

Considered: _____

Vested Right
WATER PERMIT NO. 1983-2 7

MAP No. same

Name of Applicant New Underwood Land Partners

Post Office Address P.O. Box 8134, Rapid City SD 57709

Amount of Water Claimed 40 ac-ft Total Acres NA

Source of Water Supply dry draw

Water to be used for domestic purposes County Pennington

About 1 1/2 miles W of New Underwood.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY _____ Date Received Aug. 29, 1986 Fee \$15.00 Remarks _____

1/1/53

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

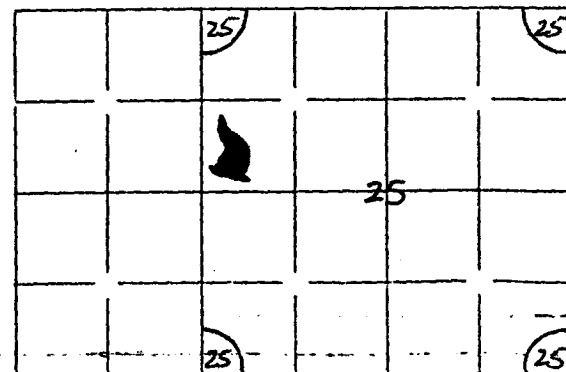
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point dam: SW 1/4 NW 1/4 section 25

-T2N-R10E

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Donald Wrede Reviewed and the Number

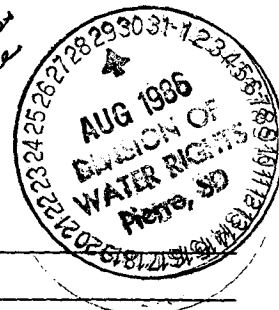
assigned on October 21, 1986 By Ron Durrell

No. <u>1983-2</u>	Hydrologic Unit <u>10120111</u>
Map No. <u>1983-2</u>	Basin <u>Upper Cheyenne</u>
Newspaper <u>Rapid City Journal</u>	

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 ☐

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 New Underwood Land Partners Phone No. 605 341-5877 home
605 343-4155 workPost Office Address P O Box 8134, Rapid City State SD Zip Code 57709
(Street, RR or Box)2. Amount of water claimed (c.f.s) 40 ac-ft3. Source of water supply dry draw4. Location of point of diversion T2N, R10E, Section 25, NW $\frac{1}{4}$ less RTY
T2N, R10E, Section 26 NE $\frac{1}{4}$ E $\frac{1}{2}$ County Pennington5. Counties where water will be used Pennington6. Annual period during which water is to be used 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 Pennington)^{ss}

Tim M. Mills, Agent, New Underwood Land Partners

I, Tim M. Mills 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 Tim M. MillsSubscribed and sworn to before me this 28 day of August 19 86

Notary Public (or other qualified officer)

4/22/86

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1983-2

New Underwood Land Partners PO Box 8134 Rapid City
(Applicant) (Post Office Address)
South Dakota 57709 With the following qualifications.
(State) (Zip Code)

SE 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:

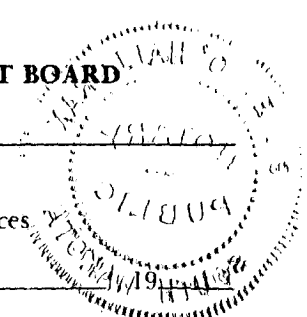
1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of 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



VESTED WATER RIGHT

The Water Management Board hereby ~~validates~~ Vested Water Right No. 1983-2

New Underwood Land Partners
(applicant)

P.O. Box 8134, Rapid City
(post office address)

SD 57709
(state) (zip code)

Date of receipt of Application August 29, 1986.

Validated December 10, 1986.

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 Jan. 1, 1953.
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 domestic 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 40 acre-
feet annually ~~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 domestic 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

FEB 17 1987

, 1987

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- a) Surface Dimensions 2100X225+' Depth 5'
- b) Depth to water (ground surface to water level) varies '0-12"

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

Donald C. Wrede PE SD #3938

no affiliation (dam is existing)

Donald C. Wrede PE

- b) Freeboard 3'+
- c) Crest Width 5'-10'
- Crest Length 100'+
- d) Height 12'

- e) Outlet Dimensions: 12" cmp
- Pipe diameter _____
- Spillway width 20'

- f) X & Y Slope 1:2
- Upstream _____
- Downstream 1:2

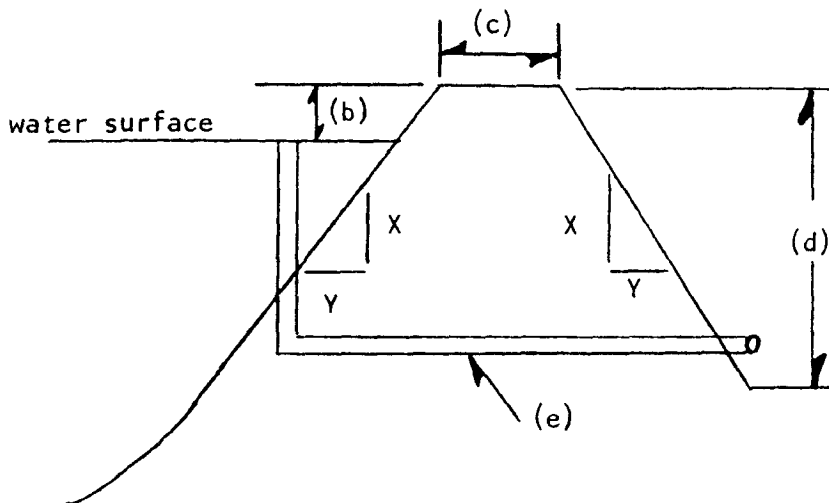
5.5 acre (existing)

Surface Area of Impoundment 10.5 acre (proposed)

40 (existing)

Storage 60 proposed acre feet

Drainage area above dam 1230 acres



LM Mill

Signature of Applicant

New Underwood Land Reclamation

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 of a water use system 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) New Underwood Land Partners
 Post Office Address PO Box 8134, Rapid City SD 57709
(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 _____

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system _____

E. Amount of water originally applied to beneficial use 40 Acre ft.F. Present Use of Water - Amount of water now being used 40 Acre ft.
 Date that this water was first used has been used since 1953 according to topographical maps

G. Chronological History of Water Use

It has been used for livestock watering since its construction

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 Pennington) SS

I, Tim M. Mills Agent New Underwood Land Partners the applicant, certify that I have read the foregoing
(print or type) Tim M. Mills, Agent, New Underwood Land Partners
 and that the matters therein stated are true.

 Signed Tim M. Mills Agent New Underwood Land Partners

 Subscribed and sworn to before me 8/28, 1986
[Signature]
 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.

JULIEN A. NADER - Aug 28 1986
(Print name)
Doug Rogers 8-28 1986
(Print name)

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1983-2

(1) New Underwood Land Partners of PO Box 8134, Rapid City SD 57709 made Application No. 1983-2, August 29, 1986 for validation of a vested right claim to store 40 acre feet of water annually in a dry draw dam, Pennington County, South Dakota for domestic purposes. Vested Water Right No. 1983-2, with a priority date of January 1, 1953 was validated December 10, 1986 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

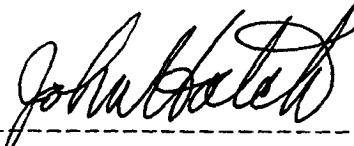
and

(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 store 40 acre feet of water annually for beneficial use. The location of the dry draw dam is SW 1/4 NW 1/4 Section 25, T2N, R10E.

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 stored in place for domestic purposes.

(4) Pursuant to Section 46-5-30.1 New Underwood Land Partners of PO Box 8134, Rapid City SD 57709 the holder(s) and/or owners(s) of Vested Water Right No. 1983-2 is issued a license to appropriate water, the right to store 40 acre feet of water annually in a dry draw dam with a priority date of January 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 domestic use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1983-2 and subject to South Dakota State Law.



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

FEB 17 1987

August 19, 1986

Regulatory Functions Branch
Federal Building, Room 253
Pierre, South Dakota 57501

Mr. Tim M. Mills
3241 Mandanbrook Drive
Rapid City, South Dakota 57702

Dear Mr. Mills:

I have reviewed your application submitted on August 11, 1986. Based on the information you have on the aerial photos, the quantities listed and the fact that no spoils will be used to fill wetlands or wetland areas, the Corps of Engineers will not require a 404 permit. In the event that you decide to level the waste material into wetlands then a permit will be required. Based on our on-site visit I see no problems with your proposed project.

Thank you for your efforts and if you need further assistance, please feel free to contact this office by letter, or telephone (605) 224-8531.

Sincerely,

JFS/trh

James F. Suedkamp
Environmental Resource Specialist

copies furnished:

Omaha District Corps of Engineers
PO Box 5
Omaha, Nebraska 68101-0005

[REDACTED]
[REDACTED]
[REDACTED] 57702

August 21, 1986

John Hatch
Division of Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Hatch:

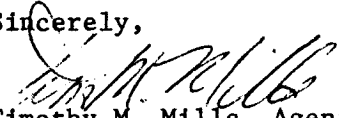
Enclosed is two applications to increase the capacity of the stock dam on the property we have purchased. The dam is currently holding approximately 40 acre feet and was constructed prior to 1953. We would like to excavate the dry draw to the north about 800 feet by 225 feet by 5 feet deep to gain an additional 20 acre feet of water.

We have purchased on a contract for deed 367 acres which completely surrounds the stock dam. We will use the stock dam to support agriculture use along with recreational use and watering our property when we eventually build our homes on the acreage.

The current dam will not be affected and application to the Corp or Engineers has been approved for the permit to do the necessary dirt work.

We would like to hereby petition the Water Resource Board to hold a special meeting as soon as possible so we have the necessary permit which will allow us to lower the level of the water to dry the ground out prior to doing the necessary dirt work before the end of November so the spring runoff will fill the dugout.

Sincerely,


Timothy M. Mills, Agent
New Underwood Land Partners



Water & Natural Resources

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

August 26, 1986

Tim M Mills, Agent
New Underwood Partners
PO Box 8134
Rapid City SD 57709

Dear Mr. Mills:

This letter is in response to your water permit application received on August 25, 1986.

Several corrections have been made on the enclosed applications. Processing of the application has begun; however, the enclosed forms will need to be completed before the application can be considered by the Water Management Board.

Two separate applications need to be submitted:

- 1) A Vested Right Application for 40 acre-feet of water for domestic use.
- 2) A new application for 60 acre-feet of water for suburban housing development, recreational, and domestic use. The domestic use will have the old priority date for 40 acre-feet and a new priority date for the proposed additional 20 acre-feet.

I have included suburban housing development on the new application because you mentioned that water may be used for housing around the dam. Please make any needed additions or corrections to either of the applications and return both as soon as possible. An application fee of \$15.00 is needed for the Vested Right application and \$150.00 for the new application. The fees need to be submitted with the applications before September 4, 1986.

Please contact us if you have any questions.

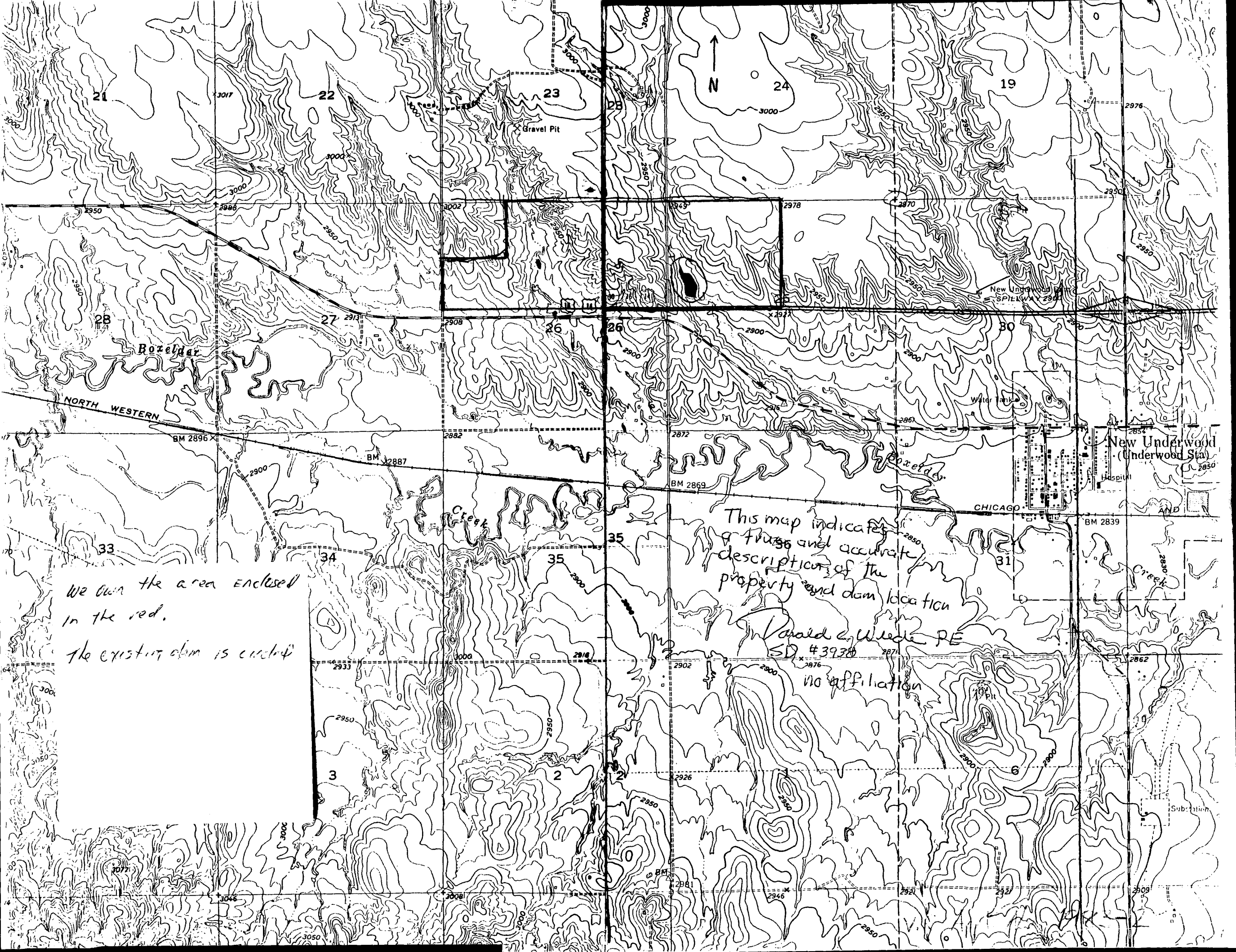
Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer

RD:ks

enclosure



We own the area enclosed
in the red.

The existing dam is circled

This map indicates
a true and accurate
description of the
property and dam location

Harold C. Welch PE
SD #3938
no affiliation

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410542

Pierre, August 29, 1986

RECEIVED OF New Underwood Land Partners, PO Box 8134, Rapid City, SD 57709

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

Fee for Application for Permit No. <u>1983-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By

Chief Engineer

JOHN HATCH

gm

Report on Vested Water Right Application No. 1983-2
New Underwood Land Partners
October 21, 1986

Vested Water Right Application No. 1983-2 proposes to validate a vested right claim to store 40 acre-feet of water annually in a dry draw dam located in the SW1/4 NW1/4 Section 25-T2N-R10E. A priority date of January 1, 1953 has been claimed for the water use. Water is used as a domestic water supply for livestock watering purposes.

Conclusions:

1. According to the affidavit of water use the works were constructed prior to 1953 and water has been put to beneficial use.
2. A priority date of January 1, 1953 should be assigned since the exact date for start of construction prior to 1953 is unknown.
3. The amount of water stored seems reasonable for the claimed use.
4. It is recommended that the vested right claim be validated.



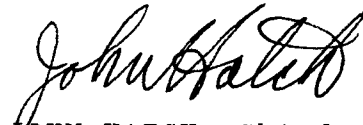
Ron Duvall
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1983-2

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. 1983-2, New Underwood Land Partners, PO Box 8134, Rapid City, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1983-2 because 1) water has been appropriated as described for domestic use with a January 1, 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 black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 22, 1986



Department of Water & Natural Resources

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

November 5, 1986

RAPID CITY JOURNAL
PO Box 450
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1983-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 12, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

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 returned 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
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 A Vested Right Application which
was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Water & Natural Resources

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

November 5, 1986

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

New Underwood Land Partners
Tim M Mills, Agent
PO Box 8134
Rapid City SD 57709

Dear Mr. Mills:

Your Application No. 1983-2 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 RAPID CITY JOURNAL printed at Rapid City SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before November 12, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1983-2 to Appropriate Water

Notice is hereby given that New Underwood Land Partners whose mailing address is PO Box 8134, Rapid City, South Dakota has filed an application to validate a vested right claim to store 40 acre feet of water annually in a dry draw dam, located in the SW 1/4 NW 1/4 Section 25, T2N, R10E. The water use has a claimed priority date of January 1, 1953 and is used for domestic purposes.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1983-2 because 1) water has been appropriated as described for domestic use with a claimed priority date of January 1, 1953, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, December 10, 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 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, Mary K. Garness hereby

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

Water was taken from the Rapid City Journal

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 Rapid City

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

November 12, 1986

November 19, 1986

Mary K. Garness
(Signature)

Bookkeeper

(Title)

November 19, 1986

(Date Signed)

Cost of Printing: Ran 9 5/16 inch legal advertising
in the Rapid City Journal on November 12 &

19 @ \$4.20 per inch = \$78.22

Ran public notice of hearing
New Underwood water application

Nov. 12, 1986 L.203
NOTICE OF HEARING
TO VALIDATE
VESTED RIGHT
APPLICATION NO. 1983-2
TO APPROPRIATE WATER
Notice is hereby given that New
Underwood Land Partners whose
mailing address is PO Box 8134,
Rapid City, South Dakota has filed
an application to validate a vested

right claim to store 40 acre feet of
water annually in a dry draw dam,
located in the SW 1/4 NW 1/4 Section
25, T2N, R10E. The water use has a
claimed priority date of January 1,
1953 and is used for domestic
purposes.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends VALIDA-
TION of Vested Water Right Ap-
plication No. 1983-2 because 1)
water has been appropriated as
described for domestic use with a
claimed priority date of January 1,
1953, 2) the use has been developed
without unlawful impairment of ex-
isting rights, 3) it is a beneficial use
of water and 4) it is in the public
interest.

Validation of this application will
be considered by the Water
Management Board in Room 216,
Joe Foss Bldg. December 10, 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 hear-
ing. Any interested person who
may be affected by a Board deci-
sion 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 describ-
ing 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 ap-
plicant need not file a petition.

This application is made pur-
suant 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; and Board Rules ARSD
74-02:01:01 thru 74-02:01:15 and
74-02:01:19 thru 74-02:01:22.

This hearing is an adversary pro-
ceeding. The applicant or any per-
son, 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 ap-
pealed to the Circuit Court and
State Supreme Court as provided
by law.

Any person wishing a copy of the
Chief Engineer's recommendation,
further information on this applica-
tion or to assure access to the hear-
ing 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 for the hearing will
be automatically extended for at
least twenty days upon written re-
quest of the applicant or person who

has filed a petition to oppose or sup-
port the application. The request
for extension must be filed with the
Chief Engineer by November 28,
1986.



SOUTH Dakota Department of
Water & Natural Resources

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

FEB 17 1987

New Underwood Land Partners
PO Box 8134
Rapid City, South Dakota 57709

Dear Sir:

Enclosed are your Validated Vested Water Right and Water License No. 1983-2.
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:MS

enclosures