

Considered: _____

Vested Right
WATER PERMIT NO. 1996-2

6

MAP No. same

Name of Applicant David M. Dunbar

Post Office Address RR, Box 32 Oelrichs SD 57763

Amount of Water Claimed .48 cfs Total Acres 32

Source of Water Supply Lone Well Creek

Water to be used for irrigation County Fall River

About 7 miles W of Oelrichs

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY Date Received June 30, 1986 Fee \$8⁰⁰/₁₀₀ Remarks need

1/1/40 2.50 before license can be issued

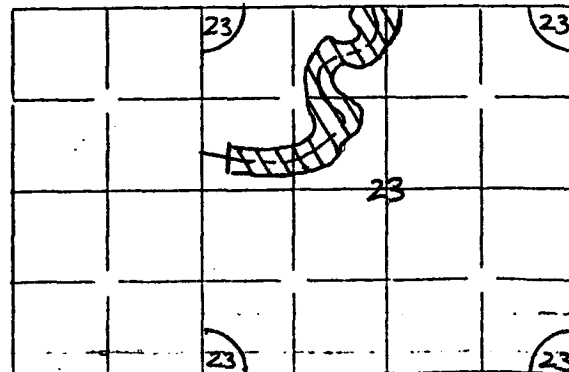
Corrected Application Received August 19, 1986 Period of Annual Use Apr 1 - Sept 30

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

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

Diversion Point Lone Well Creek: points between and including the SW¹/₄ NW¹/₄ and the NE¹/₄ NW¹/₄ all in section 23-T10S-R6E

Land to be Irrigated NE¹/₄ NW¹/₄ (16ac), SE¹/₄ NW¹/₄ (9ac), SW¹/₄ NW¹/₄ (7ac), NW¹/₄ NE¹/₄ (1.5ac) section 23-T10S-R6E

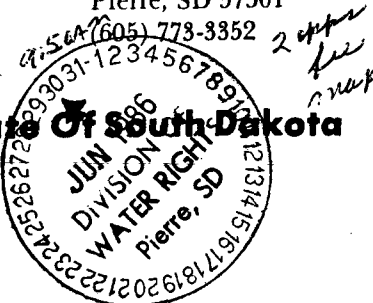


Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Gary Kruse SCS Reviewed and the Number assigned on October 21, 1986 By Ron Dunbar

No. 1996-2 Hydrologic Unit 10120106
 Map No. same Basin Upper Cheyenne
 Newspaper Hot Springs Star, Box 1000 (Tues)



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

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

New ☐ Vested Right ☒ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant David M. Dunbar Phone No. 605-535-2701

Post Office Address RR., Box 32 Oelrichs, SD State 57763
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 0.48 Total acres irrigated 32 33.5

3. Source of Water supply Runoff from Lone Well Creek

4. Location of point of diversion #3) SW4NW4-23-T10-R6

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used When available from April through September 30

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

Land Description	No. Acres Irr.
NE4NW4-23-T10-R6	16
SE4NW4-23-T10-R6	9
SW4NW4-23-T10-R6	7
NW4NE4-23-T10-R6	1.5

Land Description	No. Acres Irr.

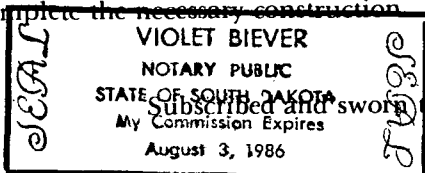
Attach sheet if more space is needed

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

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 Fall River

I, David M. Dunbar 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 Violet Biever

Subscribed and sworn to before me this 28 day of June 1986

Violet Biever

Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1996-2
David M. Dunbar RR, Box 32 Oelrichs
(Applicant) (Post Office Address)
South Dakota 57763
(State) (Zip Code) With the following qualifications.

SEE VR-1

Date of first receipt of application _____, 19____.

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

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

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

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

WATER MANAGEMENT BOARD

By: _____
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1996-2

David M. Dunbar
(applicant)

RR, Box 32, Delrichs
(post office address)

SD
(state)

57763
(zip code)

Date of receipt of Application June 30, 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 the applicant may claim right is Jan. 1, 1940.
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 irrigation.
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 the appropriation hereby validated shall not exceed _____

0.48 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth ($1/70$) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Apr 1 - Sept. 30.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 18 1987

_____, 19____.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1996-2

(1) David M Dunbar of RR, Box 32, Oelrichs SD 57763 made Application No. 1996-2, June 30, 1986 for validation of a vested right claim to appropriate 0.48 cubic feet per second of water from Lone Well Creek, Fall River County, South Dakota for irrigation purposes. Vested Water Right No. 1996-2, with a priority date of January 1, 1940 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

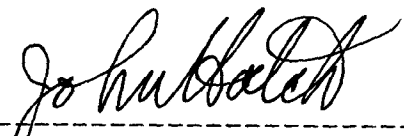
(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.48 cubic feet per second of water for beneficial use. The location of the diversion point(s) is 346'E and 1930'S of the NW corner of Section 23, T10S, R6E.

and

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

T10S, R6E	Section 23	NE 1/4 NW 1/4	16 acres
		SE 1/4 NW 1/4	9 "
		SW 1/4 NW 1/4	7 "
		NW 1/4 NE 1/4	<u>1.5</u> "
		TOTAL	33.5 acres

(4) Pursuant to Section 46-5-30.1 David M Dunbar of RR, Box 32, Oelrichs SD 57763 the holder(s) and/or owners(s) of Vested Water Right No. 1996-2 is issued a license to appropriate water, the right to use 0.48 cubic feet per second of water from Lone Well Creek with a priority date of January 1, 1940 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. 1996-2 and subject to South Dakota State Law.



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

FEB 18 1987

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) David M. Dunbar
 Post Office Address R.R. Box 32 Oelrichs S.D. 57763
(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 1940's or earlier.

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

D. Name of owner of original water supply system Henderson DrydenE. Amount of water originally applied to beneficial use run offF. Present Use of Water - Amount of water now being used run offDate that this water was first used 1940's or earlier

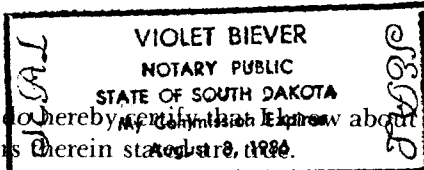
G. Chronological History of Water Use The Drydens have owned this property since the early 1900's and have put small dams across Howell Creek to spread runoff onto the flood plain. No specific dates as to when the various dams were built has been found.

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 Fall River)^{SS}

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

Signed David M. DunbarSubscribed and sworn to before me June 28, 1986Violet Biever
Notary Public or other qualified officer

I, the undersigned, 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.

Avon Shaw 1986
(Print name)
Fred Fisher 1986
(Print name)

Permit No. 1996-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by David M.
Dunbar, RR, Box 32 of Delrichs, SD 57763 holder of
 Permit No. 1996-2, bearing the priority of Jan. 1, 1980 authorizing
 the diversion of 0.98 cu. ft. per second of the waters of Lone Well Creek
 for Irrigation purposes, in Fall River County.

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

A. Works used to divert the water:

Dikes across Lone well Creek

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

Dikes divert water onto adjoining grassland.

C. Works used to apply water to beneficial use:

Flood irrigationThe system is in the following condition Fair

The point of diversion is located 396' East and 1930' South of the NW
Corner of Section 23, T10S, R6E

The works are capable of diverting and conveying to the place of use —cu. ft. per second of water which is to be used for irrigation

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

NE 1/4 NW 1/4, Sec 23 - T10S - R6E - 16 ac.SE 1/4 NW 1/4, " " " - 9 ac.SW 1/4 NW 1/4, " " " - 7 ac.NW 1/4 NE 1/4, " " " - 1.5 ac.comprising a total of 33.5 acres of land and the license should be issued for 0.98 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date May 22, 1986

Delvin D. Brong, P.E.
 (signature) Hydrologist

NOT TO SCALE



U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SCS - CPA - 16
2 - 81

CONSERVATION PLAN MAP

Owner DAVID M. DUNBAR Operator SAME
County FALL RIVER State SD Date 6/86
Approximate acres _____ Approximate scale 8" = 1 MILE
Cooperating with FALL RIVER Conservation District _____
Plan identification _____ Photo number _____
Assisted by Sandy D. Hume, Dist. Cons. USDA Soil Conservation Service

V.R. Appl. No 1996-2

10-6

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410478

Pierre, July 2, 19 86

RECEIVED OF David M Dunbar, RR, Box 32, Oelrichs SD 57763

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

Fee for Application for Permit No. <u>1996-2</u> 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. _____		
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	8 00

By

Chief Engineer

John Hatch
JOHN HATCH

ks

WATER RIGHTS DIVISION

(605) 773-3352

August 11, 1986

David M. Dunbar
RR, Box 32
Oelrichs, South Dakota 57763

Dear Mr. Dunbar:

This letter is in response to your Vested Right Application received on June 30, 1986.

Enclosed is a copy of the map and application which you submitted. I believe some additional land descriptions need to be included on the application. Review the additions on the enclosed application and return the application. Please indicate whether or not you agree with the corrections.

Contact us if you have any questions. Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Dave Dunbar
R.R. Box 32
Oelrichs, S.D.
57763

Dept. of Natural Resources
Water Rights Division
Joe Foss Bldg.
Pierre, S.D. 57501

Dear Sirs:

Enclosed is the copy and map for my Vested Water Right application
you returned to me for correction.

I agree that the additional land descriptions should be
added to the application. Those descriptions being the 7
acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the 1.5 Acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23
T10-R6.

Sincerely,


Dave Dunbar



Report on Vested Water Right Application No. 1996-2

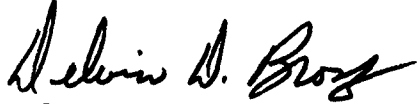
David M. Dunbar

October 3, 1986

Application No. 1996-2 requests validation of a vested right claim to appropriate 0.48 cfs from Lone Well Creek. The water has been used following construction of the system prior to 1940 to irrigate 33.5 acres. The points of diversion are located at or between the SW1/4NW1/4 and the NE1/4NW1/4 of Section 23, T10S, R6E. The irrigated acreage is located in the SW1/4NW1/4, E1/2NW1/4, and NW1/4NE1/4 of Section 23, T10S, R6E.

Conclusions:

1. The project is a water spreading system. It was inspected by Delvin D. Brosz and found to exist as described.
2. According to the affidavit of water use, the system was constructed prior to 1940 and water has been put to beneficial use since that time.
3. It is recommended that the vested right claim be validated.
4. A priority date of January 1, 1940 should be assigned since the exact date for start of construction prior to 1940 is unknown.


Delvin D. Brosz, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1996-2,

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. 1996-2, David M. Dunbar, RR, Box 32, Oelrichs, SD.

The Chief Engineer is recommending VALIDATION of Application No. 1996-2 because 1) water has been appropriated as described for irrigation use with a January 1, 1940 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, reading "John Hatch".

JOHN HATCH, Chief Engineer
October 7, 1986



Department of 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.

David M Dunbar
RR Box 32
Oelrichs SD 57763

Dear Mr. Dunbar:

Your Application No. 1996-2 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 HOT SPRINGS STAR printed at Hot Springs 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



Department of Water & Natural Resources

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

November 5, 1986

HOT SPRINGS STAR
Box 100
Hot Springs SD 57747

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1996-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before November 11, 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

Instruction to Newspaper - Publish first publication of the following Notice on or before November 11, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1996-2 to Appropriate Water

Notice is hereby given that David M. Dunbar whose mailing address is RR, Box 32, Oelrichs, South Dakota has filed an application to validate a vested right claim to appropriate 0.48 cubic feet of water per second from Lone Well Creek to irrigate 33.5 acres with a claimed priority date of January 1, 1940. The points of diversion are located at or any point between the SW 1/4 NW 1/4 and the NE 1/4 NW 1/4 all in Section 23, T10S, R6E. The irrigated acreage is located in the E 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4, Section 23, T10S, R6E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1996-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1940, 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 it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 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.

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
County of Fall River)

Charles Najacht of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, a legal weekly newspaper published at Hot Springs, county and state aforesaid; that the advertisement headed—

Notice of Hearing to

Appropriate Water

1996-2

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the

issue dated

November 11, 19 86

and ending with the issue dated

November 18, 19 86

That the full amount of the fee charged for the publication of said

notice is \$40.60, and that no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Charles Najacht

Subscribed and sworn to before me

this 18 day of November

19 86

Raimond Leonard
Notary Public



NOTICE OF HEARING TO VALIDATE VESTED RIGHT APPLICATION NO 1996-2 TO APPROPRIATE WATER

Notice is hereby given that David M. Dunbar whose mailing address is RR, Box 32, Oelrichs, South Dakota, has filed an application to validate a vested right claim to appropriate 0.48 cubic feet of water per second from Lone Well Creek to irrigate 33.5 acres with a claimed priority date of January 1, 1940. The points of diversion are located at or any point between the SW 1/4 NW 1/4 and the NE 1/4 NW 1/4 all in Section 23, T10S, R6E. The irrigated acreage is located in the E 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4, Section 23, T10S, R6E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1996-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1940, 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 a.m.

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

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986.

The petition may be informal, but it must include a statement describing the 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. Nov.11,18

SOUTH DAKOTA
Department of
Water & Natural Resources

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

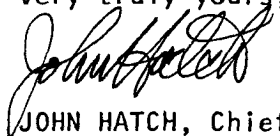
FEB 18 1987

David M Dunbar
RR, Box 32
Oelrichs SD 57763

Dear Mr. Dunbar:

Enclosed are your Validated Vested Water Right and Water License No. 1996-2.
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



Department of Water & Natural Resources

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

March 23, 1990

1996-2

NOTICE

TO: David M Dunbar
RR BOX 32
OELRICHS, SD 57763

FROM: *for* *Del Brosz* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 1996-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).