

Considered: _____

Vested Right
WATER PERMIT NO. 1970-2

MAP No. same

Name of Applicant Wayne G. Van Norman

Post Office Address RR1, Box 56B, Custer SD 57730

Amount of Water Claimed .04 cfs Total Acres NA

Source of Water Supply groundwater

Water to be used for commercial and housing County Custer

About 3 miles SW of Custer

PROOF OF PUBLICATION: Received 8/18/86 Not Received _____

APPLICATION: Approved Sept. 3, 1986 Subject to _____

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

PRIORITY _____ Date Received June 5, 1985 Fee 10 50 Remarks _____

2/12/53

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

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

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

Diversion Point well: N 1/2 NE 1/4, sec 5-T4S-R4E

Land to be Irrigated NA

Well Log: Driller Joe Neff Licensed YES _____ NO _____

Depth of Well 70 ft REMARKS _____

Type of Map Plat PREPARED BY _____ Reviewed and the Number assigned on June 19, 1986 By Ron Duvall

No. 1970-2 Hydrologic Unit 10120106
 Map No. same Basin Upper Cheyenne R
 Newspaper Custer County Chronicle, Box 551 (Wed)

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☒
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☒ ~~Community~~

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant WAYNE G. VAN NORMANPhone No. 673-2540Post Office Address RR #1 Box 56 B CusterState S.D. Zip Code 57730

2. Amount of water claimed (c.f.s.)

18 g.p.m. (NO DRAW DOWN)

3. Source of water supply

Well 0.04 cfs

4. Location of point of diversion

To Nearest 40 AcresN $\frac{1}{2}$ NE $\frac{1}{4}$ Section 5, T4S, R4E

5. Counties where water will be used

Custer County

6. Annual period during which water is to be used

Yearly

Jan 1 - Dec 31

7. 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)

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 Custer, ss

I, WAYNE G. VAN NORMAN 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

Wayne G. Van Norman

4th day of June 1985

Pamela J. Kury

Notary Public (or other qualified officer)

PAMELA J. KURY
 NOTARY PUBLIC
 SOUTH DAKOTA

My Comm. Exp. 5-5-91

Subscribed and sworn to before me this

SEAL

WATER PERMIT

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

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

see VR-2

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. The equivalent of at least one-fifth of the specified 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 limit of time from proof of beneficial use of water appropriated in accordance herewith 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 and to which water is actually and beneficially applied for _____ 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____

VESTED WATER RIGHT

The Water Management Board hereby ~~validates~~ ^{Claim} Vested Water Right ^{No.} 1970-2

Wayne G. Van Norman
(applicant)

RR 1, Box 56B, Custer
(post office address)

SD

57730

(state)

(zip code)

Date of receipt of Application June 5, 19 85.

Validated September 3, 19 86.

The Water Management Board hereby validates 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 Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 12, 19 53.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of commercial use.
4. The prior rights 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.
5. The amount of appropriation hereby validated shall not exceed 0.04 cubic feet per second of time; 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 to which water has been actually and beneficially applied for commercial use. The water to be used during the following described period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John H. H. H.
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986

, 19 86

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" Depth 70'
- b) Casing Type Steel Diameter 6" Thickness 1/4"
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 44'
- f) Depth of Water (ground surface to water level) 70'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 360'

2. Dugout Information Estimates

- a) Surface Dimensions Dirt loose Rock Depth 2 1/2' to 12'
- b) Depth to water (ground surface to water level) 44'

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 _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

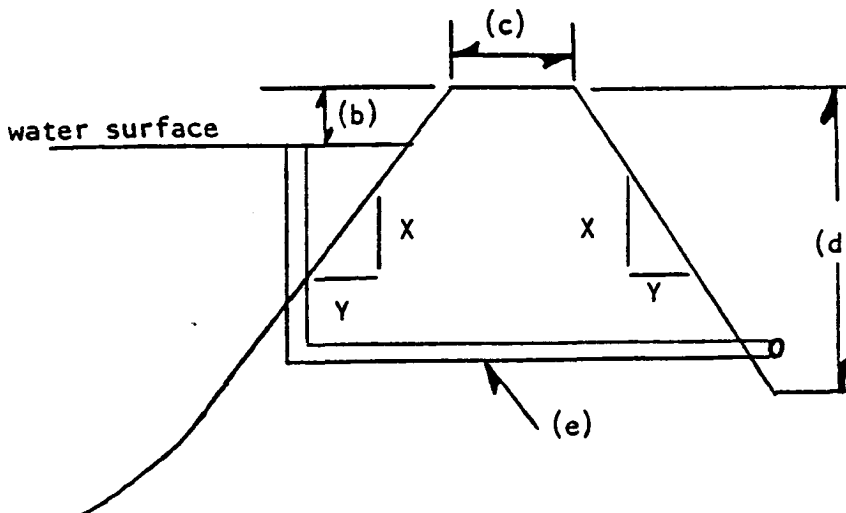
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Wayne D. Van Norman
Signature of Applicant

State of South Dakota

VESTED RIGHT

Water License No. 1970-2

(1) Wayne G VanNorman
of RR #1, Box 56B, Custer SD 57730
made Application No. 1970-2, June 5, 1985 for validation of a vested right claim
for a water permit to appropriate
0.04 cubic feet per second of water from groundwater (one well),
Custer County, South Dakota for commercial purposes.
Vested Water Right
Permit No. 1970-2, with a priority date of February 12, 1953
validated September 3, 1986
was approved 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

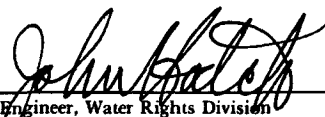
(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.04 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is N₂ NE₄ Section 5, T4S, R4E

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, water is diverted through a distribution system for
use in Westward Ho Trailer Court in Custer SD.

(4) Pursuant to §46-5-30.1 Wayne G. Van Norman
of RR #1, Box 56B, Custer SD 57730
the holder(s) and/or owner(s) of Vested Water Right No. 1970-2
Water Permit No. _____ is issued a license to appropriate water, the right to use
0.04 cubic feet per second of water from groundwater (one well) with a priority date
of February 12, 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 commercial use

Vested Water Right No. 1970-2
This license is subject to any limitations or qualifications listed in Water Permit No. _____ and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources
NOV 25 1986

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) WAYNE G. VAN NORMAN
 Post Office Address RR #1 Box 56B Custer S.D. 57730
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system Feb. 12 1953

C. Date that water was first applied to beneficial use Feb 18 1953

D. Name of owner of original water supply system Earl Brockesby, Jim Campbell

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 400-500 gal. day

Date that this water was first used Feb 18 1953

G. Chronological History of Water Use

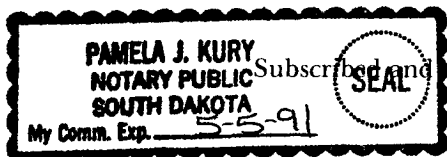
1. FAIRYLAND
2. TRAILER COURT

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 Custer)
SS

I, WAYNE G. VAN NORMAN the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.



Signed Wayne G. Van Norman
June 4, 1985
Pamela J. Kury
 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.

WAYNE G. VAN NORMAN 1985
(Print name)

_____, 19_____
(Print name)

RECEIPT

Division of Water Rights

No 4 10070

South Dakota Department of Water and Natural Resources

Pierre, June 13, 1985

RECEIVED OF Wayne G. Van Norman, Route #1, Box 56B, Custer, SD 57730

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 _____	8	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. _____	2	50
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	10 50

By John Hatch
Chief Engineer JOHN HATCH/ms

1970-2

Log on Well at Fairyland

Feb 12 + 18, 1953

Total depth 70 ft

Total casing to 69 ft or 1 ft of bottom

Static level 42 ft of Sid level

Trace water at 44 ft

Good flow 50 to 53 ft

Making more water at each gravel seam encountered from 44' + 70'

Dirt 2 1/2 + 12 ft

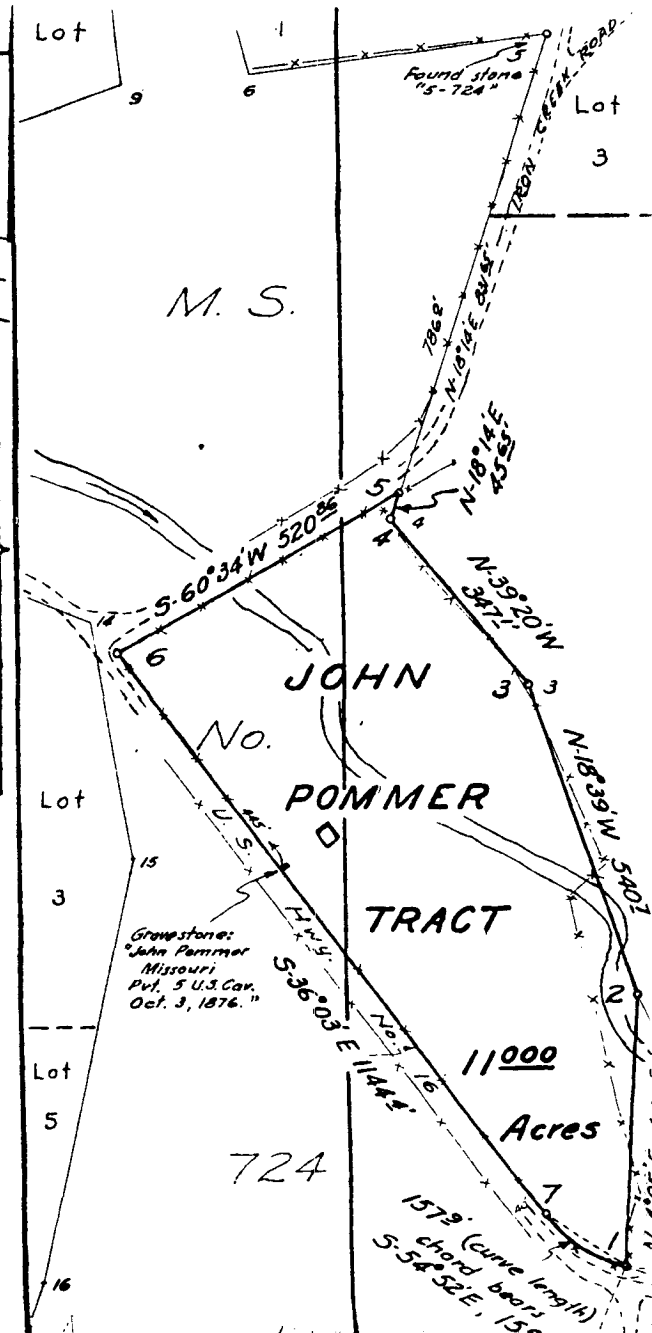
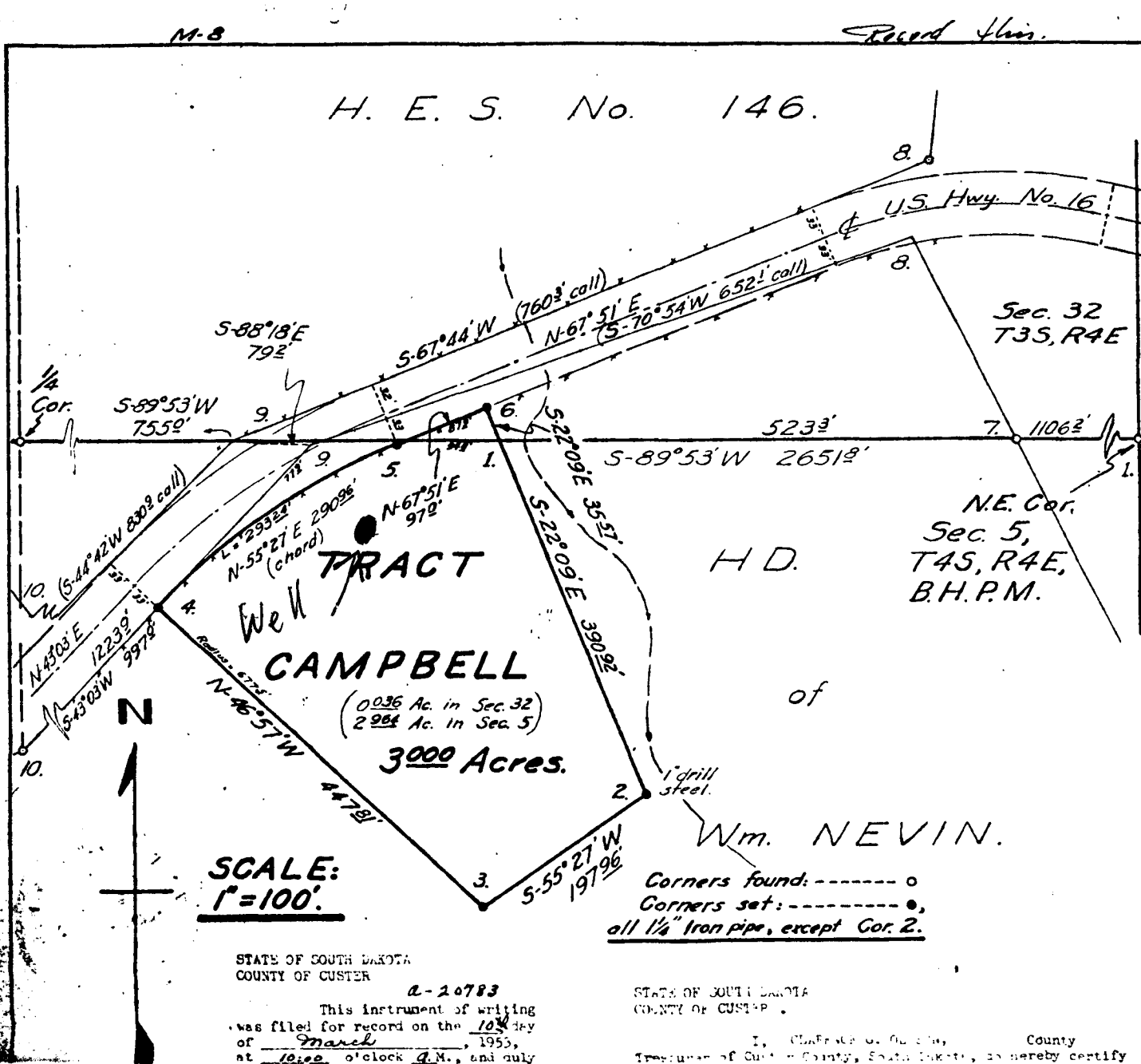
Broken loose rock at 2 1/2 ft and 14 ft

Practically no draw down of water at 18 G.P.M. at 70 ft.

Driller Joe Meff
Custer S.D.

Ron Duwall
Nat. Res. Eng.
6/19/86

2 Plats 16



Dear Mr John Hatch

We are requesting for the form that
we have to fill out for the Water Permit for our
Trailer Court.

Wayne & Shirley Van Norman
RR# 1 Box 5 & B
Custer South Dakota 57730

Westwood Ho Trailer Court.





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

June 11, 1985

Wayne VanNorman
RR 1 Box 56B
Custer SD 57730

Mr. VanNorman:

Thank you for submitting your vested right permit application. I am returning your check for \$8.00 as the filing fee for a vested right claim is \$10.50. Upon receipt of the fee we will continue processing your application.

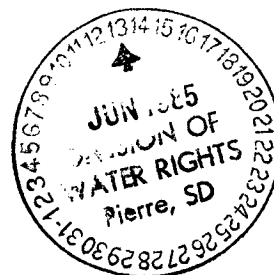
Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosure



Equal Opportunity Employer

Report on Vested Right Application No. 1970-2
Wayne G. Van Norman
July 23, 1986

Application No. 1970-2 requests validation of vested water right claim to appropriate 0.04 c.f.s. from a well 70 feet deep located in the N 1/2 NE 1/4 Section 5 T4S-R4E. The water has been used since construction of the system after February 12, 1953 for commercial purposes at the location that is presently the Westward Ho Trailer Court in Custer, SD.

Conclusions:

1. The project has not been inspected but the affidavit states that the water, from a ground water source, is used for commercial purposes.
2. The system was constructed and the water put to beneficial use after February 12, 1953.
3. It is recommended that the vested right claim be validated.

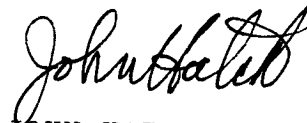
Michael Jensen /KS
Michael S. Jensen
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1970-2

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 Validation of Vested Water Right Application No. 1970-2, Wayne G. Van Norman, RR 1, Box 56B, Custer SD.

The Chief Engineer is recommending VALIDATION of Application No. 1970-2 because 1) water has been appropriated as described for commercial use with a February 12, 1953 priority date, 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".

JOHN HATCH, Chief Engineer
July 25, 1986



Department of Water & Natural Resources

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

July 25, 1986

Wayne G Van Norman
RR 1, Box 56B
Custer SD 57730

Dear Mr. Van Norman:

Your Application No. 1970-2 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 CUSTER COUNTY CHRONICLE printed at Custer 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.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall". The signature is written in dark ink and is positioned below the word "Sincerely,".

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

July 25, 1986

CUSTER COUNTY CHRONICLE
Box 551
Custer SD 57730

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1969-2, 1970-2, 1971-2 and 1981-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before July 30, 1986.

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

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
Date _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before July 30, 1986 with 2nd publication 1 week later.

NOTICE OF HEARINGS To Validate
Vested Right Application Nos. 1969-2, 1970-2, 1971-2 and 1981-2
to Appropriate Water

Notice is hereby given that Historic Wagon Train Campground, Rt 3, Box 85A, Custer, South Dakota has filed Application No. 1969-2 to validate a vested right claim to appropriate 0.08 cubic feet of water per second from one well located in the SE 1/4 SE 1/4 Section 20, T3S, R5E. The water use has a priority date of January 1, 1952 and is used for commercial purposes by the campground.

Notice is hereby given that Wayne G. Van Norman, RR 1, Box 56B, Custer, South Dakota has filed Application No. 1970-2 to validate a vested right claim to appropriate 0.04 cubic feet of water per second from one well 70 feet deep located in the N 1/2 NE 1/4 Section 5, T4S, R4E. The water use has a priority date of February 12, 1953 and is used for commercial purposes.

Notice is hereby given that Paul & Carol Fugier, RR 1, Box 104, Buffalo Gap, South Dakota have filed Application No. 1971-2 to validate a vested right claim to appropriate 0.95 cubic feet of water per second from Beaver Creek to irrigate 66.6 acres with a priority date of November 22, 1881. The point of diversion is located in SE 1/4 SE 1/4 of Section 29, T6S, R7E. The irrigated acreage is located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 33, T6S, R7E and the NW 1/4 NE 1/4 Section 4, T7S, R7E.

Notice is hereby given that Charles Bliss, HCR 83, Box 119, Custer, South Dakota has filed Application No. 1981-2 to validate a vested right claim to appropriate 0.022 cubic feet of water per second from one well 93 feet deep located in the SW 1/4 SW 1/4 Section 20, T3S, R5E. The water use has a priority date of January 1, 1945 and is used for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 1969-2, 1970-2, 1971-2 and 1981-2 because 1) water has been appropriated as described with the above priority dates, 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 these applications will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 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 an 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 22, 1986. 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.

These applications are 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.

These hearings are adversary proceedings. 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 an 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 22, 1986.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Custer) ss.

I, Randall O'Neill hereby

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

Water was taken from the Custer County Chronicle

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 Custer

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

July 30, 1986

August 6, 1986

Randall O'Neill
(Signature)

Publisher
(Title)

8/6/86
(Date Signed)

Cost of Printing:

July 30, 1986 - \$34.93

August 6, 1986 - \$27.94

Total - \$62.87

Notice of Hearings

To Validate Vested Right
Application Nos. 1969-2,
1970-2, 1971-2 and 1981-2
to Appropriate Water

Notice is hereby given that Historic
Wagon Train Campground, Rt. 3, Box 85A,
Custer, South Dakota has filed Application
No. 1969-2 to validate a vested right claim
to appropriate 0.08 cubic feet of water per
second from one well located in the SE 1/4
SE 1/4 Section 20, T3S, R5E. The water use
has a priority date of January 1, 1952 and is
used for commercial purposes by the
campground.

Notice is hereby given that Wayne G.
Van Norman, RR 1, Box 56B, Custer, South
Dakota has filed Application No. 1970-2 to
validate a vested right claim to appropriate
0.04 cubic feet of water per second from one
well 70 feet deep located in the N 1/2 NE
1/4 Section 5, T4S, R4E. The water use has
a priority date of February 12, 1953 and is
used for commercial purposes.

Notice is hereby given that Paul & Carol
Fugier, RR 1, Box 104, Buffalo Gap, South
Dakota have filed Application No. 1971-2
to validate a vested right claim to
appropriate 0.95 cubic feet of water per
second from Beaver Creek to irrigate 66.6
acres with a priority date of November 22,
1881. The point of diversion is located in
SE 1/4 SE 1/4 Section 29, T6S, R7E. The
irrigated acreage is located in the SE 1/4 SW
1/4, SW 1/4 SE 1/4 Section 33, T6S, R7E
and the NW 1/4 NE 1/4 Section 4, T7S,
R7E.

Notice is hereby given that Charles Bliss,
HCR 83, Box 119, Custer, South Dakota has
filed Application No. 1981-2 to validate a
vested right claim to appropriate 0.022
cubic feet of water per second from one well

93 feet deep located in the SW 1/4 SW 1/4
Section 20, T3S, R5E. The water use has a
priority date of January 1, 1945 and is used
for commercial purposes.

Pursuant to SDCL 46-2A-2 the Chief
Engineer of the Water Rights Division
recommends VALIDATION of Vested Water
Right Application Nos. 1969-2, 1970-2,
1971-2 and 1981-2 because 1) water has
been appropriated as described with the
above priority dates, 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 these applications will be
considered by the Water Management Board
in Room 216, Joe Foss Building, Pierre SD
on September 3, 1986 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 1-16, must file
a written petition with BOTH the applicant
and the Chief Engineer by August 22, 1986.
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.

These applications are 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.

These hearings are 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 an 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 22, 1986.

#291 07-30-86
08-06-86



 **Department of
Water & Natural Resources**

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

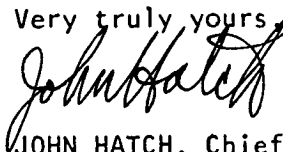
NOV 25 1986

Wayne G Van Norman
RR #1, Box 56B
Custer SD 57730

Dear Mr. Van Norman:

Enclosed are your Validated Vested Water Right and Water License No. 1970-2.
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,



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

JH:ks

enclosures

Equal Opportunity Employer