

Considered: _____

Vested Right
WATER PERMIT NO. 2016-2 14

MAP No. Same

Name of Applicant Wayne Peterson - Peterson & Son, Inc.

Post Office Address Dewey Rt., Box 16, Edgemont SD 57735

Amount of Water Claimed 0.67 cfs Total Acres 47

Source of Water Supply dry draw

Water to be used for irrigation County Fall River

About 25 miles W of Hot Springs.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Jan 23, 1987 Fee \$15.00 Remarks _____

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

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

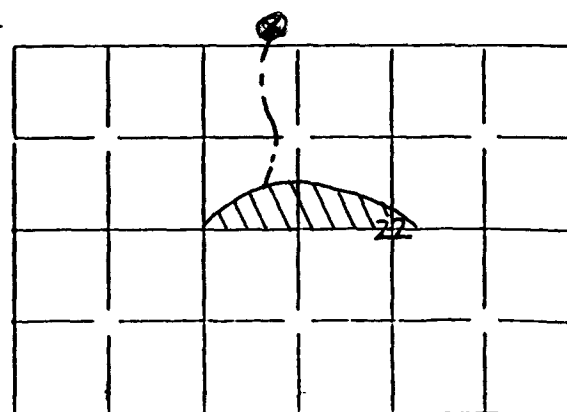
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dry draw: SW $\frac{1}{4}$ SW $\frac{1}{4}$ section 15-

T7S-R1E

Land to be Irrigated S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

section 22-T7S-R1E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Del Brosz Reviewed and the Number

assigned on February 28, 1987 By Ron Duwall

No. 2016-2 Hydrologic Unit 10120107
 Map No. same Basin Upper Cheyenne R
 Newspaper Edgemont Herald-Tribune Box 660 (sub)

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 Wayne Peterson - Peterson & Son, Inc. Phone No. 662-7323

Post Office Address Dewey Rt, Box 16, Edgemont SD State 57735
 (Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) 0.67 Total acres irrigated 47

3. Source of Water supply dry draw

4. Location of point of diversion N 81° E, 990 feet from the SW corner of
Section 15, T7S, R1E

County Fall River

5. Counties where water will be used Fall River

6. Annual period during which water is to be used Jan 1 - Dec 31

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.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 22, T7S, R1E	23
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	22
SW $\frac{1}{4}$ NE $\frac{1}{4}$ "	2

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)

This is a small water spreading project.

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

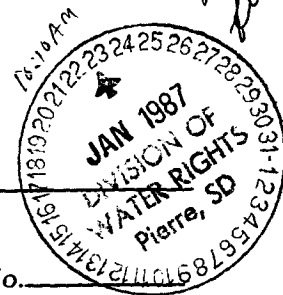
STATE OF SOUTH DAKOTA)
 County of Fall River)^{ss}

I, Wayne F 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 Wayne F Peterson W. Peterson

Subscribed and sworn to before me this 21 day of January 19 87

Terb Anderson
 Notary Public (or other qualified officer)



WATER PERMIT

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

(Applicant) (Post Office Address)

(State) (Zip Code) With the following qualifications.

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:

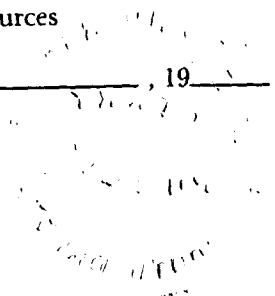
1. The date from which applicant may claim right is _____, 19____.
2. One-fifth of the work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The time limit for proof of beneficial use of water is _____, 19____.
5. The water appropriated 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 Claim No. 2016-2.

Wayne Peterson-Peterson & Son, Inc.
(applicant)

Dewey Route, Box 16 Edgemont
(post office address)

South Dakota 57735
(state) (zip code)

Date of receipt of Application January 23, 1987.

Validated September 9, 1987.

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 June 1, 1904.
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 0.67 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 January 1 - December 31.

WATER MANAGEMENT BOARD

By: John Hatch
(Chief Engineer) **JOHN HATCH**

Division of Water Rights
Dept. of Water and Natural Resources

NOV 10 1987, 1987.

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2016-2 FOR IRRIGATION

(1) Wayne Peterson - Peterson & Son Inc.
of Dewey Route, Box 16, Edgemont, South Dakota 57735
made Application No. 2016-2, January 23, 1987
for validation of a vested right claim to appropriate 0.67
cubic feet of water per second from a dry draw,
Fall River County, South Dakota for irrigation purposes.
Vested Water Right No. 2016-2 was validated September 9, 1987
with a priority date of January 1, 1904. Construction of the
described water supply system and application of water to
beneficial use has been completed and complies with applicable
provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.67 cubic
feet of water per second for beneficial use. The location of the
diversion point(s) is: N81°E, 990 ft from the SW Corner of Section 15,
T7S, R1E.

The location of the irrigated acreage is: _____

T7S, R1E Section 22

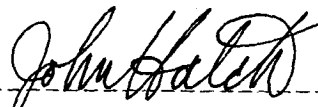
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23 Acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 22 Acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2 Acres

TOTAL 47 ACRES

(3) Pursuant to Section 46-5-30.1 Wayne Peterson-Peterson & Son, Inc.
of Dewey Route, Box 16, Edgemont, South Dakota 57735
the holder(s) and/or owners(s) of Vested Water Right No. 2016-2
is issued a license to appropriate 0.67 cubic feet of
water per second from a dry draw with a
priority date of January 1, 1904 from the location specified in
(2) of this license. The water is to be used for the purpose of
irrigation. This license is subject to any limitations,
conditions or qualifications listed in Vested Water Right No.
2016-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Division

Department of Water and Natural

Resources

NOV 10 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**

Wayne Peterson - Peterson & Son, Inc.

Name of Applicant (Same as Form 2) _____

Post Office Address Dewey Rt, Box 16, Edgemont SD 57735

(Street, RR or Box)

(State)

(Zip Code)

A. Notice of Appropriation June 1, 1904 Date of Posting January 1, 1904Date of recording January 3, 1905 Recording date Fall River Co. Misc.3 587

Where

Book

Page

B. Date of start of construction of water supply system June 1, 1904C. Date that water was first applied to beneficial use 1904D. Name of owner of original water supply system William JessupE. Amount of water originally applied to beneficial use ---F. Present Use of Water - Amount of water now being used 0.67 cfsDate that this water was first used 1904

G. Chronological History of Water Use

System was constructed by William Jessup in 1904.

Property & system were purchased by Peter J Peterson in 1924.

Wayne Peterson became the property owner in 1976.

Peterson Inc.

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

Signed Wayne F. Peterson V. PresSubscribed and sworn to before me January 21st, 1987Herb Anderson
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.

Keith E. AndersenGlen O. PetersonKeith E. Andersen Jan 15 1987
(Print name)GLEN O. PETERSON Jan. 21 1987
(Print name)

Permit No. 2016-2Upper Cheyenne Water District
10/20/07**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 Wayne Peterson, Dewey Rt, Box 16 of Edgemont, SD 57735 holder of Permit No. 2016-2, bearing the priority of January 1 1902 authorizing the diversion of 0.67 cu. ft. per second of the waters of dry draw 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:

Small 180' long ditch, 3-4 ft high across dry draw channel.

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

small ditch

C. Works used to apply water to beneficial use:

Flood irrigation - water spreadingThe system is in the following condition poorThe point of diversion is located N 81° E, 990 ft from the SW corner of Section 15, T7S, R1E.The works are capable of diverting and conveying to the place of use 2-3cu. 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:

SW 1/4 NW 1/4, Sec 22 - T7S - R1E - 23 acresSE 1/4 NW 1/4, " " " - 22 acresSW 1/4 NE 1/4, " " " - 2 acrescomprising a total of 47 acres of land and the license should be issued for 0.67 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date June 12, 1985

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

NOT TO SCALE



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410731

Pierre, January 23, 1987, 19

RECEIVED OF Peterson & Son, Inc., HCR 59, Box 16, Edgemont, SD 57735
the following amount in fees for services rendered as provided for by law: (Wayne Peterson)

Fee for Application for Permit No. 2016-2 to Appropriate Water, to construct works and to put water to beneficial use	15	00	VR
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)

STATE OF SOUTH DAKOTA))
) SS.
COUNTY OF CUSTER)

Witness my hand and Court Seal at Custer City, S.D. the 14th day of June, 1904.

Alfred T. Fea y
County Judge in and for Custer
County, South Dakota

STATE OF SOUTH DAKOTA)) SS.
COUNTY OF FALL RIVER)

P.J. Franzen
Register of Deeds

-3-	William Jessup, a single	:	Warranty Deed
	man, Fall River County,	:	Dated October 2, 1924
	South Dakota	:	Filed Nov. 8, 1924 at 1:30 PM
		:	Recorded in Book 36 of Deeds
	To	:	Page 597
		:	Consideration: \$5,500.00
	Peter J. Peterson, Edge-	:	Duly Acknowledged
	mont, South Dakota	:	

Southwest Quarter of the Southwest Quarter (SW/4
SW/4) of Section Fifteen (15) (and other lands)
all in Township Seven (7) South of Range One (1)
East B.H.M.

United States of America by: Patent
President Woodrow Wilson : Dated January 25, 1915
: Filed Oct. 1, 1917 at 9:00 A.M.
To : Recorded in Book 6 of Patents
: Page 601
Steven C. Durnin : Recorded Patent No. 455530
- - - - -

WHEREAS, a Certificate of the Register of the Land Office at Rapid City, South Dakota has been deposited in the General Land Office whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Steven C. Durnin has been established and duly consummated in conformity to law for the:

Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Fifteen (15) (and other lands) in Township Seven (7) South of Range One (1) East of the Black Hills Meridian, South Dakota containing one hundred sixty acres

according to the official plat of the survey of the said land returned to the General Land Office by the Surveyor General.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

U.S. General Land Office Seal attached.
- - - - -

PREEMPTION OF RIGHT OF WAY FOR DITCH AND LOCATION
OF WATER

To whom these presents may concern:

Know ye, that I, William Jessup of Edgemont in Fall River County, South Dakota, a citizen of the United States do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation and possession and enjoyment of all and singular those tracts and parcels of land lying and being in the County of Fall River in said State of South Dakota for the exclusive right of way for the purpose of constructing a flume or water ditch from what is known as Washout Canon in Section 10, T. 7S., R. 1E., B.H.M. to lands owned and claimed by this claimant in NW/4 of Section 22 in said T. 7S., R. 1E., B.H.M. in Fall River County, South Dakota and described as follows: Commencing at a point on Washout Canon near the S.E. corner of Southwest 1/4 of the NW/4 of Sec. 15 and running thence in a southeasterly course a distance of about 2 miles to the SE/4 NW/4 of Sect. 22 all in Township 7 South of Range 1 East B.H.M. with right to reserve the water flowing into said ditch by erecting a dam at a point about 1/4 mile southerly from and below the head of ditch on the NW/4 SW/4 of said Section 15. I claim and have a valid right to the enjoyment and use of all water flowing into said ditch and held by said reservoir and dam for domestic and irrigating purposes and for the reclamation of the arid or desert lands claimed by me to be conveyed through such ditch or by flume or pipe to said NW/4 of Section 22 in Township 7 South, Range 1 East, B.H.M. together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining. Witness my hand and seal this 14th day of June, 1904.

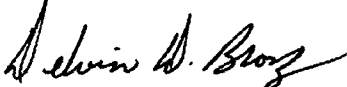
William Jessup (SEAL)

REPORT ON VESTED RIGHT APPLICATION NO. 2016-2
PETERSON AND SON, INC.
March 5, 1987

Application No. 2016-2 requests validation of a vested right claim appropriated ²²0.67 cfs from a dry draw to irrigate 47 acres. The water has been used since the system was constructed. The recording date for the system is January 3, 1905. The point of diversion is located in the SW 1/4 SW 1/4 of Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW 1/4 NE 1/4 of Section 22, all in T7S, R1E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D Brosz and found to exist as described.
2. Water has been put to beneficial use since the time that the system was constructed.
3. It is recommended that the vested right claim be validated with a priority date of January 3, 1905.


DELVIN D BROSZ, P.E.
Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2016-2

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. 2016-2, Wayne Peterson, Peterson & Sons, Inc. Dewey Rt, Box 16, Edgemont SD.

The Chief Engineer is recommending VALIDATION of Application No. 2016-2 because 1) water has been appropriated as described for irrigation use with a priority date of January 3, 1905, 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 dark ink, appearing to read "John Hatch", is written above the printed name.

JOHN HATCH, Chief Engineer
March 6, 1987



Department of Water & Natural Resources

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

March 31, 1987

EDGEMONT HERALD-TRIBUNE
Box 660
Edgemont SD 57735

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application Nos. 2016-2 and 2015-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before April 8, 1987.

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-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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



Department of Water & Natural Resources

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

March 31, 1987

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

Wayne Peterson
Peterson & Son, Inc.
Dewey Rt, Box 16
Edgemont SD 57735

Dear Mr. Peterson:

Your Application Nos. 2016-2 and 2015-2 for a vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claims has been sent to the Publisher of the EDMONT HERALD-TRIBUNE printed at Edgemont SD. For your information, a copy of the notices, recommendations of the Chief Engineer and reports on the applications 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 hearing to validate a vested right 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 April 8, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARINGS To Validate
Vested Right Application Nos. 2016-2 and 2015-2 to Appropriate Water

Notice is hereby given that Wayne Peterson - Peterson and Son, Inc. whose mailing address is Dewey Route, Box 16, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.67 cubic feet of water per second from a dry draw to irrigate 47 acres with a claimed priority date of January 3, 1905. The point of diversion is located in the SW 1/4 SW 1/4 Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW 1/4 NE 1/4 Section 22; all in T7S, R1E.

Notice is hereby given that Peterson and Son, Inc. whose mailing address is Dewey Route, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 1.06 cubic feet of water per second from Beaver Creek to irrigate 74.4 acres with a claimed priority date of April 1, 1950. The point of diversion is located in the NW 1/4 NE 1/4 and the irrigated acreage is located in the E 1/2 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4 all in Section 21, T7S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 2016-2 and 2015-2 because 1) water has been appropriated as described for irrigation with claimed priority dates of January 3, 1905 and April 1, 1950, respectively, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, May 6, 1987 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 validations, 2) approve the validations with qualifications, 3) defer, or 4) deny validations of these applications 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 April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications 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 April 24, 1987.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.



I, Deanne Brown hereby

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

Water was taken from the Edgemont Herald-Tribune

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 Edgemont

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

April 8, 1987

April 15, 1987

Deanne Brown
(Signature)

Co-editor
(Title)

5/1/87
(Date Signed)

Cost of Printing: 43.43

NOTICE OF HEARINGS
To Validate Vested Right Application
Nos. 2016-2 and 2015-2 to
Appropriate Water

Notice is hereby given that Wayne Peterson - Peterson and Son, Inc. whose mailing address is HCR 59, Box 16, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.67 cubic feet of water per second from a dry draw to irrigate 47 acres with a claimed priority date of January 3, 1905. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEction 15 and the irrigated acreage is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22; all in T7S, R1E.

Notice is hereby given that Peterson and Son, Inc. whose mailing address is HCR 59, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 1.06 cubic feet of water per second from Beaver Creek to irrigate 74.4 acres with a claimed priority date of April 1, 1950. The point of diversion is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the irrigated acreage is located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 21, T7S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 2016-2 and 2015-2 because 1) water has been appropriated as described for irrigation with claimed priority dates of January 3, 1905 and April 1, 1950, respectively, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of these applications will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, May 6, 1987 at 10:00 am.

2013-2

April 8, 1987

April 15, 1987

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validations, 2) approve the validations with qualifications, 3) defer, or 4) deny validations of these applications 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 April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on these applications 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 April 24, 1987.

(6033-14-15)

PETERSON & SON INC
HCR 59 BOX 16
EDGEMONT, SD 57735



Dept. of Water + Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S.D. 57501-3181

Dear Sir:

I noticed they have 3 words
wrong or misspelled + one land description
wrong.

I will call them or stop tomorrow
when I'm in town + have it changed.

M. Lenore Peterson for
Peterson + Son, Inc.

Dear Sir:

We did not receive a Proof of Publication
form.

Yours truly,

M. Lenore Peterson for
Peterson + Son, Inc.



NOTICE OF HEARINGS
To Validate Vested Right Application
Nos. 2016-2 and 2015-2 to
Appropriate Water

Notice is hereby given that Wayne Peterson - Peterson and Son, Inc. whose mailing address is HCR 59, Box 16, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.67 cubic feet of water per second from a dry draw to irrigate 47 acres with a claimed priority date of January 3, 1905. The point of diversion is located in the SW 1/4 SW 1/4 Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW 1/4 NE 1/4 Section 22; all in T7S, R1E.

Notice is hereby given that Peterson and Son, Inc. whose mailing address is HCR 59, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 1.06 cubic feet of water per second from Beaver Creek to irrigate 74.4 acres with a claimed priority date of April 1, 1950. The point of diversion is located in the NW 1/4 NE 1/4 and the irrigated acreage is located in the E 1/2 NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4 all in Section 21, T7S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 2016-2 and 2015-2 because 1) water has been appropriated as described for the land.

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 these applications 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 April 24, 1987.

(6033-14-15)

BANKRUPTCY REPRESENTATION

For Southern Black Hills area
No charge for initial conference
430 Mt. Rushmore Road
Custer, South Dakota
Phone 1-605-673-2622

Dr. Daniel T. Lecy
CHIROPRACTOR
Edgemont Memorial Clinic
Tuesdays 1:00-6:00
662-7002
Lecy Chiropractic Clinic
1321 Mt. Rushmore Road
343-7440 Rapid City, SD 57701

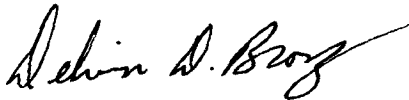
X Construction
MS-DUGOUTS-ROADS
SERVICE-SNOW REMOVAL
Edgemont, SD

REVISED REPORT ON VESTED RIGHT APPLICATION NO. 2016-2
PETERSON AND SON, INC.
AUGUST 6, 1987

Application No. 2016-2 requests validation of a vested right claim appropriating 0.67 cfs from a dry draw to irrigate 47 acres. The water has been used since the system was constructed. The Notice of Appropriation for the system is June 1, 1904. The point of diversion is located in the SW 1/4 SW 1/4 of Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW 1/4 NE 1/4 of Section 22, all in T7S, R1E.

Conclusions

1. The project is a water spreading system. It was inspected by Delvin D Brosz and found to exist as described.
2. Water has been put to beneficial use since the time that the system was constructed.
3. It is recommended that the vested right claim be validated with a priority date of June 1, 1904.



DELVIN D BROSZ, P.E.
Hydrologist

REVISED
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2016-2

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. 2016-2, Wayne Peterson, Peterson & Sons, Inc. Dewey Rt, Box 16, Edgemont SD.

The Chief Engineer is recommending VALIDATION of Application No. 2016-2 because 1) water has been appropriated as described for irrigation use with a priority date of June 1, 1904, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

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

JOHN HATCH, Chief Engineer
August 6, 1987

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 7, 1987

Wayne Peterson
Peterson & Son, Inc.
Dewey Rt, Box 16
Edgemont SD 57735

Dear Mr. Peterson:

Water Permit Application No. 2016-2 was published with the incorrect priority on April 8 and 15, 1987. Therefore, the notice of hearing needs to be readvertised with the correct priority date of June 1, 1904. A notice of your claim has been sent to the Publisher of the EDMONT HERALD-TRIBUNE printed at Edgemont SD. For your information, a copy of the notice, the revised recommendation of the Chief Engineer and a revised report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

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

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

August 7, 1987

EDGEMONT HERALD-TRIBUNE
Box 660
Edgemont SD 57735

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing to Validate Vested Right Application No. 2016-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 13, 1987.

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

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. 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-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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 August 12, 1987 with 2nd publication 1 week later. The Water Rights Division is responsible for payment.

READVERTISEMENT NOTICE OF HEARING To Validate
Vested Right Application No. 2016-2 to Appropriate Water

Notice is hereby given that Wayne Peterson - Peterson & Sons, Inc. whose mailing address is Dewey Route, Box 16, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.67 cubic feet of water per second from a dry draw to irrigate 47 acres. This readvertisement is to correct the claimed priority date. The correct claimed priority date is June 1, 1904 not January 3, 1905 as originally advertised on April 8 and 15, 1987. The point of diversion is located in the SW 1/4 SW 1/4 Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW 1/4 NE 1/4 Section 22; all in T7S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2016-3 because 1) water has been appropriated as described for irrigation with a priority date of June 1, 1904, 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, Pierre SD, September 9, 1987 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 August 28, 1987. 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 August 28, 1987.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,
County of Fall River-ss.

DEANNE BROWN

of said county being first duly sworn, on oath says that he is the publisher of the

EDGEMONT HERALD-TRIBUNE

a weekly newspaper printed and published in Edgemont, said county of Fall River, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in an office maintained at said place of publication; that the

*Notice of Hearing
legae #60141*

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week for

two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

<i>Aug. 12</i>	19 <i>87</i>	_____	19 _____
<i>Aug. 17</i>	19 <i>87</i>	_____	19 _____
_____	19 _____	_____	19 _____
_____	19 _____	_____	19 _____
_____	19 _____	_____	19 _____
_____	19 _____	_____	19 _____

That the full amount of the fees for the publication of the annexed notice is \$ *39.69*

Deanne Brown

Subscribed and sworn to before me this *28th*

day of *August*, 19 *87*

John E. Schuyler
Notary Public.
County of Fall River, South Dakota.

Notice of Hearings

READVERTISEMENT NOTICE OF HEARING

To Validate Vested Right Application No. 2016-2 to Appropriate Water

Notice is hereby given that Wayne Peterson - Peterson & Sons, Inc. whose mailing address is Dewey Route, Box 16, Edgemont, South Dakota has filed an application to validate a vested right claim to appropriate 0.67 cubic feet of water per second from a dry draw to irrigate 47 acres. This readvertisement is to correct the claimed priority date. The correct claimed priority date is June 1, 1904 not January 3, 1905 as originally advertised on April 8 and 15, 1987. The point of diversion is located in the SW 1/4 SW 1/4 Section 15 and the irrigated acreage is located in the S 1/2 NW 1/4, SW

1/4 NE 1/4 Section 22; all in T7S, R1E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2016-3 because 1) water has been appropriated as described for irrigation with a priority date of June 1, 1904, 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, Pierre, SD, September 9, 1987 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 August 28, 1987. 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 oppo-

sition 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.

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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 August 28, 1987.

(6141-32-33)

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Deanne Brown hereby

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

Water was taken from the Edgemont Herald Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Edgemont Herald Tribune of Edgemont

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

August 12, 1987

August 19, 1987

Deanne Brown
(Signature)

Editor
(Title)

8/28/87
(Date Signed)

Cost of Printing: \$39.69



 **Department of
Water & Natural Resources**

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

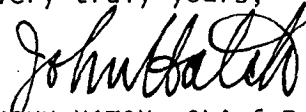
NOV 10 1987

Wayne Peterson-Peterson & Sons, Inc.
Dewey Route, Box 16
Edgemont, South Dakota 57735

Dear Mr. Peterson:

Enclosed are your Validated Vested Water Right and Water License No. 2016-2.
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

Equal Opportunity Employer

SOUTH Dakota Department of
Water & Natural Resources

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

March 23, 1990

2016-2

NOTICE

TO: Wayne Peterson
DEWEY RT BOX 16
EDGEMONT, SD 57735

FROM: *for Delwin D. 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. 2016-2 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).