

Considered: _____

Vested Right
WATER PERMIT NO. 2005-2

MAP No. same

Name of Applicant Mervin Petersen

Post Office Address Box 854, Pierre SD 57501

Amount of Water Claimed 66 ac-ft Total Acres NA

Source of Water Supply dry draw

Water to be used for Domestic purposes County Lyman

About 18 miles NNW of Presho

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/10/86 Subject to _____

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

PRIORITY _____ Date Received Sept 10, 1986 Fee \$15.00 Remarks _____

May 1, 1955

Corrected Application Received Sept 22, 1986 Period of Annual Use Jan 1 - Dec 31

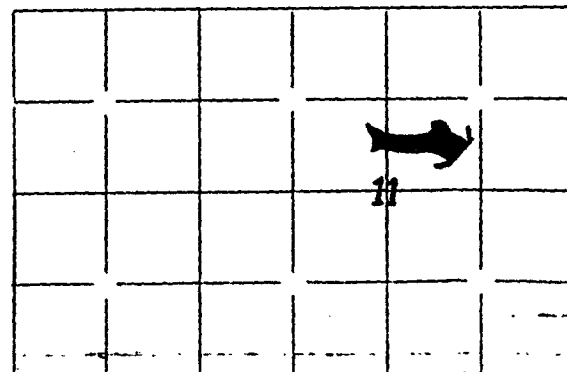
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point dam: SW 1/4 NE 1/4 section 11 - T108N -

R78W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Lee D Garret Reviewed and the Number

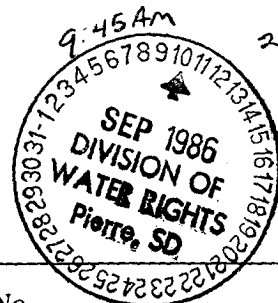
assigned on October 23, 1986 By Ron Duwall

No. 2005-2 Hydrologic Unit 10140101
 Map No. Same Basin Missouri R
 Newspaper Lyman County Herald, Presho, Box 250 (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 ☐

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. _____

- Name of Applicant Marvin Peterson Phone No. 224-5828
 Post Office Address Box 854 Pierre SD 57501
(Street, RR or Box) State Zip Code
- Amount of water claimed (c.f.s) 66 ac-ft
- Source of water supply dry draw
- Location of point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11 - T108n - R78W

 _____ County Lyman
- Counties where water will be used Lyman
- Annual period during which water is to be used Jan 1 - Dec 31
- 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 Lyman ^{SS}

I, Marvin Peterson 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 Marvin PetersonSubscribed and sworn to before me this 9th day of September 1986Kevin Stollen

Notary Public (or other qualified officer)

8-2-90

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2005-2

Mervin Petersen

Box 854

Pierre

(Applicant)

(Post Office Address)

South Dakota

57501

(State)

(Zip Code)

With the following qualifications.

SEE VR-2

Date of first receipt of application _____, 19____.

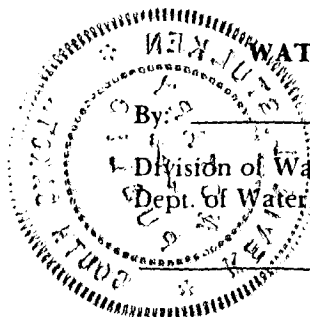
Date of return to applicant for correction, amendments or changes required _____, 19____.

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

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. 2065-2

Mervin Petersen
(applicant)

Box 854, Pierre
(post office address)

SD 57501
(state) (zip code)

Date of receipt of Application September 10, 19 86.

Validated December 10, 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 May 1, 19 55.
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 66 acre-feet annually ~~cubic foot 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 purposes. 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, 19 87

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

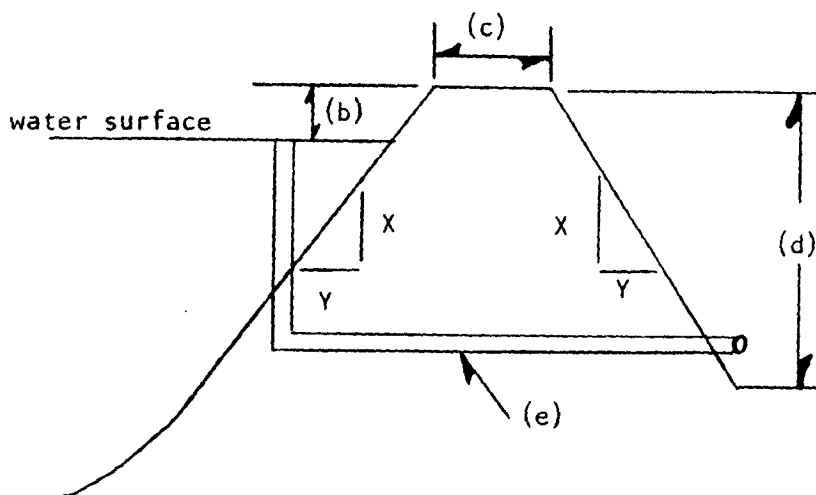
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Soil Cons Service
Box 156
Kennebec, S Dak 57544



- b) Freeboard 3
- c) Crest Width 12
 Crest Length 545
- d) Height 11'
- e) Outlet Dimensions:
 Pipe diameter N/A
 Spillway width 48
- f) X & Y Slope
 Upstream 3:1
 Downstream 3:1

Surface Area of Impoundment 16.5

Storage 66 acre feet

Drainage area above dam 511

X Mervin Peterson
 Signature of Applicant

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2005-2

(1) Mervin Petersen of Box 854, Pierre SD 57501 made Application No. 2005-2, September 10, 1986 for validation of a vested right claim to store 66 acre feet of water annually in a dry draw dam located in Lyman County, South Dakota for domestic purposes. Vested Water Right No. 2005-2, with a priority date of May 1, 1955 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 66 acre feet of water annually for beneficial use. The location of the dry draw dam is in the SW 1/4 NE 1/4 Section 11, T108N, R78W.

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 as a domestic water supply for livestock.

(4) Pursuant to Section 46-5-30.1 Mervin Petersen of Box 854, Pierre SD 57501 the holder(s) and/or owners(s) of Vested Water Right No. 2005-2 is issued a license to appropriate water, the right to store 66 acre feet of water annually in a dry draw dam with a priority date of May 1, 1955 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. 2005-2 and subject to South Dakota State Law.



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

FEB 17 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) Mervin Peterson
 Post Office Address Box 854 Pierre SD 57501
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

 B. Date of start of construction of water supply system May 1955 Repair of existing dam
Where Book Page
C. Date that water was first applied to beneficial use May 1955D. Name of owner of original water supply system Richard & Nels LarsonE. Amount of water originally applied to beneficial use 66 acre feetF. Present Use of Water - Amount of water now being used 66 acre feetDate that this water was first used May 1955

G. Chronological History of Water Use

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 Hughes) SS

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

Signed Mervin PetersonSubscribed and sworn to before me September 9, 1986
Kevin I. Skellern
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.

(Print name) 19_________
(Print name) 19____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410570

Pierre, September 22, 19 86

RECEIVED OF Mervin Petersen, Box 854, Pierre, SD 57501

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

Fee for Application for Permit No. <u>2005-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00	BR
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 John Hatch
Chief Engineer JOHN HATCH/ms

SOUTH Dakota Department of
Water & Natural Resources

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

August 29, 1986

Mervin Petersen
Box 854
Pierre SD 57501

Dear Mr. Petersen:

I am writing in response to your filing for a Location Notice received on August 15, 1986.

The Location Notice indicates that the dam is capable of storing 66 acre-feet of water. According to SDCL 46-4-1 and 46-5-8 any dam impounding more than 25 acre-feet of water for any use requires obtaining a water permit from the Water Management Board.

Enclosed are the forms needed to apply for a water permit. I am also returning your check for \$10.00. I have completed the permit application partially with the information supplied on the Location Notice. Please follow the instructions to complete the application and outline the location of the dam on the attached map. The map also needs to be signed. The dam may qualify for a Vested Right if the dam has existed since 1957. The enclosed Affidavit of Water Use needs to be completed only if applying for a Vested Right. The fee for a Vested Right Application is \$15.00. The fee for a new permit application to store 66 acre-feet of water is \$150.00 as outlined on the instruction sheet. A new permit application is required if the dam was constructed after 1957.

Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

LOCATION NOTICE—DRY DRAW

Lyman
County

Dry Draw No.

I, Mervin Petersen, of
Name

Box 854 Pierre, South Dakota 57501 Lyman
Address & Zip Code Town County

owner, of the following described land, do hereby notify the Water
owner or operator

Rights Commission of the State of South Dakota and all others concerned that I am exercising my
right under SDCL 46.4, as amended for construction of a Dry Draw dam for the purpose
of storing flood waters for livestock purposes.
(storing, diverting, or both)

The following data is presented in compliance with Section 61.0138, as amended:

(1) Dates of

(a) This application

(b) Posting at construction site

(2) Legal description of the land upon which the dam is located, ^{Sw} ¼ of the ^{Ne} ¼ of
Section 11, Township 108 N., Range 78 W. The dam is located 98 rods
W. and 115 rods S. of the NE corner of said Section
(N.S.E.W.) (N.S.E.W.) (NW,NE,SE,SW)
in the County of Lyman

The owner of the land is Mervin Petersen Pierre, SD 57501
Name Address

- (3) Amount of water claimed for all purposes each year 66.0 acre feet.
(4) Storage capacity of reservoir 66.0 acre feet.
(5) Surface area of reservoir 16.5 acres.
(6) Size of watershed above dam 511 acres.

(Over)



ten dollars (\$10.00).

Enclosed herewith is [REDACTED]. The Water Rights Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of Lyman County and has been posted at the structure site in accordance with SDCL 46-4-3, as amended.

.....
Mervin Petersen
Owner

by
Locator

STATE OF SOUTH DAKOTA

County of. Hughes SS.

On this 14th day of August 1986, before me
..... Ronald D. Olinger a Notary Public
(Notary Public or other Official having a seal)

in and for the County and State aforesaid, personally appeared Mervin Petersen
to me personally known to be the person who executed the foregoing instrument and acknowledged
that - he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

.....
Ronald D. Olinger
Name

(SEAL)

.....
Notary Public
Title

RONALD D. OLINGER, Notary Public
My Commission Expires
September 13, 1988



Department of Water & Natural Resources

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

September 18, 1986

Mervin Petersen
Box 854
Pierre SD 57501

Dear Mr. Petersen:

I am writing in response to your permit application for a Vested Right received on September 10, 1986.

Enclosed is the Affidavit of Water Use form which I am returning to you for additional information. When applying for a Vested Right the date of original construction is needed for purposes of verifying that the dam qualifies for a Vested Right. The dam had to be constructed or under construction by March 18, 1957 to qualify for a Vested Right. No construction date was placed on the Affidavit of Water Use form. Therefore, to the best of your knowledge or from information from the SCS Office answer question B or C on the enclosed form. Questions E or F should also be answered. Place 66 acre-feet in questions E and F if that is the amount of water that has been used and is being used.

Please contact us if you have any questions.

Sincerely,

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

RON DUVAL
Natural Resources Engineer

RD:ks

enclosure

Equal Opportunity Employer

Report on Vested Water Right Application No. 2005-2
Mervin Petersen
October 23, 1986

Vested Water Right Application No. 2005-2 proposes to validate a vested right claim to store 66 acre feet of water annually in a dry draw dam located in the SW1/4NE1/4 Section 11-T108N-R78W. A priority date of May 1, 1955 has been claimed for the water use. Water is used as a domestic water supply for livestock.

Conclusions:

1. According to the affidavit of water use the works were constructed during May, 1955 and water has been put to beneficial use.
2. A priority date of May 1, 1955 should be assigned since the exact date that construction started during May 1955 is not known.
3. The amount of water appropriated 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. 2005-2

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. 2005-2, Mervin Petersen, Box 854, Pierre, SD.

The Chief Engineer is recommending VALIDATION of Application No. 2005-2 because 1) water has been appropriated as described for domestic use with a May 1, 1986 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", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
October 31, 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.

Mervin Petersen
Box 854
Pierre SD 57501

Dear Mr. Petersen:

Your Application No. 2005-2 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 LYMAN COUNTY HERALD printed at Presho 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

LYMAN COUNTY HERALD
Box 280
Presho SD 57568

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2005-2. 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 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 November 12, 1986 with 2nd publication 1 week later.
The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 2005-2 to Appropriate Water

Notice is hereby given that Mervin Petersen whose mailing address is Box 854, Pierre, South Dakota has filed an application to validate a vested right claim to store 66 acre-feet of water annually in a dry draw dam located in the SW 1/4 NE 1/4 Section 11, T108N, R78W. The water use has a claimed priority date of May 1, 1955 and is used as a domestic water supply for livestock.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2005-2 because 1) water has been appropriated as described for domestic use with a claimed priority date of May 1, 1955, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Lyman) ss.

I, Robert Cameron hereby

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

Water was taken from the Lyman County Herald

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 Presho

County of Lyman 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

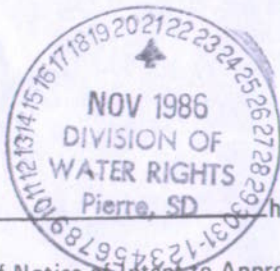
Robert Cameron
(Signature)

Editor-Publisher
(Title)

Nov. 20, 1986
(Date Signed)

Cost of Printing: 40.05

WNR-808-7/79
Proof of Publication



NOTICE OF HEARING
To Validate Vested Right
Application No. 2005-2 to
Appropriate Water

Notice is hereby given that Mervin Petersen whose mailing address is Box 854, Pierre, South Dakota has filed an application to validate a vested right claim to store 66 acre-feet of water annually in a dry draw dam located in the SW 1/4 NE 1/4 Section 11, T108N. R78W. The water use has a claimed priority date of May 1, 1955 and is used as a domestic water supply for livestock.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2005-2 because 1) water has been appropriated as described for domestic use with a claimed priority date of May 1, 1955, 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, 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 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.



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

FEB 17 1987

Mervin Petersen
Box 854
Pierre, South Dakota 57501

Dear Mr. Petersen:

Enclosed are your Validated Vested Water Right and Water License No. 2005-2.
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,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

JHMS

enclosures

Equal Opportunity Employer