

1. Considered 3-25 1981
2. Name of Applicant HAGMAN RANCH INC.
3. Post Office Address Box 165, OELRICHS, S.D.
4. Amount of Water Claimed 2.46
5. Source of Water Supply BLACKTAIL CREEK & ADJOINING DRAWS
6. Water to be used for IRR
7. Acres to be irrigated 172 maximum acre feet
8. Water to be diverted and used in CUSTER County  
about \_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_
9. PROOF OF PUBLICATION Received N/A  
not Received \_\_\_\_\_
- APPLICATION Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

Priority 1800 Date Received 3/11/81 Application Complete yes ☒ no \_\_\_\_\_ FEE 8<sup>00</sup>

Remarks needs 5<sup>00</sup> fee after approving the claim of a V/R by the WMB

Date information and/or fee or corrected Application received \_\_\_\_\_  
Period of Annual use \_\_\_\_\_

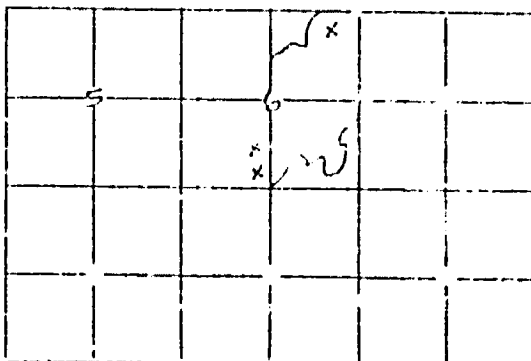
~~WATER~~  
QUALITY  
N/A

Received yes \_\_\_\_\_ no \_\_\_\_\_ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_

Returned \_\_\_\_\_



Diversion Point BETWEEN PTS  
IN SW<sup>4</sup> SEC 6 & NE<sup>4</sup> NW<sup>4</sup>  
SEC. 5 - 37N-47W

Lands to be irrigated \_\_\_\_\_

W<sup>1</sup>/<sub>2</sub> SEC. 5 - 37-47

WELL  
LOG

Remarks \_\_\_\_\_

Driller \_\_\_\_\_ Licensed yes \_\_\_\_\_ no \_\_\_\_\_

Depth \_\_\_\_\_

MAP Map No. 1516-2 Map located in Water Right ✓ Map file \_\_\_\_\_

Type of Map Drawn & Aerial Prepared by LeRoy McNaugh

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 3/25/81.

[Signature]  
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

REMARKS Date  
F.F. & C Final Decision, including F.F. & C of Law were adopted \_\_\_\_\_  
OF LAW, Date  
FINAL Final Decision mailed to parties and/or parties notified that Final Decision  
DECISIONS was adopted \_\_\_\_\_  
ETC.

Remarks \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No. 1760-2Map No. 1516-2 Water Division No. 2 WHITE RIVER District  
Above for Office Use 10140201

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

Check one of the following

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant Hagman Ranch, Inc. Phone No. 535-6561Post Office Address Box 165 Oelrichs State SD 57763  
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation December, 1978, Hot Springs, SD 577472. Method of accomplishing work (contract, employment of others, or by direct labor) completed

3. Name of diversion work \_\_\_\_\_

4. Amount of water claimed (cubic feet per second) 2.465. Source of water supply Blacktail Creek and Adjoining Draws6. Location of point of diversion No. 1=1600'S & 560'E of the NW corner Sec. 6; No. 2=1000'S of  
the W $\frac{1}{4}$  corner Sec. 5; No. 3=560'S and 1500'E of the NW corner Sec. 5; No. 4=900'N  
of the SW corner Sec. 5, all in T37N, R47W County Shannon7. Annual period or periods during which water is to be used during runoffs8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 172

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. |
|---------------------------------------------|----------------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5-37N-47W | 3              |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 " "     | 39             |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 " "     | 31             |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 " "     | 39             |

| Land Description                            | No. Acres Irr. |
|---------------------------------------------|----------------|
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-37N-47W | 29             |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 " "     | 24             |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5 " "     | 6              |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 " "     | 1              |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use \_\_\_\_\_ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water \_\_\_\_\_

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Earth Dam with drain tubes in bottom

B. Works proposed to transport water to place of use.

Ditches  
Ditch pump

C. Works proposed to apply water to beneficial use.

Earth Dikes with tubes and head gates to drain to lower levels

Estimated Total Cost \$ \_\_\_\_\_

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

STATE OF SOUTH DAKOTA )

County of Shannon ) ssI, William C. Hagman the applicant, certify that I have read the foregoing application and 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 William C. HagmanSubscribed and sworn to before me this 21st day of January, 1981.Clara M. Olney  
Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1760-2

HAGMAN RANCH INC. Box 165 OELRICHS  
(Applicant) (Post Office Address)  
SOUTH DAKOTA 57763 With the following qualifications  
(State)

"VESTED RIGHT" CLAIMED

PERSONAL CONTACT WITH HAGMAN'S INDICATES THE DITCH WAS ABOUT 90 YEARS OLD. A PRIORITY OF 1891 IS ESTABLISHED FOR THIS WATER RIGHT.

Date of first receipt of application MARCH 11, 1981  
Date of return to applicant for correction, amendments or changes required       , 19        
Date of receipt of corrected application       , 19        
Approved MARCH, 1981, Recorded in Book 22 Page 108

WATER RIGHT PERMIT NO. 1760-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1760-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1891, 19
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~       , 19
3. The whole of said work is ~~to be~~ completed ~~on or before~~       , 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 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 injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.46 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, and if 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 JUNE 30, 1955; said water to be used during the following described annual period: DURING HIGH FLOW TIMES

Witness my hand this 27<sup>TH</sup> day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By John Hatch  
Chief Engineer Water Rights

Certificate of Construction Issued APRIL 27, 1981

Water License issued APRIL 27, 1981

NOTE This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE  
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Hayman Ranch Inc  
 Post Office Address Box 165 Oelrichs, State So. Dak 57762  
 If a Corporation show date and place of incorporation Dec. 1978 Hot Springs, So Dak  
57747

## 13. Notice of Appropriation (If available)

Date of Posting \_\_\_\_\_ Date of Recording \_\_\_\_\_  
 Recording Data \_\_\_\_\_

14. Date of start of construction of water supply system Late 1800's15. Date that water was first applied to beneficial use Late 1800's16. Name of owner of original water supply system Sullivan Ranch or Eli Swallow

17. Amount of water originally applied to beneficial use \_\_\_\_\_ c. f. s.

## 18. Present Use of Water

Amount of water now being used \_\_\_\_\_ c. f. s.

Date that this amount of water was first used Late 1800's

## 19. Chronological History of Water Use

Water was diverted from Blacktail Creek & diverted  
from main ditch for 0.1 miles.

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 Minnehaha ) ss

I, Hayman Ranch, Inc, the applicant, certify that I have read the foregoing and that  
 the matters therein stated are true.

Signed

Philip J. Hayman, Hayman Ranch, Inc.

Subscribed and sworn to before me this 31<sup>st</sup> day of May, 1981

Wm. S. Wilson  
 (Notary Public or other qualified Officer)

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.

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1760-2

(1) WHEREAS, On the 11th day of March A. D. 19 91  
Hagan Ranch, Inc.

made Water Right Application No. 1760-2 vested right for a permit to use 2.46 cubic feet per second of the waters of Blacktail Creek and tributaries

County of Shannon State of South Dakota, for irrigation purposes; and

Vested  
Right

(2) WHEREAS, On the 27th day of April A. D. 19 91  
 Permit No. 1760-2 with a date of priority of 1891

was issued to said applicant recognizing for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 30th day of June A. D. 19 55 and less the application to beneficial use of said water on or before the 30th day of June A. D. 19 55

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.46 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

For irrigating the following land in T37N, R47W

|           |                                   |         |
|-----------|-----------------------------------|---------|
| Section 5 | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 3 acres |
|           | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 "    |
|           | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 31 "    |
|           | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 39 "    |
|           | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 29 "    |
|           | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 24 "    |
|           | SW $\frac{1}{4}$ SW $\frac{1}{4}$ | 6 "     |
|           | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 1 "     |

TOTAL 172 acres

(5) 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 Hagman Ranch Inc.

\_\_\_\_\_ of Oelrichs  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ Vested Right of said permit No. 1760-2 a water right, dating from 1891  
\_\_\_\_\_ to use of 2.46 cubic feet per second of the waters  
of Blacktail Creek and tributaries

in the County of Shannon and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at points in the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 6; SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  &  
NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 5, T37N, R47W

and conducted to and upon \_\_\_\_\_ portions of Section 5, T37N, R47W described on the  
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1760-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 27th day of April A. D.  
Nineteen Hundred and Eighty one

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 1760-2

Water Diversion No. 2 White River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Hagman Ranch, Inc.

Vested  
Right

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1760-2, issued upon Application No. 1760-2, bearing date of priority of 1991  
\_\_\_\_\_ authorizing the diversion of 2.46 cu. ft. per second of the waters of \_\_\_\_\_  
~~Blacktail Br & tributaries~~ County of Shannon, State of South Dakota at \_\_\_\_\_  
points in the NW 1/4 SW 1/4, Section 6; SW 1/4 SW 1/4, NW 1/4 SW 1/4 & NE 1/4 SW 1/4, Section 5, T37N,  
R47W  
\_\_\_\_\_, for irrigation

purposes, has \_\_\_\_\_ 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 <sup>recognized as</sup> ~~found~~ satisfactory  
~~conditions~~ for diverting and conveying to the place of intended use 2.46 cu. ft. per second of water.

Date April 27, 1991

  
JOHN HATCH, Chief Engineer  
Water Rights Division

Found 1 R.P.

Hayman Road Linc.  
6-75-00 Pump Crisafulla  
12" dia.

Per # 12174.

Pump 11800 gpm

Motor power 400 hp

100 H.P. in power off

Core Chart

100 ft. High Lead Rubber  
Pump Tubing.

From pump installation

Sec. 5 T 37N R 41W. C.R. for 1951 permit  
for area E of creek.

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7732

PIERRE, October 16, 1980

RECEIVED OF Hagman Ranch Inc., 44 Pony Park, Chadron, Neb. 69357

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

|                                                                                                                   |             |
|-------------------------------------------------------------------------------------------------------------------|-------------|
| Fee for Application for Permit to Appropriate Water No. VR-1760-2 (examination, processing, recording and filing) | 8.00        |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No.                                            |             |
| Fee for Inspecting Beneficial Use, and Issuing Water License No.                                                  |             |
| Fee for Issuing Location Certificate-Dry Draw, No.                                                                |             |
| Fee for filing                                                                                                    |             |
| Fee for certified copy of                                                                                         |             |
| Fee for Print copy of map                                                                                         |             |
| Fee for Certifying                                                                                                |             |
| Fee for (any other work as provided by law)                                                                       |             |
| <b>TOTAL</b>                                                                                                      | <b>8.00</b> |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH / *CH*

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 8183

PIERRE, April 27, 1981

RECEIVED OF Hagman Ranch Inc., Box 165, Oelrichs, SD 57783

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

|                                                                                                                        |          |           |
|------------------------------------------------------------------------------------------------------------------------|----------|-----------|
| Fee for Application for Permit to Appropriate Water No. _____ (examination,<br>processing, recording and filing) _____ |          |           |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. 1760-2                                          | 2        | 50        |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. 1760-2                                                | 2        | 50        |
| Fee for Issuing Location Certificate-Dry Draw, No. _____                                                               |          |           |
| Fee for filing _____                                                                                                   |          |           |
| Fee for certified copy of _____                                                                                        |          |           |
| Fee for Print copy of map _____                                                                                        |          |           |
| Fee for Certifying _____                                                                                               |          |           |
| Fee for _____                                                                                                          |          |           |
| (any other work as provided by law)                                                                                    |          |           |
| <b>TOTAL</b>                                                                                                           | <b>5</b> | <b>00</b> |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH / *CH*

 **Department of  
Water & Natural Resources**  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

September 21, 1988

**NOTICE**

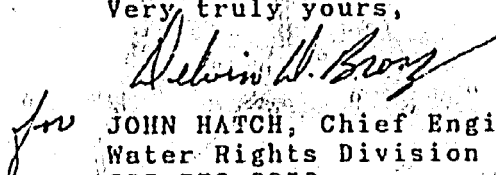
Hagman Ranch, Inc.  
Box 165  
Oelrichs SD 57763

Dear Sir:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 1760-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



Water Rights Division - DVNR  
Conversation or File Documentation

File No. 1760-2

NAME OF PERSON OR FILE: Hagman Ranch, Inc.

ADDRESS: \_\_\_\_\_ COUNTY Shannon

DATE: Sept 23, 1988 TELEPHONE \_\_\_\_\_

RE: Letter opposing validation until inspection is completed

COMMENTS:

This vested right claim was filed by the Hagman  
Ranch in 1981 with the assistance of Leroy Murnough  
Division of Water Rights Engineer. Mr. Murnough  
inspected the system and prepared the map. Another  
inspection is not needed at this time.

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.

4/82

NAME: William D. Boy, P.E.  
Hydrologist

## Water Rights Division - DWR

File No. 1760-2

## Conversation or File Documentation

NAME OF PERSON OR FILE: Hagman Ranch, Inc.ADDRESS: P.O. Box 165 Del Rio SD 57763 COUNTY ShannonDATE: December 13, 1989 TELEPHONE 535-6561RE: Validation of Vested Right Claim No. 1760-2

## COMMENTS:

On October 11 & 12, 1989, I made an investigation of Vested Right Claim No. 1760-2. Mr. William Hagman accompanied me on the inspection. The lands described on the original application and license were still being irrigated; however, there was a question on the original priority date. After a discussion with Mr. Hagman and his neighbor, Rex Norman, we agreed that Mr. Hagman's priority date should be the same as Mr. Norman's, 1953. Mr. Norman owns the land to the west and holds Vested Right Claim No. 531-2 to irrigate the land out of Blacktail Creek. The two projects actually function as one and at the time they were developed were owned by one person. The point of diversion for the "Old Diversion Ditch" described on Mr. Hagman's Vested Right Claim had been washed out for quite some time before Gilbert Norman repaired the project in 1953. Mr. Hagman agrees that his priority date should be 1953.

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: Timi Schaal

## Water Rights Division - OWNER

File No. 1760-2

## Conversation or File Documentation

NAME OF PERSON OR FILE. Hagman Ranch, Inc

ADDRESS: \_\_\_\_\_ COUNTY \_\_\_\_\_

DATE: \_\_\_\_\_ TELEPHONE \_\_\_\_\_

RE: Location of Irrigated lands

COMMENTS:

The following lands are located in  
Section 5 - T37N-R47W

NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> - 3 AcresNE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> - 39SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> - 31SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> - 39NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> - 29NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> - 24SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> - 6SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> - 1

Total: 172 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.

4/32

NAME: \_\_\_\_\_



1760-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 23, 1993

Hagman Ranch, Inc.  
William Hagman  
PO Box 165  
Oelrichs SD 57763

Dear Mr. Hagman:

The original Notice of Intent to Validate your Vested Water Right Claim No. 1760-2 was published with errors. The priority date and the legal descriptions of the diversion points were incorrect. Therefore, the notice needs to be readvertised to correct the errors. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of Indian Country Today printed at Rapid City SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

1760-2

AFFIDAVIT OF PUBLICATION

State of South Dakota)

)ss

County of Pennington)

LYNETTE PHALIN

of said county being first duly sworn on oath, says that she is Associate Publisher of the Lakota Times, a weekly newspaper printed and published in Rapid City, said county of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred fifty copies weekly and has been published for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

NOTICE OF INTENT

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made part of the Affidavit was published in said newspaper at least once in each week for two (2) successive weeks, on the day of each week on which said newspaper was regularly published to-wit:

|       |          |       |       |
|-------|----------|-------|-------|
| _____ | MARCH 31 | _____ | 19 93 |
| _____ | APRIL 07 | _____ | 19 93 |
| _____ |          | _____ | 19    |
| _____ |          | _____ | 19    |
| _____ |          | _____ | 19    |

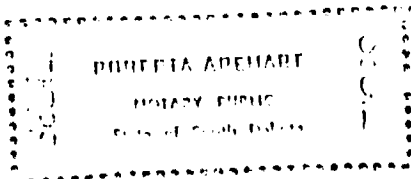
that the full amount of the fee for the publication of the annexed notice is \$ 77.88

Lynette Phalin  
Lynette Phalin, Associate Publisher

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Notary Public

My commission expires \_\_\_\_\_



Dept. of Environment & Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3183

**RE-ADVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIM**

Notice is given that the following vested water right claim, in Shannon County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Re-advertisement of the original notice of intent to validate this claim, as published on June 14 and 21, 1998 in the Lakota Times, is necessary to correct errors in the previously published notice.

Vested Water Right No. 1760-2, Hagman Ranch, Inc., P.O. Box 165, Oelrichs, SD 57763, appropriates 2.46 cubic feet of water per second from Blacktail Creek and adjoining draws located in the SW 1/4 1/4 NW 1/4 Section 6, NW 1/4 SW 1/4 NE 1/4 NW 1/4, SW 1/4 SW 1/4 Section 5 to irrigate 172 acres located in the NW 1/4, SW 1/4 Section 5, all in T37N R47W. The claimed priority date is April 1, 1953.

Any person who wishes to oppose validation of the re-advised vested water claim shall file a petition of intent to oppose the validation, by April 23, 1999 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3183 (605) 773-3352 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m., May 5, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. The May 5, 1999 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 23, 1999.

If no person opposed validation of a recognized vested water right claim, pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-3, 46-2-11, 46-2-17, 46-2A-18 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-9.2, 46-5-13 thru 46-5-15, 46-5-30, 2 thru 46-5-37.1, 46-5-38, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74-02-01-01 thru 74-02-01-05 and 74-02-01-10 thru 74-02-01-22.

Contact: Eric Gronlund by April 2, 1999, at the above Water Rights Division address. To: 1) request copies of information pertaining to a vested water claim or a copy of the vested water right claim for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Robert E. Roberts, Secretary Department of Environment and Natural Resources

1-41 1-42



1760-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

SEP 20 1993

Hagman Ranch, Inc.  
William Hagman  
PO Box 165  
Oelrichs SD 57763

Dear Mr. Hagman:

The Water Management Board has validated the enclosed Vested Water Right No. 1760-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage, diversion rate and priority date as validated by the Board.

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

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1760-2 FOR IRRIGATION

Date of Receipt of Claim March 11, 1981.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 1760-2 for irrigation purposes for Hagman Ranch, Inc., PO Box 165, Oelrichs SD 57763 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1760-2 appropriates 2.46 cubic feet of water per second from Blacktail Creek and adjoining draws located in the SW 1/4 NW 1/4 Section 5, NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 SW 1/4 Section 5 to irrigate 172 acres located in the NW 1/4, SW 1/4 Section 5; all in T37N-R47W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is April 1, 1953.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:  SEP 20 1993  
Chief Engineer date

Division of Water Rights  
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

REISSUED VESTED RIGHT WATER LICENSE NO. 1760-2 FOR IRRIGATION

(1) Hagman Ranch, Inc. of PO Box 165 made Application No. 1760-2, May 11, 1981 for validation of a vested right claim to appropriate 2.46 cubic feet of water per second from Blacktail Creek and tributaries, Shannon County, South Dakota for irrigation purposes. Vested Water Right No. 1760-2, was validated May 5, 1993 with a priority date of 1891. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The original water license issued on April 27, 1981 incorrectly described the locations of the diversion points in Section 5 and 6, T37N-R47W and the priority date. A field inspection conducted of the water use system found the correct location of the diversion points. The correct priority date was established. Based upon the inspection and subsequent validation of the vested water right claim, the license is being reissued to the reflect of the actual diversion point locations and the correct priority date.

(2) The vested right owner is entitled to divert 2.46 cubic feet of water per second for beneficial use. The location of the diversion points are: SW 1/4 NW 1/4 Section 6, NW 1/4 SW 1/4, NE 1/4 NW 1/4, SW 1/4 SW 1/4 Section 5; all in T37N-R47W.

The location of the irrigated acreage is:

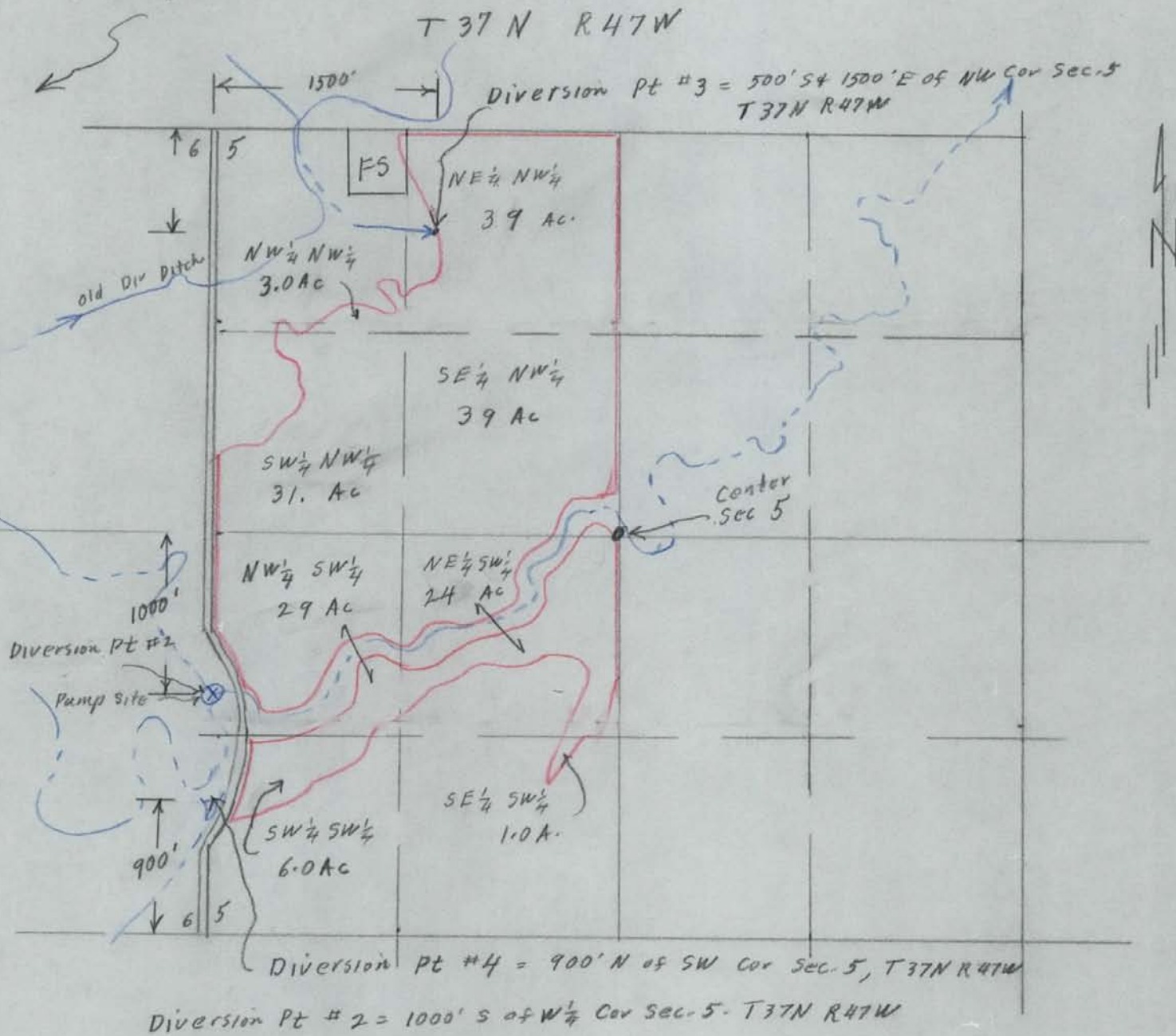
|           |           |               |           |
|-----------|-----------|---------------|-----------|
| T37N-R47W | Section 5 | NW 1/4 NW 1/4 | 3 acres   |
|           |           | NE 1/4 NW 1/4 | 39 acres  |
|           |           | SW 1/4 NW 1/4 | 31 acres  |
|           |           | SE 1/4 NW 1/4 | 39 acres  |
|           |           | NW 1/4 SW 1/4 | 29 acres  |
|           |           | NE 1/4 SW 1/4 | 24 acres  |
|           |           | SW 1/4 SW 1/4 | 6 acres   |
|           |           | SE 1/4 SW 1/4 | 1 acre    |
|           |           | Total         | 172 acres |

(3) Pursuant to South Dakota Water Law 46-5-30.1 Hagman Ranch, Inc. of PO Box 165, Oelrichs SD 57763 the holder and/or owner of Vested Right No. 1760-2 is issued a license to appropriate water, the right to use 2.46 cubic feet of water per second from Blacktail Creek and adjoining draws with a priority date of April 1, 1953 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 Vested Water Right No. 1760-2 and subject to South Dakota State Law.

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

SEP 20 1993

DIVERSION POINT #1 = 1600'S + 560'E  
of the NW Cor Sec. 6. T37N R47W  
(See Large Mossaic map)



William Hagman.

Shannon Co.

1" = 22.5 Ac

1" = 990' Approx

8-14-80

by L. J. Mernagh

~~Map # 156-2~~

Appl 1760-2

4/R

# NOT TO SCALE

W 1/2 S 5 T 37 R 47

Shannon County

spillway.

NE Area cons. 1975

Dikes w/ 12" CMP with gates

⊗ = Pump site to pump water to upper area

Spillway

8" CMP/Gates

irrigation

Dikes

Dikes w/ 12" CMP with gates

24" CMP from flood

12" RCP w/ gates thru dikes in Area S of creek

Scale 1" = 990' approx  
1" = 22.5 Ac approx

250 Ac. W.S. above Dam

May Pump from high Creek to area N of creek

old Irr. Ditch  
Irr. Ditches  
Controlled from Dam upstream with 2-27" RCP outlets  
2-24" 1-30" CMP

2

Pump site

1-30"  
1-24"  
1-18"

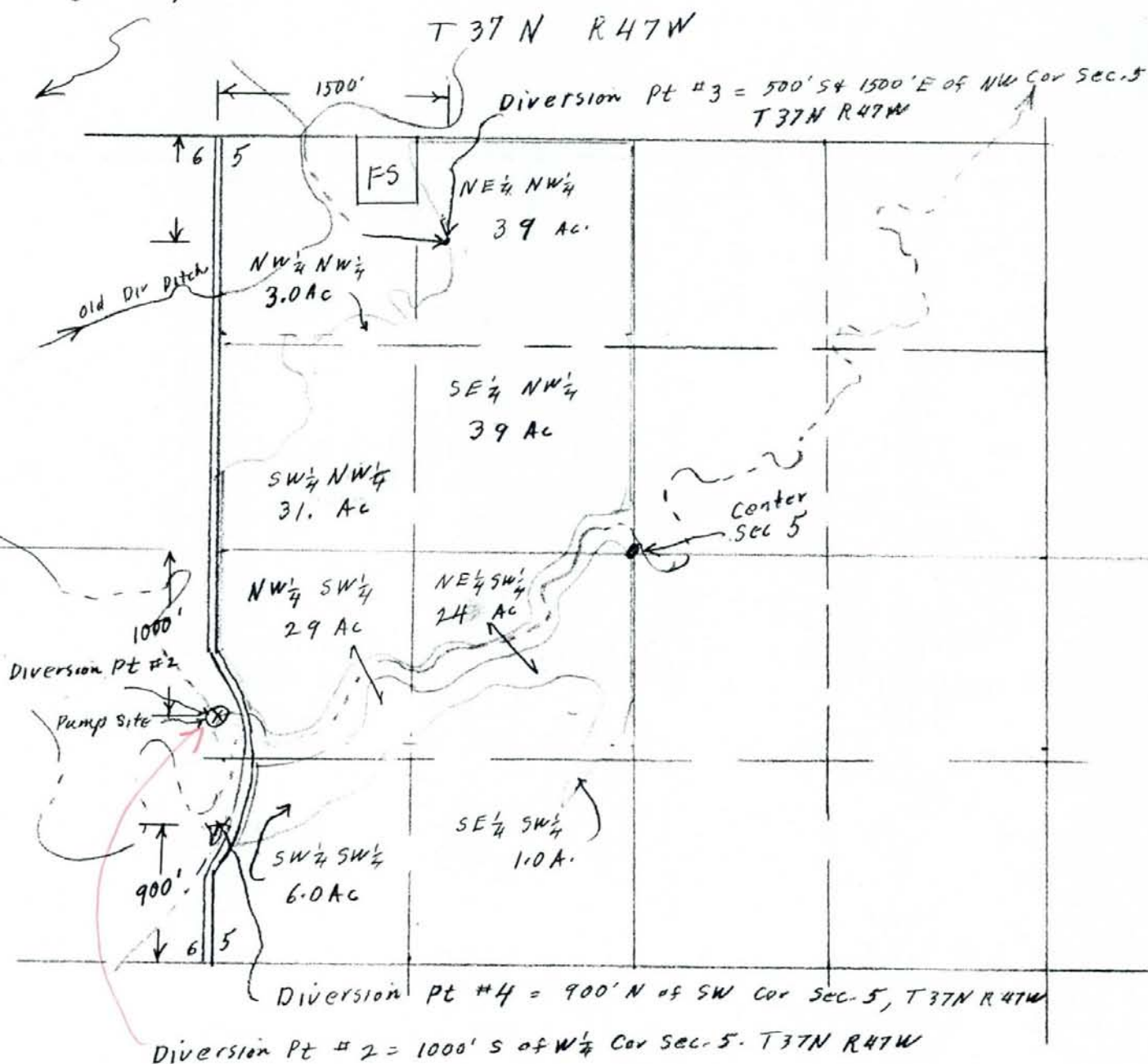
Dam w/ 30" CMP

Wm. Hays  
Ruth E. Hagman

0.8

Map # 1516 2 appl 1760-2 1/2

Diversion Point #1 = 1600' S + 560' E  
of the NW Cor. Sec. 6. T37N R47W  
(see Large Mosaic map)



William Hagman.

Shannon Co.

1" = 22.5 Ac

1" = 990' Approx

8-14-80

by L. J. Mernagh

Appl 1760-2

4/R

101 R  
0460

1146

9.7

6a

3.1  
bb

2.6

6.1

71

4.2

2.72

7

96.8

5.7  
3

13.4  
8

T436

7436

Z

26

22.1  
9

20.8  
10

11.8

TOTAL  
373

37.3

37.9

3-1150

Hog man

3-328 Roy Merdanian

436

\* 1854

37-47  
H3