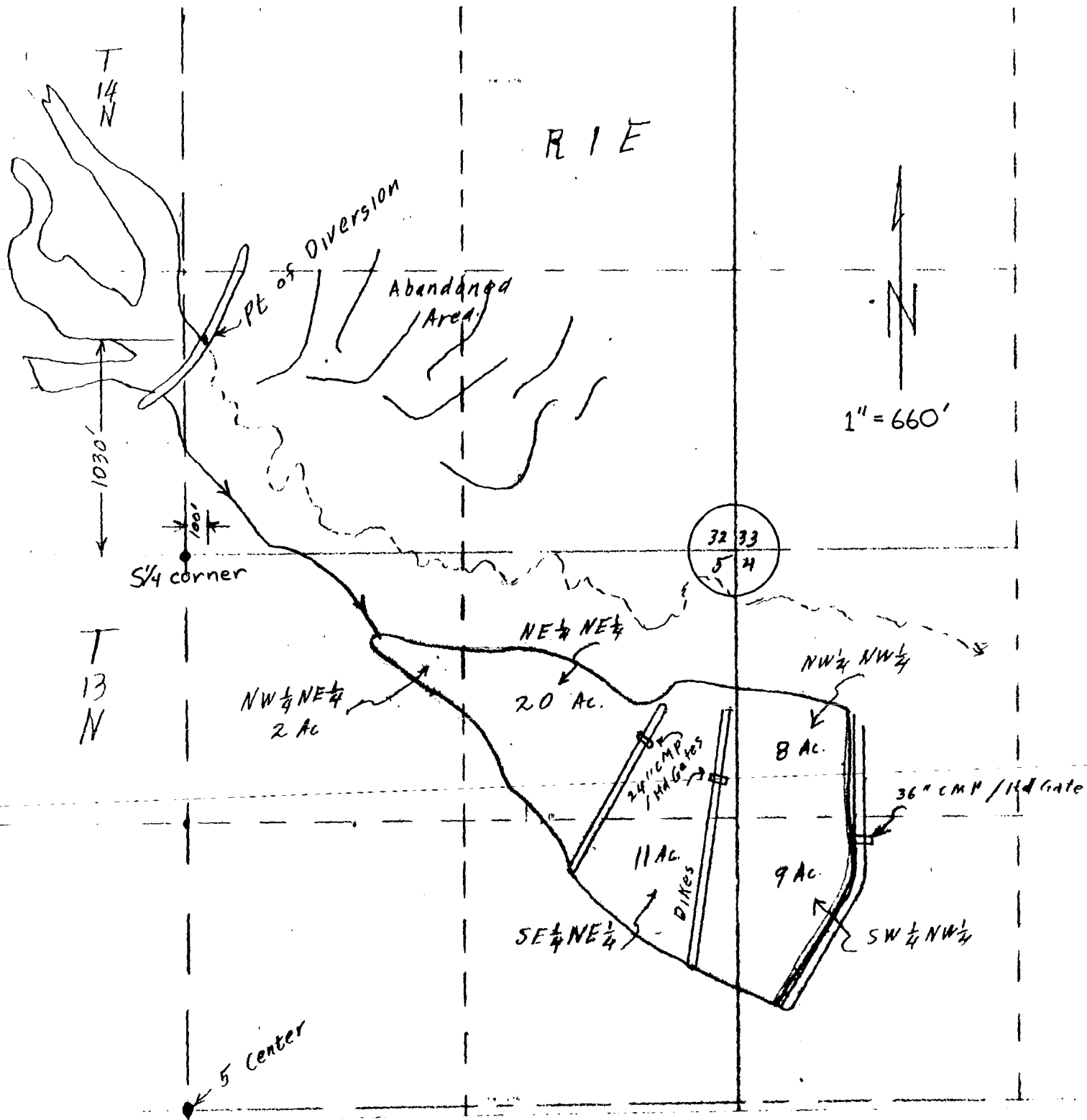
RECEIVED OF Kevin or Mary Buchholz, HCR 62, Box 7, Belle Fourche, SD 57717

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

Fee for Application for Permit No. <u>1654-1</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



Original map prepared by
Leroy Mernaugh, staff engineer

Reviewed by:

Ron Darvall
Natural Resources Engineer
9/16/97



REPORT ON VESTED WATER RIGHT APPLICATION NO. 1654-1
F. L. CLARKSON LIMITED PARTNERSHIP

September 19, 1997

Vested Right Application No. 1654-1 claims 0.71 cubic feet of water per second from a dry draw dam for irrigation of 50 acres in Butte county with a priority date of November 5, 1908. The point of diversion is located on a side draw to Bean Blossom Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 32-T14N-R1E and the irrigated acreage is located in the N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 5; W $\frac{1}{2}$ NW $\frac{1}{4}$ section 4; all in T13N-R1E.

Background

On August 14, 1997, an onsite investigation was completed of Water Permit No. 37-1 held by Albert and Rachel Henderson. The permit has been transferred to the current owner, F. L. Clarkson Limited Partnership c/o Jeb Clarkson, on September 16, 1997. Kevin Buchholz, son-in-law, was present during August 14 permit investigation.

The investigation found that four dams have been constructed in the locations identified on the original application map for No. 37-1. In addition, 50 acres are being irrigated from one of the dams. This irrigated area is outside of the irrigated area described on No. 37-1 which is the reason for filing this vested right claim. According to the map filed with No. 37-1, the site of the irrigated acreage was originally intended to be a diversion dam. The remaining three dams are used for stock watering only and can be licensed under No. 37-1.

The claimed priority date of November 5, 1908 is the same priority date as held by Permit No. 37-1 since the diversion dam site is the same as listed on No. 37-1. It is believed that the dam and 50 irrigated acres were developed shortly after approval of Permit No. 37-1 on February 13, 1909.

Existing Water Rights

The drainage that the dam is located on enters Bean Blossom Creek which in turn flows into Indian Creek. There are eight water permit/rights located on Indian Creek below Application No. 1654-1. All of these water permit/rights have priority dates junior to the November 5, 1908 date claimed on No. 1654-1 with the exception of Water Right Filing No. 0377-1 for the Belle Fourche Irrigation Project. However, according to a letter dated November 26, 1973 and signed by Donald Driscoll, then Chief Engineer, Indian Creek is not included in the list of water sources that were developed to supply the irrigation project. The Indian Creek diversion point described on the Notice of Water Appropriation for No. 0377-1 was to be located near the present north canal water siphon used to cross Indian Creek. There is no record in the file for No. 37-1 or the Butte county file of any water use complaints associated with Water Permit No. 37-1.

Conclusions

1. Water has been appropriated as described on the claim application with a November 5, 1908 priority date.
2. No record exists of any unlawful interference with other existing water rights.
3. It is recommended that Vested Water Right Application No. 1654-1 be validated.



Ron Duvall, Natural Resources Engineer
Water Rights Program

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1654-1, F. L. Clarkson Limited Partnership

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. 1654-1, F. L. Clarkson Limited Partnership, c/o Jeb Clarkson, P.O. Box 551, Belle Fourche, SD 57717.

The Chief Engineer is recommending VALIDATION of Application No. 1654-1 for 0.71 cfs because 1) water has been appropriated as described for irrigation use with a priority date of November 5, 1908, 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", is written over a horizontal dashed line.

JOHN HATCH, Chief Engineer

October 3, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 19, 1997

Kevin Buchholz
HC 62, Box 7
Belle Fourche SD 57717

Dear Mr. Buchholz:

This letter is in response to our visit on August 14, 1997, concerning Water Permit No. 37-1 issued in the name of Albert and Rachel Henderson.

As we discussed, there are three matters to take care of concerning Permit No. 37-1:

1. The 50 irrigated acres are not included within the permitted area on No. 37-1. Therefore, I have mostly completed a vested right claim for you to review and sign in the presence of a notary public. This claim consists of three pages and a notarized signature is required on the first page and last page. I have placed red checks by everything that you need to complete. The fee for filing a vested right claim is \$15.00.
2. Currently, Permit No. 37-1 is still in the name of Albert and Rachel Henderson. The permit needs to be transferred to the current landowner. I have enclosed a completed transfer of ownership form to put the correct name on the permit. Again, this is another form that needs to be signed in the presence of a notary public. The filing fee for this form is \$2.50.
3. We also discussed licensing Permit No. 37-1 for stock watering for the other three existing dams that were constructed as located on the original map. Much of the irrigation canal shown on the original map does exist but the canal serves as an erosion control measure by catching diffuse surface runoff. No diversions to the canals from a fixed point of diversion is being completed. I have enclosed a copy of the original map as requested by Mrs. Buchholz. The fee for licensing No. 37-1 for stock watering is \$50.00.

After receiving the completed vested right claim and transfer of ownership we will begin process of validating your vested right claim. I will prepare a map showing the location of dam and irrigated acreage based on our maps prepared after field investigations. One other expense involved with your vested right claim is publication of a notice in the newspaper. We will provide you and the paper with a copy of the notice.

If you have any questions or concerns, please let me know at 605 773-3352. I will try to assist you in any way possible.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

F. L. Clarkson Limited Partnership
c/o Jeb H Clarkson
PO Box 551
Belle Fourche SD 57717

Dear Mr. Clarkson:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation and Notice of Transfer* form for Water Permit No. 37-1.

Before we can continue processing the vested right application, water license and transfer, the following fees are required. The filing fee for the vested water right is \$15.00. The filing fee for the transfer is \$2.50. The filing fee for license No. 37-1 is \$50.00. The total amount is \$67.50.

If you have any questions, please contact Ron Duval or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

c: Kevin Buchholz



**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 6, 1997

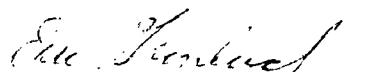
F. L. Clarkson Limited Partnership
%Jeb H. Clarkson
P.O. Box 551
Belle Fourche, SD 57717

Dear Mr. Clarkson:

Vested Water Right Application No. 1654-1 for irrigation and stockwatering use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Belle Fourche Post printed at Belle Fourche, SD (Ph # (605) 892-2528). 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 prior to publication 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 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 been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

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

October 6, 1997

Belle Fourche Post
Box 400
Belle Fourche, SD 57717-0400

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1654-1 to be published twice. Please publish the first notice on October 15, 1997, 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 F. L. Clarkson Limited Partnership, %Jeb H. Clarkson, P.O. Box 551, Belle Fourche, SD 57717 (Ph # (605) 892-3270).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 October 15, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING

To Validate Vested Water Right Application No. 1654-1 to Appropriate Water

Notice is given that F. L. Clarkson Limited Partnership, PO Box 551, Belle Fourche SD 57717 has filed an application to validate a vested water right claim to appropriate 0.71 cubic feet of water per second from a dry draw dam (23 acre-feet storage capacity) located in the SW 1/4 SE 1/4, E 1/2 SW 1/4, Section 32-T14N-R1E to irrigate 50 acres located in the N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 5 and W 1/2 NW 1/4 Section 4; all in T13N-R1E. The water is also used for stockwatering purposes and claims a priority date of November 5, 1908.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1654-1 because 1) water has been appropriated as described for irrigation with a priority date of November 5, 1908, 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 Program, 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 3, 1997.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF BUTTE

Teresa A. Fox or Allana L. Houser, being duly sworn, says: Th Post, is and, during all the times hereinafter mentioned, was defined in SDCL 17-2-2, as amended, published at Belle Fourche South Dakota, by Dickson Media, Inc.; that affiant is and, during was employed as an accountant by the publisher of such newspaper knowledge of the facts stated in the affidavit; the the notice ment, a printed copy of which is attached, was published in successive issues, bearing the following dates:

<u>Oct 15</u>	<u>1997</u>	_____
<u>Oct 22</u>	<u>1997</u>	_____
_____	<u>199</u>	_____
_____	<u>199</u>	_____
_____	<u>199</u>	_____

that the full amount of the fee charged for publishing the same \$ 36.47, inures solely to the benefit of the publisher; that no agreement or understanding for the division of the fee with any person, and that no part of the fee has been agreed to by any person.

Teresa A. Fox

Subscribed and sworn to before me this

24 day of October, 1997
Michelle G. Stuckey
Notary Public, South Dakota

Michele G. Stuckey
Notary Public
My Commission Expires July 10, 2003

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Nettie H. Myers, secretary
Department of
Environment and
Natural Resources

P2110/15-22



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

F. L. Clarkson Limited Partnership
c/o Jeb H Clarkson
PO Box 551
Belle Fourche SD 57717

Dear Mr. Clarkson:

Enclosed are Water License No. 37-1, Vested Water Right No. 1654-1 and Vested Right Water License No. 1654-1 for the F. L. Clarkson Limited Partnership. The water licenses are the final documents which complete the process of obtaining a water right.

As long as the water is used beneficially, as stated in the Water Licenses, State Water Laws provide a continuing right to use of the water.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
605 773-3352

ks

enclosures

c: Kevin and Mary Buchholz