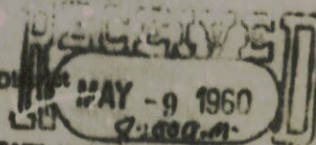


No. 66-1
 Water Division No. 1 Belle Fourche River
 (Blank to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant ARVID MAGNUSON
 Postoffice address GORDON, NEBRASKA, County BUTTE, State S.D.

- I. If a corporation X X X X X
 (a) Name of same X X X
 (b) Date and place of incorporation X X X X
 (c) Amount of capital stock X X X X
 (d) Amount paid in X X X X
 (e) Names and addresses of directors X X X X

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Direct labor and the employment of others
 (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
 (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work THE MAGNUSON IRRIGATION PROJECT
 Operator has permit for 3 cubic feet under the Red Water Irrigation Assn.
 3. Amount of water claimed 41 cubic feet per second
 ditch and requests a permit for the additional 12 cubic feet from the wells
 4. Source of water supply Two artesian wells
 Well No. 1 S 45°30'W 1840' from the E 1/4 Cor. Sec. 14, T.8 N., R.3 E-BHM
 5. Location of point of diversion
 Well No. 2 S 45°45'W 1804' from the E 1/4 Cor. Sec. 14, T.8 N., R.3 E-BHM County.
 6. Annual period or periods during which water is to be used For irrigation April 1st
Nov 30th Stock water as needed thruout the year.
 7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

NE-NW-35 Ac., SW-NW-38 Ac., SE-NW-30 Ac., NW-NE-7 Ac., SW-NE-37 Ac.,
 SE-NE-37 Ac., NW-SW-38 Ac., NE-SW-37 Ac., NW-SE-38 Ac., Sec. 13, T.8 N., R.3 E
 Sec. 13, T.8 N., R.3 E-BHM Total 297 Ac
 SE-NE-38 Ac., NE-SE-30 Ac. Sec. 14, T.8 N., R.3 E-BHM Total 68 Ac
 Lot 1-4 Ac., Lot 2-24 Ac., SE-NW-19 Ac., NE-SW-38 Ac., Sec. 18, T.8 N., R.4 E
 Sec. 18 Total 69 Ac
 Grand Total 434 Ac

(b) Amount of power to be generated None

Amount claimed for engine cooling None

(c) Location of plant None

(d) Method of developing power None

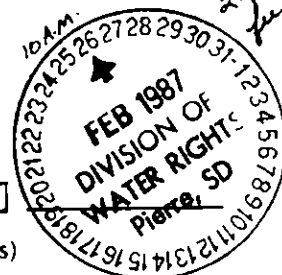
(e) Point where water will be returned to stream None

Map No 407-1

No. 466A-1 Hydrologic Unit 10120202
 Map No. 466A-1 Basin Belle Fourche R.
 Newspaper Belle Fourche Daily Post

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant Arvid Magnuson Phone No. 642-7131Post Office Address 1427 Lookout Valley Court, Spearfish, SD State 57783
(Street, RR or Box) City Zip Code2. Amount of water claimed (c.f.s.) 18.0 Ac.Ft. Total acres irrigated See WL#466-1 and Redwater Irrigation Assoc. Vested Right3. Source of Water supply Artesian Well, Redwater Irrigation Association Ditch4. Location of point of diversion NE 1/4 Section 14, T8N-R3ECounty Butte5. Counties where water will be used Butte6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>See WL#466-1 and Redwater Irrigation Association</u>	
<u>Vested Right</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to file a vested right claim pursuant to SDCL 46-5-49 to store water from an artesian well WL#466-1 and from the Redwater Irrigation Association Ditch.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
 County of Butte) ss

I, Arvid Magnuson the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

*Signed Arvid MagnusonSubscribed and sworn to before me this 25th day of February 19 87

My commission expires 4-24-90

Notary Public

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State) (Zip Code) With the following qualifications.

SEE FORM VR - 1

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated shall be used for the purpose of _____.
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth ($1/70$) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

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 of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

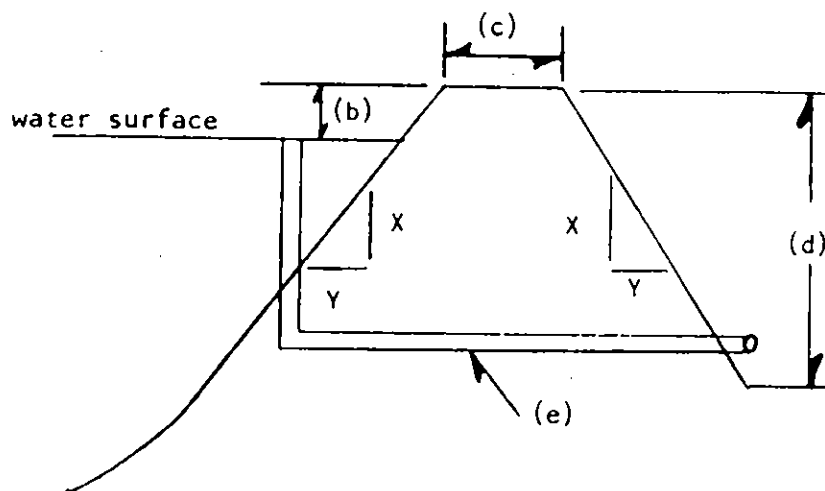
2. Dugout Information Estimates

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

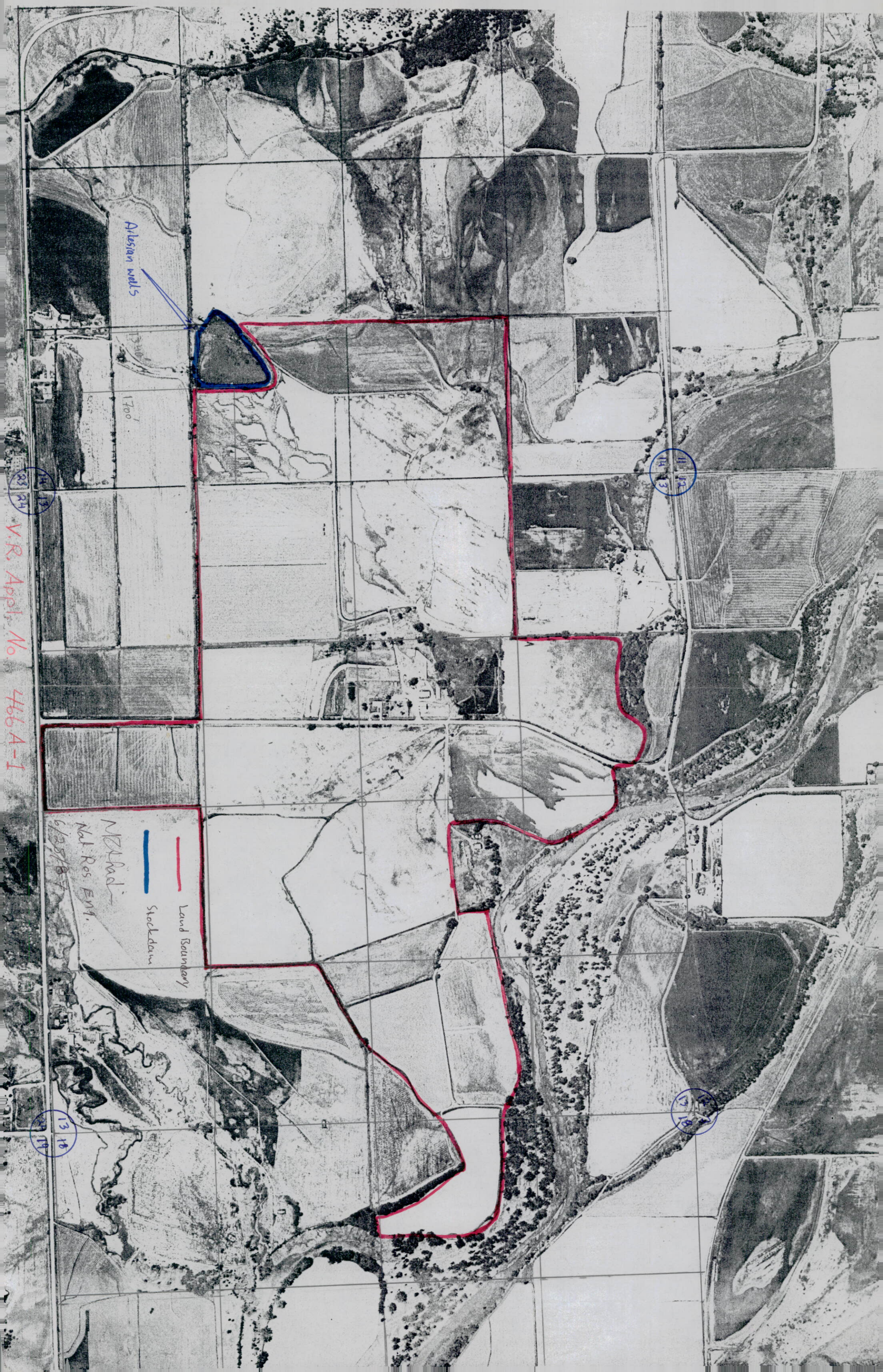
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address _____

b) Freeboard 3.0'c) Crest Width 8'Crest Length 1500'd) Height 11.0'e) Outlet Dimensions:
Drawdown Pipe diameter 12"Spillway width 50'f) X & Y Slope
Upstream X=1 Y=3Downstream X=1.5 Y=2.4Surface Area of Impoundment 4.5' acMax. Storage 18.0 acre feetDrainage area above dam N/A

* David Magnus
Signature of Applicant:



Artesian wells

1340

1700

Land Boundary

Stockdown

M24 road

Abd Ros Emf.

6/35/87

11 12
14 13

17 18

13 16
23 19

14 13
23 24

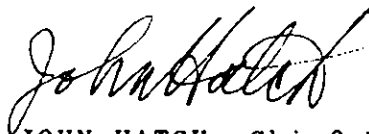
V.R. Appl. No 4664-1

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 466A-1

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 466A-1, Arvid Magnuson, 1427 Lookout Valley Court, Spearfish SD.

The Chief Engineer is recommending VALIDATION of Application No. 466A-1 because 1) water has been appropriated as described for storage and irrigation use with a priority date of March 21, 1948, 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 the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", written in dark ink.

JOHN HATCH, Chief Engineer
August 3, 1987

Report on Application No. 466A-1
Arvid Magnuson
July 27, 1987

An application was received from Mr. Arvid Magnuson to validate a vested right claim to store 18 acre-feet of water in an existing dam located in the NE1/4 SE1/4 Section 14, T8N-R3E. The dam is being used to store water from two artesian wells authorized by Water Right No. 466-1 and the Redwater Irrigation Association Ditch. Total acreage being irrigated from the dam under both permits is 377 acres.

Discussion

Due to the size of the dam, it is exempt from the spillway requirements, Water Management Board Rules, Safety of Dams, Chapter 74:02:08.

According to the applicant, the dam was constructed in 1948 and has always been used since.

Conclusions and Recommendations

- 1) There is no record of any complaint in the Water Rights Division files regarding the storage or the use of the water.
- 2) There are no other water permits in the area that would be adversely affected by validation of this claim.
- 3) Validation of this application is in the public interest.
- 4) It is recommended that the Application No. 466A-1 be validated with a priority date of March 21, 1948 to store 18 acre-feet of water from groundwater (two artesian wells) and surface-water (Redwater Irrigation Association Ditch) to irrigate 377 acres as described on the application.



Rassool Ahadi
Natural Resources Engineer

Considered: 1

Vested Water Right Claim
-WATER-PERMIT-NO. 466A-1 16

MAP No. same

Name of Applicant Arvid Magnuson

Post Office Address 1427 Lookout Valley Court, Spearfish SD 57783

Amount of Water Claimed 18 acre-feet Total Acres see 466-1 and Redwater Irrig Assoc.

Source of Water Supply groundwater (1 well) & Redwater River

Water to be used for irrigation County Butte

About 1 1/2 miles S of Fruitdale

PROOF OF PUBLICATION: Received Not Received

APPLICATION: Approved Subject to

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

PRIORITY Date Received Feb. 26, 1987 Fee 15⁰⁰ Remarks needed map of acreage

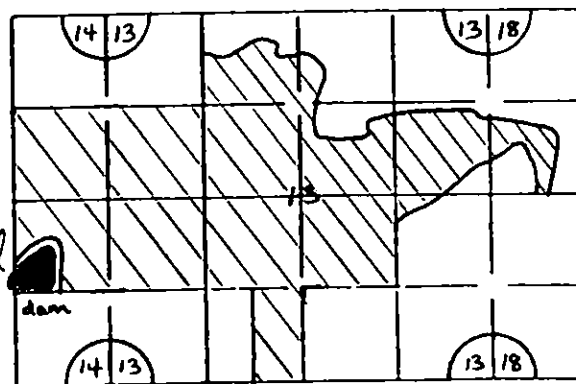
Corrected Application Received June 25, 1987 (see map) Period of Annual Use April 1 - Oct 31

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

WI-1 Description same as Application YES NO REMARKS

Diversion Point dam: NE 1/4 SE 1/4 section 14 - T8N - R3E

Land to be Irrigated lands irrigated from Redwater Irrigation Association Ditch and lands authorized by Water Right No. 466-1



Well Log: Driller NA Licensed YES NO

Depth of Well REMARKS

Type of Map aerial photo PREPARED BY Rasool Ahadi Reviewed and the Number assigned on July 23, 1987 By Ron Duvall



Department of Water & Natural Resources

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

August 3, 1987

BELLE FOURCHE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 466A-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 11, 1987.

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 Arvid Magnuson, 1427 Lookout Valley Court, Spearfish SD.

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 before 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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
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 _____



Department of Water & Natural Resources

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

August 3, 1987

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

Arvid Magnuson
1427 Lookout Valley Court
Spearfish SD 57783

Dear Mr. Magnuson:

Your Application No. 466A-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 BELLE FOURCHE DAILY POST printed at Belle Fourche SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before August 11, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 466A-1 to Appropriate Water

Notice is hereby given that Arvid Magnuson whose mailing address is 1427 Lookout Valley Court, Spearfish, South Dakota has filed an application to validate a vested right claim to store 18 acre-feet of water in a dam located in the NE 1/4 SE 1/4 Section 14, T8N, R3E with a claimed priority date of March 21, 1948. Water is diverted to the dam from the Redwater Irrigation Association ditch and two artesian wells authorized by Water Right No. 466-1 to irrigate 377 acres. This vested right claim does not authorize irrigation of lands in addition to irrigated acreages authorized by Water Right No. 466-1 and the Redwater Irrigation Association coverage area.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 466A-1 because 1) water has been appropriated as described for irrigation with a priority date of March 21, 1948, 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.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, September 9, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 28, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BUTTE,

ss.

Marion Lucca

of said County and State, being first duly sworn, upon his oath says: That

The Daily Belle Fourche Post

is a legal daily newspaper of general circulation, and an official newspaper as required by the Laws of the State of South Dakota, printed and published in Belle Fourche, in said County and State by NORTHWEST PUBLISHERS, INC., and has been such newspaper during the times

herein mentioned, and I, *Marion Lucca*

the undersigned am *Editor* of said newspaper in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertising headed:

Validate Vested Right Application

a printed copy of which is hereto attached, was

printed and published in said newspaper for *Two* issues,

the first publication being made on *August 8* 19*87*

Date of second publication *August 13* 19*87*

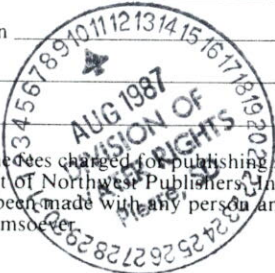
Date of third publication 19

Date of fourth publication 19

Date of fifth publication 19

and the last publication 19

That the full amount of the fees charged for publishing same, to-wit: the sum of \$ *41.07* inures solely to the benefit of Northwest Publishers, Inc.; that no arrangement or understanding or a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this _____ day of _____,

A.D. 19 _____

Notary Public, Butte County
Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 20, 1988

Attorney's Affidavit, Ex. Rel.

STATE OF SOUTH DAKOTA.

COUNTY OF BUTTE,

ss.

on his oath says, that I am _____

that I directed the publication of annexed notice; that no understanding of any division of the fees therefor has been made with any person and that no part thereof has been refunded or rebated by the party, or parties publishing said notice.

Subscribed and sworn to before me this _____ day of _____, A.D. 19 _____

Public Notice

NOTICE OF HEARING TO VALIDATE VESTED RIGHT APPLICATION NO. 466A-1 TO

APPROPRIATE WATER

Notice is hereby given that Arvid Magnuson whose mailing address is 1427 Lookout Valley Court, Spearfish, South Dakota has filed an application to validate a vested right claim to store 18 acre-feet of water in a dam located in the NE 1/4 SE 1/4 Section 14, T8N, R3E with a claimed priority date of March 21, 1948. Water is diverted to the dam from the Redwater Irrigation Association ditch and two artesian wells authorized by Water Right No. 466-1 to irrigate 377 acres. This vested right claim does not authorize irrigation of lands in addition to irrigated acreages authorized by Water Right No. 466-1 and the Redwater Irrigation Association coverage area.

P. rsuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 466A-1 because 1) water had been appropriated as described for irrigation with a priority date of March 21, 1948, 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.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre, SD, September 9, 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing.

①

Notary Public

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 28, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of

the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.

2t8/6-13

(2)

(1)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucca hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Post

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

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

August 10, 1987
August 13, 1987

Marion Lucca
(Signature)

Vice-President
(Title)

8-13-87
(Date Signed)



Cost of Printing: \$41.07

does not authorize irrigation of
lands in addition to irrigated
acres authorized by Water
Right No. 466-1 and the Red-
water Irrigation Association
coverage area.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
VALIDATION of Vested Water
Right Application No. 466A-1
because 1) water had been ap-
propriated as described for irri-
gation with a priority date of
March 21, 1948, 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.

Validation of this application
will be considered by the Water
Management Board in Room
216, Joe Foss Bldg, Pierre, SD,
September 9, 1987 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) approve
validation, 2) approve the vali-
dation with qualifications, 3)
defer, or 4) deny validation of
the application after it reaches a
conclusion based upon facts pre-
sented at the public hearing.
Any interested person who
may be affected by a Board
decision and who intends to
participate in the hearing before
the Board and present evidence
or cross-examine witnesses ac-
cording to SDCL 1-26, must file
a written petition with BOTH
the applicant and the Chief En-
gineer by August 28, 1987. The
petition may be informal, but
it must include a statement de-
scribing the petitioner's interest
in the application, the reasons
for the petitioner's opposition
to or support of the application,
and the signature and mailing
address of the petitioner or his
legal counsel if legal counsel is
obtained. The applicant need not
file a petition.



Public Notice

NOTICE OF HEARING TO VALIDATE VESTED RIGHT APPLICATION NO. 466A-1 TO APPROPRIATE WATER

Notice is hereby given that Arvid Magnuson whose mailing address is 1427 Lookout Valley Court, Spearfish, South Dakota has filed an application to validate a vested right claim to store 18 acre-feet of water in a dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T8N, R3E with a claimed priority date of March 21, 1948. Water is diverted to the dam from the Redwater Irrigation Association ditch and two artesian wells authorized by Water Right No. 466-1 to irrigate 377 acres. This vested right claim

①

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.

2t8/6-13

③

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Arvid Magnuson
 _____ of 1427 Lookout Valley Court, Spearfish holder of
 _____ SD 57783
 Permit No. 466-1, bearing the priority of May 9 19 60 authorizing
466A-1 March 21 48
 the diversion of 1.5 cu. ft. per second of the waters of Artesian wells
 storage of 18.0 acre-feet Redwater Irrigation Assoc. Ditch
 for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Water from the Redwater Irrigation Association Ditch and from the two artesian wells
 flow into the dam and are stored to be used whenever it is needed.

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

Irrigation ditches, various sizes: from 4 feet wide, 2.5 feet deep to 3 feet wide, 2 feet
 deep.

C. Works used to apply water to beneficial use:

Gravity system of irrigation.

The system is in the following condition good

The point of diversion is located Wells: 1300 feet west, 1340 feet north; dam: 800 feet west, 1700
feet north from the Southeast corner of Section 14, T8N-R3E (NE1/4 SE1/4)

The works are capable of diverting and conveying to the place of use 4.5 The applicant receives 3 cubic
 cu. ft. per second of water which is to be used for irrigation feet of water per second from
the Redwater Irrigation Assoc.
Ditch Co.

Water has been put to beneficial use to the maximum extent as follows: _____

see attached sheet

comprising a total of 353.0 acres of land and the license should be issued for 1.5 cfs
18.0 acre-feet storage

Applicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 6/22/87

(signature)

MZA Shadi

LICENSE FOR PERMIT NUMBER 466-1 (466A-1)

1. Legal location of wells: NA

dams & structures: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T8N-R3E

2. Well Information: Well Drilling Firm SCC WR# 466-1

No. of wells _____ Depth _____

Casing a) diameter _____

b) length _____

c) type _____

Screen a) type _____

b) length _____

Static Water Level _____

Pump

a) make _____

b) model _____

c) size _____

d) capacity _____ GPM

e) turbine pump

no. of stages _____

Motor

a) make _____

b) model no. _____

c) horsepower rating _____

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 11 feet

b) height to spillway 8 feet

c) crest width 8 feet

d) crest length 1500 feet

e) spillway length 10 feet

f) spillway width 50 feet

g) approx. storage 13 acre feet

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter 12 inches

2) type Corrugated Metal Pipe

3) valued (Y/N) N

4) valve type NA

5) location on structure

55 feet west from the center of the dam crest.

Water from the outlet tube flows into the irrigation ditches.

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

____ NA ____ 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

X ____ 2. Special Qualifications to permit being abided by.

X ____ 3. All Structures, wells and lands on map.

REMARKS: The maximum capacity of the dam, up to the top of the crest, is 18 acre-feet.

Conversation or File Documentation

NAME OF PERSON OR FILE: Arvid Magnuson c/o Asa QueenADDRESS: RR #1, Kruitdale, S.D. 57742 COUNTY ButteDATE: 11/5/87 TELEPHONE 892-2215RE: License the Permit

COMMENTS:

Mr. Queen was contacted regarding licensing and the acreage of
Mr. Magnuson's permit.

Mr. Queen said that there are 500 acres of land they own, but from
500 acres only approximately 400 some acres are irrigable!

He also said with the amount of water he is getting he could
not irrigate more than 380 acres. I told him that the land
I looked at last time was about 377 acres and all of it is
covered under Redwater Irrigation Association Ditch. he said that
is correct. He said he could not get water to some parts of the
land, that is why he could not irrigate the whole 400 some
acres.

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

NAME: MR Thadi

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Arvid Magnuson
 Post Office Address 1427 Lookout Court Spearfish, South Dakota 57783
(Street, RR or Box) (State) (Zip Code)
A. Notice of Appropriation Unknown Date of Posting Unknown
 Date of recording Unknown Recording date _____
Where Book Page
B. Date of start of construction of water supply system SPRING 1948C. Date that water was first applied to beneficial use Summer 1948D. Name of owner of original water supply system Frank B. WilliamsE. Amount of water originally applied to beneficial use 400 ac-ftF. Present Use of Water - Amount of water now being used Irrigation - 375 ac-ftDate that this water was first used 1948

G. Chronological History of Water Use

Irrigation of 375 acres of farmland on a yearly basis

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

* Signed Arvid MagnusonSubscribed and sworn to before me 25th day of February, 19 87
Leare Hein
Notary Public or other qualified officer
 My commission expires 4-24-90

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_____
(Print name) 19

Permit No. **466-1**

Water Division No. **1** **Belle Fourche River**

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Arvid Magnusen**

of **Gordon**, County of **Sheridan**, and State of **Nebraska**, the holder of Permit No. **466-1**, issued upon Application No. **466-1**, bearing date of priority of **May 9, 1960**, authorizing the diversion of **1.5** cu. ft. per second of the waters of **artesian ground water**

County of **Butte**, State of South Dakota, at **points S45° 30' W, 1840', and S45° 45' W, 1804' from the E½ corner, Section 14, T8N, R9E**, (for **irrigation**

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use **1.5** cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

	NE½ NW½	Sec, 13	T 8N	R 9 E	35 acres
	SW½ NW½	" 13	"	"	38 "
	SE½ NW½	" 13	"	"	39 "
	NW½ NE½	" 13	"	"	7 "
	SW½ NE½	" 13	"	"	32 "
	SE½ NE½	" 13	"	"	37 "
	NW½ SW½	" 13	"	"	38 "
	NE½ SW½	" 13	"	"	32 "
	NW½ SE½	" 13	"	"	38 "
	SE½ NE½	" 14	"	"	38 "
	NE½ SE½	" 14	"	"	30 "
	Lot 1	" 18	"	4 E	4 "
	Lot 2	" 18	"	"	24 "
	SE½ NW½	" 18	"	"	19 "
	NE½ SW½	" 18	"	"	22 "
					434 "

Witness my hand this **3rd** day of **January**, A. D. 19**62**

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 26, 19__

RECEIVED OF Arvid Magnusson, 1427 Lookout Valley Court, Spearfish, S.D. 57703

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	15.00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form _____	
Fee for Filing Extension Request _____	
Fee for Certified Copy of _____	
Fee for Print Copy of Map _____	
Fee for Certifying _____	
Fee for _____	
(Any Other Work Provided by Law)	
Total	15.00

By _____

Chief Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 2, 1987



Arvid Magnuson
1427 Lookout Valley Court
Spearfish, South Dakota 57783

RE: Filing of a Vested Right Claim

Dear Mr. Magnuson:

Enclosed you will find the required application forms to file a Vested Right claim. This application is in regard to the stock dam located in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T8N-R3E where you store water from your artesian wells covered under WL#466-1 and from the Redwater Irrigation Association Ditch. This stock dam is not covered under either one and must be licensed. Please review the partially completed application forms for accuracy.

On part 2-Form 2, please indicate the acre feet of water the stock dam can hold.

On part 3-Form 2A, "Water Storage Dam", please submit the required information. If you need any assistance the ASCS or SCS office in Belle Fourche may be able to assist you.

On Form 2B-please complete as much as you can. It is important to know when the dam was built and when the water was first put to beneficial use.

All forms must be signed and notarized except Form 2A, which must only be signed. Please return all the forms with a \$15.00 filing fee to this office.

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

Sincerely,

Rassool Ahadi
Natural Resources Engineer

RA:ms

FIRST TRANSMITTAL NOTICE

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

Date 8-6-87

We are in receipt of your letter of 8-3-87 enclosing Notice of Hearing to
Validate A Vested Right Application which was first published in our issue
of 8-6-87. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Cheryl A. Duck
Name

Daily Post
Newspaper

NOTICE OF HEARING To Validate
Vested Right Application No. 466A-1 to Appropriate Water

Notice is hereby given that Arvid Magnusen whose mailing address is 1427 Lookout Valley Court, Spearfish South Dakota has filed an application to validate a vested right claim to store 18 acre-feet of water in a dam located in the NE 1/4 SE 1/4 section 14-T8N-R3E with a claimed priority date of March 21, 1948. Water is diverted to the dam from the Redwater Irrigation Association ditch and two artesian wells authorized by Water Right No. 466-1 to irrigate 377 acres. This vested right claim does not authorize irrigation of lands in addition to the irrigated acreages authorized by Water Right No. 466-1 and the Redwater Irrigation Association coverage area.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 466A-1 because 1) water has been appropriated as described for irrigation with a priority date of March 21, 1948, 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.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, August 28, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 28, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 28, 1987.

100

If you find it necessary, we will continue to fill out the questionnaire. If we do fill out the form, it would be misleading as we would have to report the total acres irrigated and the major source of water is not from the well. Actually, the small amount of water coming from the well makes very little difference in our irrigation program.

Sincerely yours,

Sincerely,

Asa J. Queen





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1995

Floyd Wennberg
506 1/2 State Street
Belle Fourche, SD 57717

Dear Mr. Wennberg:

As a follow up to our phone conversation of yesterday, I have sent you a copy of a map that I prepared when I conducted my inspection of Water Permit No. 466-1. On the map, I have outlined the area being irrigated from the wells and the Redwater Irrigation Association Ditch.

Please indicate on the map, which acreage belongs to whom and also the number of acres that each individual has purchased.

If you have any questions, please do not hesitate to either contact Genny McMath or myself.

Sincerely,

M. Rassool Ahadi
Natural Resources Engineer
Phone: (605) 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: (Arvid Magnuson) Asa J. QueenADDRESS: RR#1, Fruitdale COUNTY DATE: July 3, 1985 TELEPHONE 812-2315RE: Address for Arvid Magnuson

COMMENTS:

Correspondence sent to Mr. Magnuson was returned by
postoffice - called the renter - Asa Queen -
he indicated Mr Magnuson no longer lives in
Gordon, NE - sent future correspondence to:

Arvid Magnuson1427 Lookout CourtSpearfish SD 57783Mr. Queen should still get questionnaire.

July 15-1985 - Mr Queen called in - wanted to
know if he was still required to complete
questionnaires each year when his well
has reduced it's flow from what it
used too. Told him yes. He
requested a questionnaire be sent to
him for last years.

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

NAME: Charles McMath

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to Arvid Thompson
 of Grassman, Nebraska the holder and owner of said permit No. 16641
 a water right, dating from May 9, 1960 to the use of 1.5
 cubic feet per second of the waters of ARTIFICIAL SURFACE WATER
 in the County of Butte and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at Point 2 S 45° 30' W 1942'
and 45° 30' W 1944' from the SE corner, Section 14, T2N, R12E
 and conducted to and upon portions of Sections 12 and 14, T2N, R12E and Section
16, T2N, R12E, more specifically described in the Certificate of Comple-
tion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 3rd day of January A. D. Nineteen
 Hundred and sixty-two.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
 J. W. GRIMES

FILE OF SOUTH DAKOTA

or License No.

of Study

County

C.L.S.

of Division

of Use

of Priority

and

is of Page

PLEASE FILL OUT AND RETURN AT ONCE

This is the Water Management Board data sheet for recording 1986 irrigation estimates.

November, 1986

466-1
ASA J QUEEN-RENTER
RR #1
FRUITDALE
SD 57742

BU/BF

SURFACE WATER ☐
GROUNDWATER ☒ (check one)

For Dept. use only

Number of acres actually irrigated 146

If you did not irrigate during 1986-check this box ☐

If your system has not been constructed-check this box ☐

Type of Power	No. acres irrigated
1. Electric	_____
2. Gravity	<u>✓</u>
3. Gasoline	_____
4. Nat. Gas pipeline	_____
5. Diesel	_____
6. Propane	_____
7. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimate Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July									
August									
Sept.									
Oct.									
Other Months									

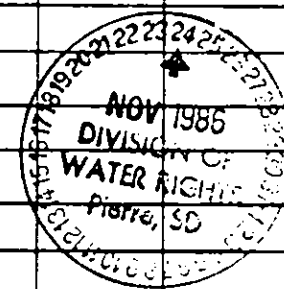
Type of System
1. Hand Moved Sprinklers _____
2. Portable booms _____
3. Center pivots (# of) _____
4. Gated pipes <u>✓</u>
5. Sidewheel _____
6. Towlines _____
7. Big gun _____
8. Siphons _____
9. Flood <u>✓</u>
10. Other _____

Season Static Water Level: beginning _____ ft. end _____ ft. (groundwater only)

COMMENTS:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

This well flows into a storage dam. It is mixed with other water and is impossible to distinguish its actual usage. The well flows approx. 150 gpm.



Owner or address change, if any:

Rules Chapter 74:02:08, Safety of Dams prior to construction of the dam for review and approval. A breach analysis and downstream flood routing report shall be completed prior to determining the hazard classification for the dam.

2. Approval of this Permit authorizes storage of up to 58.9 acre feet of water annually.

Mr. Freeman MOVED, SECONDED by Mrs. Loucks that Water Permit Application Nos. 1393-1, 1396-1, 1398-1, 2024-2, 2026-2, 2312A-3, 2728A-3, 3317A-3, 3558A-3, 5127A-3, 5133-3, 5141-3, 5142-3, 5143-3, 5145-3 be APPROVED with the staff recommended qualifications. MOTION CARRIED.

Vested Right Validations

466A-1, Arvid Magnuson, Spearfish SD

Application is for validation of a vested right claim to store 18 acre-feet of water in a dam with a claimed priority date of March 21, 1948. Water is diverted to the dam from the Redwater Irrigation Association ditch and two artesian wells authorized by Water Right No. 466-1 to irrigate 377 acres. This vested right claim does not authorize irrigation of lands in addition to irrigated acreages authorized by Water Right No. 466-1 and the Redwater Irrigation Association coverage area.

5140-3, Marv's Truckstop and Cafe, Bath SD

Application is for validation of a vested right claim to appropriate 0.037 cfs from one well 900 to 1100 feet deep. The water use has a claimed priority date of January 1, 1947 and is used as a commercial water supply for Marv's Truckstop and Cafe.

Mr. Rollag MOVED, SECONDED by Mr. Rickenbach Vested Water Right Claim Nos. 466A-1 and 5140-3 be VALIDATED. MOTION CARRIED.

Readvertisements

2016-2, Wayne Peterson-Peterson & Sons, Inc., Edgemont SD

This notice is a readvertisement to correct the claimed priority date which is January 3, 1905 not June 1, 1904 as originally advertised on April 8 and 15, 1987.

Mr. Rickenbach MOVED, SECONDED by Mr. Freeman that Water Permit No. 2016-2 be APPROVED. MOTION CARRIED.

Ordinary High Water Mark - Nine Mile Lake

Ken Buhler presented the report prepared on the Ordinary High Water Mark Investigation of Nine Mile Lake (copy on file). Mr. Buhler stated no objections have been received on the proposed elevations. Personal notice was sent to all of the landowners.

Mr. Hatch stated that the Department of Game, Fish and Parks has advised that the Department has no objections to the proposed elevations.

Mr. Lloyd MOVED, SECONDED by Mr. Brink:

1. That the Ordinary High Water Mark for Nine Mile Lake be established at an elevation of 1825.5 fmsl.

State of South Dakota

Partial Vested Water License No. 466A-1

(1) Arvid Magnuson
of 1427 Lookout Valley Court, Spearfish SD 57783
made Application No. 466A-1, February 26, 1987 for validation of vested right claim to 18 acre cubic feet ~~per second~~ of water ~~from~~ annually in a dam located in Butte County, South Dakota for irrigation purposes.
Vested Water Right Permit No. 466A-1, with a priority date of March 21, 1948
was approved validated September 9, 1987 and issued to applicant(s) for diversion of water with construction of the described water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said water ~~on or before~~ completed.

Water Right No. 466-1 with a priority date of May 9, 1960 authorized diversion of 1.5 cfs from two wells to irrigate 134 acres. Water from Association the wells and from Redwater Irrigation Ditch is pumped into a storage dam and then onto the lands irrigated. The 18 acre-foot storage dam was validated September 9, 1987 under Vested Water Right No. 466A-1 with a priority date of March 21, 1948.

The applicable portions of Water Right No. 466-1 have been incorporated into Water Right No. 466A-1. A priority date of May 9, 1960 is retained for diversion of 1.5 cfs from the two wells (No. 466-1). A priority date of March 21, 1948 is retained for storage of 18 acre feet annually (No. 466A-1).

State of South Dakota

Partial Vested Water License No. 466A-1

(1) Arvid Magnuson
of 1427 Lookout Valley Court, Spearfish SD 57783
made Application No. 466A-1, February 26, 1987 for validation of a vested right claim to store ~~for a water permit to appropriate~~
18 acre cubic feet ~~per second~~ of water ~~from~~ annually in a dam located in
Butte County, South Dakota for irrigation purposes.
Permit No. 466A-1, with a priority date of March 21, 1948
was validated September 9, 1987 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~ completed.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.5 cubic feet per second of water
for beneficial use. The location of the diversion point(s) ~~is~~ are S45° 30' W, 1840' from
the E 1/4 corner; and S45° 45' W, 1804' from the E 1/4 corner,
Section 14, T8N, R3E. The applicant is also authorized
storage of 18 acre feet of water annually in a dam
located in the NE 1/4 SE 1/4 Section 14, T8N, R3E.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land:

<u>T8N, R3E Section 13</u>	<u>SE 1/4 NW 1/4 30 acres</u>	<u>T8N, R3E Section 14</u>	<u>SE 1/4 NE 1/4 38 acres</u>
	<u>SW 1/4 NW 1/4 38 "</u>		<u>NE 1/4 SE 1/4 31 "</u>
	<u>NE 1/4 NW 1/4 26 "</u>	<u>T8N, R4E Section 18</u>	<u>SW 1/4 NW 1/4 12 "</u>
	<u>NW 1/4 SW 1/4 39 "</u>		<u>Total 353 acres</u>
	<u>NE 1/4 SW 1/4 37 "</u>		
	<u>NW 1/4 NE 1/4 5 "</u>		
	<u>SW 1/4 NE 1/4 28 "</u>		
	<u>SE 1/4 NE 1/4 30 "</u>		
	<u>NW 1/4 SE 1/4 39 "</u>		

Note: Portions of the above lands are also irrigated from the Redwater Irrigation Association Ditch.

(4) Pursuant to §46-5-30.1 Arvid Magnuson
of 1427 Lookout Valley Court, Spearfish, SD 57783
the holder(s) and/or owner(s) of ^{Incorporated} ~~Water Permit~~ No. 466A-1 is issued a license to appropriate water, the right to use 1.5 cubic feet per second of water from groundwater (2 wells) and store 18 acre feet of water annually with a priority date of May 9, 1960 for 1.5 cfs and March 21, 1948 for storage from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in ^{Incorporated} ~~Water Permit~~ No. 466A-1 and subject to South Dakota State Law.

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

STATE OF SOUTH DAKOTA
VESTED WATER RIGHT NO. 466A-1

Date of Receipt of Claim February 26, 1987

Date of Validation September 9, 1987

The Water Management Board validated Vested Water Right Claim No. 466A-1 for Arvid Magnuson, 1427 Lookout Valley Court, Spearfish SD 57783, with the following limitations, conditions, and qualifications:

1. Vested Water Right No. 466A-1 authorizes the appropriation of up to 18 acre-feet annually to be stored in a dam located in the NE ¼ SE ¼ Section 14, T8N-R3E, Butte County. Water may be diverted to the dam from the Redwater Irrigation Association Ditch as well as the two artesian wells authorized by Water Right No. 466-1.
2. The date from which the applicant may claim right is March 21, 1948.
3. The whole of said works has been completed and water put to beneficial use as described in Form 2B of the Vested Right Application.
4. The water appropriated is to be used for the purpose of irrigation.
5. Prior Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.
6. The amount of appropriation may not exceed 18 acre-feet of storage annually. The appropriation shall not exceed the amount of water needed for beneficial use. For irrigation purposes, the amount of appropriation is limited to 2 acre-feet per acre per year and be limited to not more than one-seventieth (1/70) cubic feet of water per second for each acre of land to which water has been actually and beneficially applied for irrigation.
7. The water is to be used during the following described annual period: April 1 – October 31.



Mark Mayer, PE
Director of the Office of Water
Department of Agriculture and Natural Resources

9/25/25

date

