

Considered: _____

WATER PERMIT NO. 1216A-2

MAP No. 1216A-2

Name of Applicant Gayle Tinant

Post Office Address HC 15, Box 31, Valentine, NE 69201

Amount of Water Claimed no additional Total Acres no additional

Source of Water Supply 260' deep well Ogallala Formation (Change of Diversion)

Water to be used for IRR County TD

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 12 11-6-84 Not Received _____

APPLICATION: Approved 12-5-84 Subject to _____

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

PRIORITY _____ Date Received 9/24/84 Fee 50.00 Remarks _____

10/9/74

Corrected Application Received _____ Period of Annual Use 4/1 to 10/31

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

WI-1 Description same as Application YES _____ NO _____ REMARKS not applicable

Diversion Point SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23-T36N-T25W

Land to be Irrigated _____

no additional on PE 1216-2

Logs in PE 1216-2 by Chase Drilling Co.

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well 260' REMARKS _____

Inspected by Frank Smith

Type of Map Aerial & Drawn out by Gale Selken
PREPARED BY _____ Reviewed and the Number _____

assigned on 10/9/84 By Betty Westlund

Betty Westlund NRA III

CC Nelson

No. 1216A-2 Hydrologic Unit 10150006
 Map No. 1216A-2 Basin KE
 Newspaper Todd Co TRIBUNE Box 229 - MISSION 57555

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 ☐

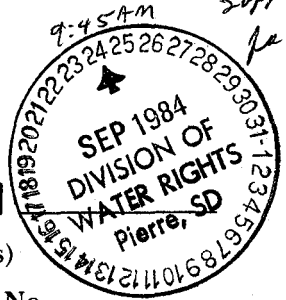
☒ Application to amend Permit No. 1216-2 with old priority date retained

☒ 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 Gayle Tinant Phone No. 378-2584

Post Office Address HC 15, Box 31 Valentine, Nebraska State 69201
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) No addition Total acres irrigated No additional

3. Source of Water supply Ogallala Formation

4. Location of point of diversion 2730 ft S 59° 46' W of NE Corner Section 23, T36N, R25W
SW⁴ NE⁴

County Todd

5. Counties where water will be used Todd

6. Annual period during which water is to be used April thru October

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.	Land Description	No. Acres Irr.
No Additional on Permit			
#1216-2			

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)

Transfer point of diversion from center of SW⁴ Section 24, T 36N, R 25W to location described in #4 above

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~~ Nebr.
 County of Cherry ^{SS}

I, Gayle Tinant 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 Gayle Tinant
 Betty Day
 GENERAL NOTARY
 STATE OF NEBRASKA
 Nov. 13 1986
 Subscribed and sworn to before me this 20 day of Sept. 1984

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1216A-2
Gayle Tinant HC 15 Box 31 Valentine
(Applicant) (Post Office Address)
Nebraska 69201 With the following qualifications.
(State) (Zip Code)

The irrigation wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application September 24, 1984.

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

Date of receipt of corrected application —, 19—. Approved December 5, 1984.

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 October 9, 1974.
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 irrigation.
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 No add'l 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: April 1 to Oct. 31.

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer **JOHN HATCH**
 Division of Water Rights
 Dept. of Water and Natural Resources

January 3rd, 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 260 ft.
- b) Casing Type steel Diameter 16" Thickness _____
- c) Screen Type perforated Diameter 16" Thickness _____
- d) Gravel Pack Thickness 14" Length of Gravel Pack 260 ft.
- 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 160 rds. On property owned by others 160 rds.

2. Dugout Information Estimates

- a) Surface Dimensions N/A 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

N/A

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

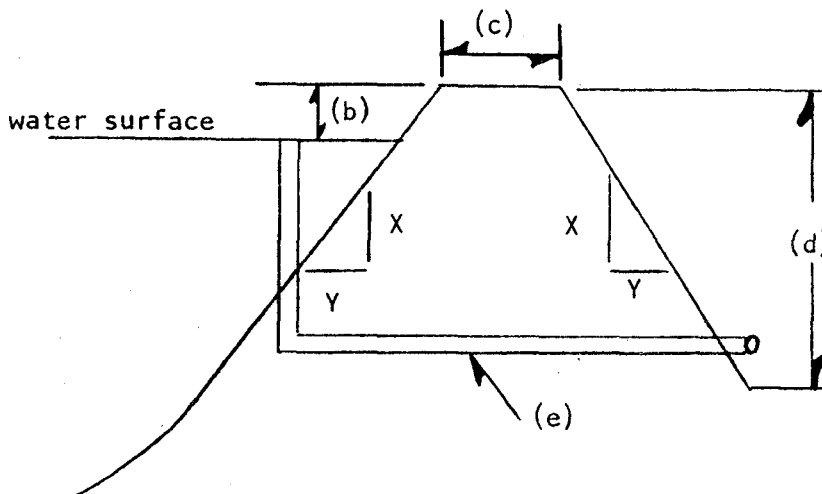
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



[Signature]
Signature of Applicant

RECEIPT

Division of Water Rights

No 4 9759

South Dakota Department of Water and Natural Resources

Pierre, September 24, 1984, 19

RECEIVED OF Gayle or Kathy Tinant, MC 15, Box 31, Valentine NE 69201

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

Fee for Application for Permit No. 1216-2 to Appropriate Water, to construct works and to put water to beneficial use <u>Change of diversion</u>	50	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	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

Registration No. _____ County of _____ Date Filed _____

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainsworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____
Township _____ North, Range _____, owned by Gayle Tinant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 11 day of July, 1975, and completed on
the 11 day of July, 1975.

3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, lengths and position of plain and
perforated on the bottom and 100' of plain on the bottom
screen casing, weight of metallic casing, etc.)

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata
penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	10	Topsoil and sand
10	119	Sand and sandstone
119	200	Hard sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	255	Sand and clay streaks
255	270	Clay

Date Signed 8-11-75

Pat Chase
Driller

Registration No. _____ County of _____ Date Filed _____

#1

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____
Township _____ North, Range _____, owned by Gayle Tinant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 25 day of June, 1975, and completed on
the 25 day of June, 1975.

3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, lengths and position of plain and
perforated on the bottom and 80' of plain on top
screen casing, weight of metallic casing, etc.)

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	4	Top soil
4	10	Sand
10	119	Sand and sandstone
119	120	Hard sandstone
120	200	Sand and sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	240	Sand and small clay streaks
240	255	Sand
255	260	Clay
260	270	Clay to red rock

Date Signed 8-11-75

Pat Chase
Driller

M E M O

TO: Jim Stukel
FROM: Gale N Selken
SUBJECT: Permit No. 1216-2, Gayle Tinant, Todd County

When inspecting Permit No. 1216-2 for licensing Frank Smith found that an additional well was constructed in the NE $\frac{1}{4}$ Section 23, T36N, R29W. Two wells authorized under Permit No. 1216-2 (center SW 24 & center NE 26, T36N, R29W) were not constructed.

Application forms have been sent to Mr. Tinant for change in point of diversion from center SW Section 24 to 2730 ft. S 59°46'W of NE corner Section 23. Ms. Westlund, after talking to you informs me that additional water quality will not be needed. This well is approximately 600 ft north of well authorized under Permit No. 1216-2 and withdraws water from the same formation (Ogallala).

GNS:ks

Water Rights Division
605 773-3352

September 6, 1984

1216-2

Gayle Tinant
HC 15, Box 31
Valentine NE 69201

Mr. Tinant:

According to our records, Mr. Frank Smith, formerly with the Division of Water Rights, inspected your Permit No. 1216-2, June 22, 1983. The inspection report indicated that you have one well in the NE $\frac{1}{4}$ of Section 23, T36N, R29W that is not covered under permit.

In order to complete the license, a new application will have to be made for the North well in Section 23, T36N, R29W. I have enclosed the necessary forms for a permit. Please sign where indicated, notarize and return. A \$50 fee is required with these forms.

Also enclosed is my interpretation of Mr. Smith's notes. If they are not correct please advise and I will re-inspect your permits.

Sincerely,

GALE N SELKEN
Hydrologist

GNS:ks

enclosures

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1216A-2, Gayle Tinant

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 Water Permit Application No. 1216A-2, Gayle Tinant, HC, Box 31, Valentine, Nebraska.

The Chief Engineer is recommending APPROVAL of Application No. 1216A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

The irrigation wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
Water Rights Division
October 14, 1984

REPORT ON APPLICATION NO. 1216A-2

GAYLE TINANT

October 11, 1984

Application No. 1216A-2 is the result of a field inspection conducted by Mr. Frank Smith. The field inspection showed that Mr. Tinant had constructed an additional well in Section 23, T36N, R25W.

Permit No. 1216-2 was approved for the following:

Wells #1 2770 ft S58°W of NE corner Sec 23, T36N, R25W
#2 1880 ft N45°E of SW corner Sec 24, T36N, R25W
#3 1880 ft S45°W of NE corner Sec 26, T36N, R25W

Lands NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23
SW $\frac{1}{4}$ Section 24
NE $\frac{1}{4}$ Section 26

The field inspection for licensing found the following developments:

Wells #1 2730 ft S59°46'W of NE corner Section 23
#2 2460 ft S69°13'W of NE corner Section 23

Lands NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23

Application No. 1216A-2 proposes to transfer a point of diversion from Section 24 to a location in NE Section 23. There are no additional lands being irrigated and no additional diversion rate. The original priority date will be retained.



GALE N SELKEN
Hydrologist

Instruction to Newspaper - Publish first publication of the following Notice on or before October 24, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1216A-2 ~~to Appropriate Water~~
~~and/or~~ to Amend Water Permit ~~or Water Rights~~ No. 1216A-2

Notice is hereby given that Gayle Tinant whose mailing address is HC 15, Box 31, Valentine, Nebraska, ~~South Dakota~~ has made an application for a permit

to amend Permit No. 1216-2 to change the point of diversion from the center of the SW $\frac{1}{4}$, Section 24, T36N, R25W to one well 260 feet deep in the Ogallala Formation located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T36N, R25W. The well will be used to irrigate lands covered under Permit No. 1216-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

Approval of Application No. 1216A-2 because ~~1) unappropriated water is available;~~
 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and
 3) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building,
Room 216, 523 E Capitol, Pierre, South Dakota on December 5 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this 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 November 23, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason 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, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

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 the 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, DWNR, 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 any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

No. 1216A-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Kathy Klein hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd County Tribune

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

Figert Printing, Inc. of Mission SD

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

October 24, 1984

October 30, 1984

Kathy Klein
(Signature)

Bookkeeper
(Title)

October 31, 1984
(Date Signed)

Cost of Printing: 61 lines @ 36.5 = 2227;

plus 20% discount on 2nd publication =
17.81 = 40.08

Total cost of printing - 40.08

Notice of Hearing

on Application No. 1216A-2 to Amend Water Permit No. 1216A-2

Notice is hereby given that Gayle Tinant, whose mailing address is HC 15, Box 31, Valentine, NE, has made an application for a permit to amend Permit No. 1216-2 to change the point of diversion from the center of the SW $\frac{1}{4}$, Section 24, T36N, R25W to one well 260 feet deep in the Ogallala Formation located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, T36N, R25W. The well will be used to irrigate lands covered under Permit No. 1216-2.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1216A-2 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Joe Foss Building, Room 216, 523 E Capitol, Pierre, South Dakota on December 5, 1984 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 make a determination on this 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 November 23, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason 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, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 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.

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 the 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, DWNR, 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 any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 23, 1984.

Publ.: October 24 and 31, 1984.





Department of Water & Natural Resources

1216A-2

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

Water Rights Division
605 773-3352

January 3, 1985

Gayle Tinant
HC 15, Box 31
Valentine, Nebraska 69201

Dear Mr. Tinant:

Enclosed is your Water Permit No. 1216A-2 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

378-2584

1216A-2

Permit No. 1216-2Water Division 2 Keya Paha Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Gayle
Tinant of Valentine, Nebraska holder
of Permit No. 1216-2, bearing date of priority of October 9, 1974
authorizing the diversion of 8.5 cu. ft. per second of the waters of Ground water (ogallala)
for Irrigation purposes, in Todd County.

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

The Water Use System consists of,

A. Works used to divert the water:

One 240 ft. deep wells. One 260 ft. deep well
Two 75 HP U.S. High Thrust 3 phase electric motors.
Sargent 8 stage Turbine. Size - 10 SA
Hydro Turbine Type H 200 deep well Turbine. 8 stage.

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

500 ft. of 6 in. plastic. Buried.

C. Works used to apply water to beneficial use.

8 Tower Electrogator center pivot. 170 ft. Spans.
Total Length = 1360 ft.

The system is in the following condition: Good

The point of diversion is located Well #1: 2730 ft. S. 59° 46' W. of NE cor. S. 23 T 36 N R. 29 W.
Well #2: 2460' S. 69° 13' W of N.E. cor. S. 23 T 36 N R. 29 W.

The works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: Irrigation of The following Land:

<u>NE⁴ NE⁴: 6.7 acres</u>	<u>NE⁴ NW⁴: 23.4 acres</u>
<u>NW⁴ NE⁴: 37.7 acres</u>	<u>SE⁴ NW⁴: 24.8 acres.</u>
<u>SW⁴ NE⁴: 49.8 acres</u>	<u>all in S. 23 T 36 N R. 29 W.</u>
<u>SE⁴ NE⁴: 6.8 acres</u>	

comprising a total of 149.2 acres of land.

2.13 cfs (License for 2.0)

Field inspection conducted by Frank Smith

Date Feb 11, 1985

Gale N. Selken
(Signature)

LICENSE FOR PERMIT NUMBER 1216-2, Gayle Tinant

1. Legal location of wells: Well #1: 1373 S 2356'W of NE corner Section
23, T36N, R29W Well #2: 873'S 2300'W of NE corner Section 23, T36N, R29W

dams & structures: _____

2. Well Information: Well Drilling Firm Chase

No. of wells 2 Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Sargent #1 Motor a) make Emerson High Thrust
Serial # b) model _____ b) model no. R-XA 718-00-663 R2092456
10878 Bass c) size 10SA bert size c) horsepower rating 75
d) capacity 900 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages 8

3. Distribution lines:
a) size of lines _____
b) type _____
c) length _____

Well #2 500'N of center
US Electrical motor, Emerson Inc.
Hydro turbine Pump
Type H 200 75hp High Thrust
Date 7/75 ID# R-XA718-00-663
R 2092465

4. Dam information:
a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

- i) Outlet tubes:
1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll: b) towline:
1) length _____ feet 1) length _____ feet
2) diameter of pipe _____ 2) make, model & number of sprinklers _____
3) make, model & number of sprinklers _____ 3) spacing of sprinklers _____
4) spacing of sprinklers _____ 4) nozzle size _____
5) nozzle size _____

5. System Type: c) center pivot

- 1) make Electrogator
- 2) number of towers 8
- 3) distance between towers
170
- 4) overall length 1360
- 5) End gun (Y/N) Y
- 6) high or low pressure High
- 7) make & size of nozzles

- 8) PSI reading while system is
running _____
- 9) GPM 850-900

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 _____

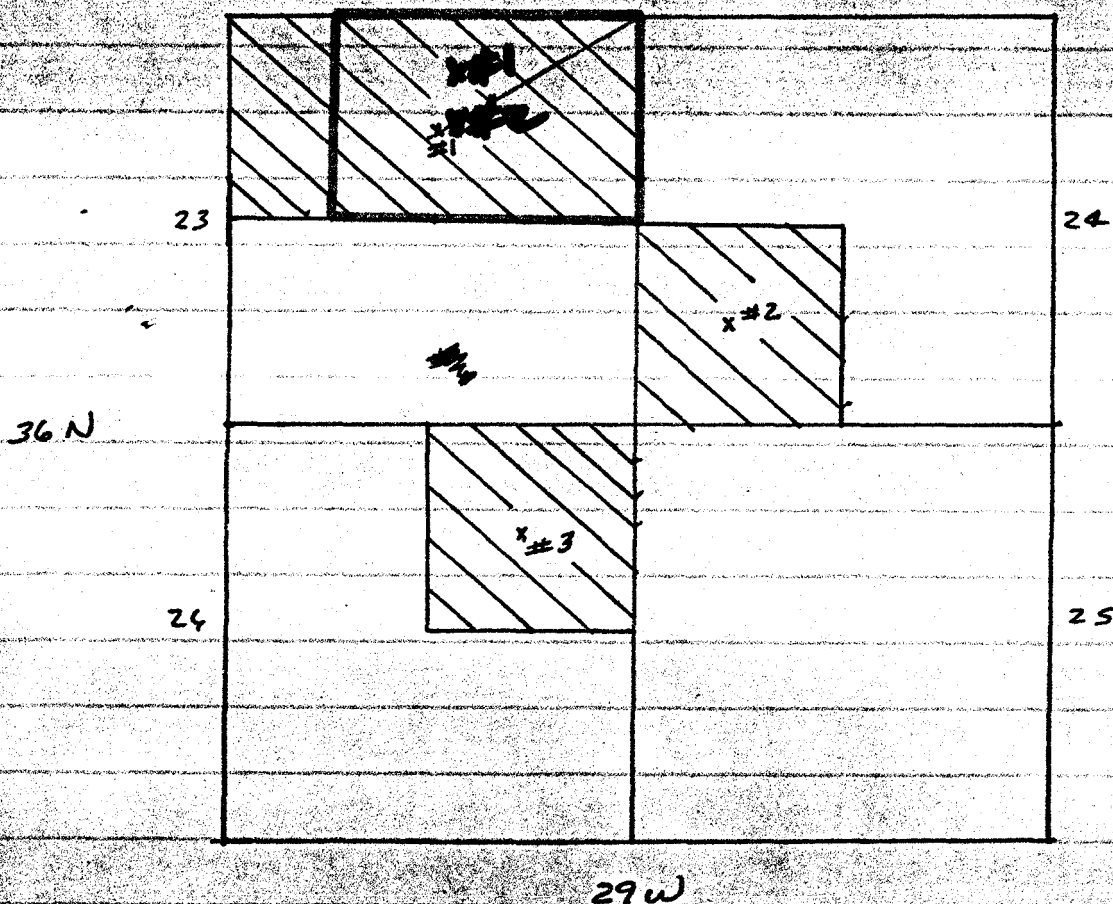
h) Hydromatic

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

YES	NO	Check Items
_____	_____	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
_____	_____	2. Special Qualifications to permit being abided by.
_____	_____	3. All Structures, wells and lands on map.

REMARKS:

#1 2770' 558" W of NE Corner 23
 Adv. #1 SWSE 23, center SW 24, center NE 26 36-29
 irr. N $\frac{1}{2}$ 23 SW 24 NE 26 36-29



Wells as constructed

#1 2730 ft. S59°46' W NE corner 23
 #2 2640 ft. S69°13' W of NE corner 23

Lands irrigated

149.2 acres in NE and E $\frac{1}{2}$ NW
 23 T36N R29W

Comments: New permit needed for well #1 (in red) in
 NE $\frac{1}{4}$ 23, T36N, R29W

Dale H. Sullivan
 1216A-2



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1216A-2

March 12, 1985

Gayle Tinant
HC 15, Box 31
Valentine NE 69201

Dear Mr. Tinant:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1216A-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

SECOND NOTICE

July 8, 1985

Permit No. 1216A-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gayle Tinant
HC15, Box 31
Valentine, NE 69201

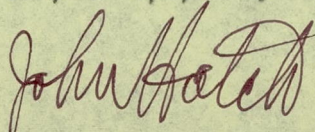
Dear Mr. Tinant:

March 12, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1216A-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S508.WR

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one): ☒ Show to whom and date delivered ☐ Show to whom, date, and address of delivery	
2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Gayle Tenant HC 15 Box 31 Valentine NE 69201	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☒ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER P 404 786 450
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent 	
5. DATE OF DELIVERY 7/9/85	POSTMARK 9861 6 JUL VALENTINE
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE: 7/9/85 ms	7a. EMPLOYEE'S INITIALS

RECEIPT

Division of Water Rights

No 4 10107 -

South Dakota Department of Water and Natural Resources

Pierre, July 12, 1985

RECEIVED OF Kathy/Gayle Tinant, HC 15, Box 31, Valentine, NE 69201

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 _____		
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. <u>1216A-2</u>	50	00
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	50 00

By

Chief Engineer

John Hatch

JOHN HATCH (MS)

State of South Dakota
Water License No. 1216A-2

(1) Gayle Tinant
of HC 15, Box 31, Valentine, NE 69201
made Application No. 1216A-2, September 24, 1984 for a water permit to appropriate
no add'l cubic feet per second of water from groundwater (one well-change diversion point from Permit
Todd County, South Dakota for irrigation purposes. **1216-2**
Permit No. 1216A-2, with a priority date of October 9, 1974
was approved December 5, 1984 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.

The applicable portions of Water Permit No. 1216-2 have been incorporated into this
Water License No. 1216A-2. An October 9, 1974 priority date is retained.

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 2.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are Well #1-2730 ft S59°46'W of NE Corner;
Well #2-2460 ft S69°13'W of NE Corner: Section 23, T36N, R29W

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 lands all in T36N, R29W

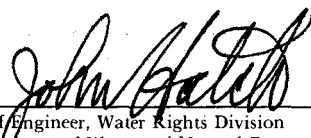
Section 23	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.7 Acres	(AA)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	37.7 "	(AB)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	49.8 "	(AC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.8 "	(AD)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	23.4 "	(BA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	24.8 "	(BD)
	TOTAL	149.2 ACRES	

(4) Pursuant to §46-5-30.1 Gayle Tinant

of HC 15, Box 31, Valentine, NE 69201

the holder(s) and/or owner(s) of Water Permit No. 1216A-2 is issued a license to appropriate water, the right to use 2.0 cubic feet per second of water from groundwater (two wells) with a priority date of October 9, 1974 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 Water Permit No. 1216A-2 and subject to South Dakota State Law.


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

JOHN HATCH

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1216A-2

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Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1216A-2

DEC 20 1985

Gayle Tinant
HC 15, Box 31
Valentine, Nebraska 69201

Dear Mr. Tinant:

Enclosed herewith is, Water License No. 1216A-2. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

Enclosures

Applicable portions of Water Permit No. 1216-2 have been incorporated into this Water License No. 1216A-2.

WATER RIGHTS DIVISION
(605) 773-3352

September 23, 1986

Gayle Tinant
HC 15, Box 31
Valentine, Nebraska 69201

Dear Mr. Tinant:

I am contacting you in regard to Water Right No. 1216A-2. A review of the water right file found the legal location described in the permit application and publication notice was incorrect. The location was described as being in Range 25 west and should have been Range 29 west.

In order to correct these errors and to avoid any future legal entanglements, the water right will need to be readvertised and the license reissued. Our office will prepare the necessary notice for the newspaper and pay the publication cost. You will be receiving a copy of the advertising notice as soon as it is prepared.

I apologize for the inconvenience. If I can answer any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

REPORT ON READVERTISMENT OF PERMIT NOS. 1216-2 AND 1216A-2

GAYLE TINANT

October 16, 1986

The final inspection of Water Permit No. 1216-2 found that two wells had been developed in the W 1/2 NE 1/4 Section 23 for the irrigation of portions of the N 1/2 Section 23; all in T36N, R29W.

The legal description of one of the wells was not included in the legal description of the diversion points on Permit No. 1216-2. Therefore, Permit No. 1216A-2 was applied for to amend Permit No. 1216-2 to change the location of the diversion point. However, an error was made on Application No. 1216A-2 regarding the legal description of the diversion point. The application and Notice of Hearing for No. 1216A-2 should have specified a change in the proposed well location from the SW 1/4 Section 24 to the NW 1/4 NE 1/4 Section 23 both in T36N, R29E not to the SW 1/4 NE 1/4 Section 23. The range listed on Application No. 1216A-2 and the Notice of Hearing was also incorrect. The range is R29W not R25W. Therefore, the legal description on Permit No. 1216A-2 needs to be corrected the Notice of Hearing for Permit No. 1216A-2 needs to be readvertised to correct the errors.

A further correction is also needed on the Notice of Hearing for Permit No. 1216-2. The diversion point in the SW 1/4 NE 1/4 Section 23 is correct on the permit application but an error was made on the Notice of Hearing advertisement. The well was described as being located in the SW 1/4 SE 1/.4 instead of the SW 1/4 NE 1/4 specified on Permit Application No. 1216-2. Therefore, the Notice of Hearing advertisement for Permit No. 1216-2 also needs to be readvertised to correct errors.

The readvertisement of the Notice of Hearings for Permit Nos. 1216-2 and 1216A-2 plus corrections to Permit No. 1216A-2 is not to authorize any increase in acres irrigated, water appropriated or number of wells. The readvertisement cost will be paid by the Division of Water Rights.



RON DUVALL
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1216-2 and 1216A-2

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 Water Permit Application Nos. 1216-2 and 1216A-2, Gayle Tinant, HC 15, Box 31, Valentine NE.

The Chief Engineer is recommending APPROVAL of Application No. 1216-2 & 1216A-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

No. 1216-2

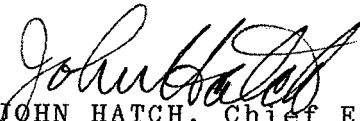
The irrigation wells approved under this Permit are located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

No. 1216A-2

The irrigation wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The irrigation well owner under this Permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 17, 1986



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

October 31, 1986

Gayle Tinant
HC 15, Box 31
Valentine, Nebraska 69201

Dear Mr. Tinant:

This letter is in regard to the readvertisement of Water Permit No. 1216A-2. Additional errors have been found on the Notice of Hearing advertisement for Permit No. 1216-2 and on Permit No. 1216A-2. Enclosed is a copy of Permit No. 1216A-2 with the proposed changes marked in red. The correction is needed because the location of the well described on Permit No. 1216A-2 is already covered by Permit No. 1216-2. The legal description of the well located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23-T36N-R29W should have been the well covered by Permit No. 1216A-2. If you disagree with the proposed change in legal description or have any questions, please contact us. I have also enclosed a report on the readvertisement of the permits for your review.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

1216-2
No. 1216A-2

October 31, 1986

Todd County Tribune
Box 229
Mission, South Dakota 57555

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Gayle Tinant
1216-2 &
Application No. 1216A-2, in Todd County, South Dakota. Please publish
this notice once each week for two consecutive weeks in your paper. The first publi-
cation should be on, or before November 5, 1986.

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

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after
the FIRST publication, return a copy of the notice with the FIRST Publication 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 the second notice is published.

Please be sure the SECOND publication is return with the enclosed Proof of Publication
form. The permit application cannot be considered by the Water Management Board until
proof of publication has been received.

Sincerely,

RON DUVALL
Natural Resources Engineer

***** CUT HERE *****

No. _____ Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 1984 enclosing Notice of Proposed
Appropriation of Water, as proposed in Application No. _____ which was first
published in our issue of _____, 1984. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

NAME _____

NEWSPAPER _____

Equal Opportunity Employer

Instruction to Newspaper - Publish first publication of the following Notice on or before November 5, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

READVERTISEMENT OF NOTICE OF HEARINGS on Application Nos. 1216-2 and 1216A-2

Notice is hereby given that Gayle Tinant whose mailing address is HC 15, Box 31, Valentine, Nebraska, made applications for water permits on October 9, 1974 (Permit No. 1216-2) and on September 24, 1984 (Permit No. 1216A-2). Readvertisement of both notices is to correct the original notices published on October 24 and 31, 1974 (Permit No. 1216-2) and on October 24 and 31, 1984 (Permit No. 1216A-2).

The original advertisement for Permit No. 1216-2 gave notice of an intent to appropriate ground-water from 3 wells for irrigation purposes. The original notice contained an error regarding the legal description of one of the wells. The correct legal description of the well is the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23-T36N-R29W. The original advertisement for Permit No. 1216A-2 gave notice of a change in the location of one well used to supply the irrigation system. The original notice contained errors regarding the legal description of the well location. The correct legal description is to change the proposed well location from the center of the SW $\frac{1}{4}$ Section 24 to one well (Ogallala Formation) 260 feet deep located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23; all in T36N-R29W.

The readvertisement of the Notice of Hearings for Permit Nos. 1216-2 and 1216A-2 is not to authorize any increase in number of wells, amount of water appropriated or any increase in the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 1216-2 and 1216A-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 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, 2) approve with qualifications, 3) defer, or 4) deny this 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 November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners 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; 46-5-1 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; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

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 the 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, DWNR, 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 any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Kathy R Klein hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd County Tribune

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 Mission

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

November 5, 1986

November 12, 1986

Kathy R Klein
(Signature)

Bookkeeper
(Title)

11/13/86
(Date Signed)

Cost of Printing: 82 lines @ .365 =

29.93; and publications w/20% discount =
23.94

53.87 total printing cost

Readvertisement of Notice of Hearings
on Application Nos. 1216-2 and 1216A-2

No. Notice is hereby given that Gayle Tinant whose mailing address is HC 15, Box 31, Valentine, Nebraska, made applications for water permits on October 9, 1974 (Permit No. 1216-2) and on September 24, 1984 (Permit No. 1216A-2). Readvertisement of both notices is to correct the original notices published on October 24 and 31, 1974 (Permit No. 1216-2) and on October 24 and 31, 1984 (Permit No. 1216A-2).

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The readvertisement of the Notice of Hearings for Permit Nos. 1216-2 and 1216A-2 is not to authorize any increase in number of wells, amount of water appropriated or any increase in the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application Nos. 1216-2 and 1216A-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 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, 2) approve with qualifications, 3) defer, or 4) deny this 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 November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners 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; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; 46-5-30.4, 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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 the 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, DWRN, 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 any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.
Publ.: November 5 and 12, 1986.