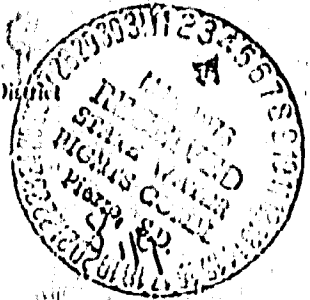


- 2652-3
1. Considered MAY 20, 1976
2. Name of Applicant ORDELL BOVANG
3. Post Office Address CORSON
4. Amount of water claimed 2.2
5. Source of water supply SPLIT ROCK CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigated 1600
7. Water to be diverted and used in MINNEHaha county
about 75.3W miles of GARRETSON
8. Proof of Publication Received 5-4-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

Map No. 2019-3 Water Division No. 3 BIG SIOUX RIVER District 1
(Blanks to be Filled by the Engineer for the W. H. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

1. Name of Applicant Ordeil Kovans
Postoffice address Cox State SO. DAK.
If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT

3. Name of diversion work ROVANS IRRIGATION PROJECT #1

4. Amount of water claimed (cubic feet per second) 2.7

5. Source of water supply SPLIT ROCK CREEK or RIVER

6. Location of point of diversion SE 1/4 of NW 1/4 SECTION 22-102-48

County Minnehaha
7. Annual period or periods during which water is to be used MAY 1st TO SEPTEMBER 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
9. For irrigation use, Total number of acres to be irrigated 160-122

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.	Land Description	No. Acres Irr.
NW 1/4 of SW 1/4 - 22-102-48	40.305		
NE 1/4 of SW 1/4 - 22-102-48	40.305		
SE 1/4 of SW 1/4 - 22-102-48	40.305		
SW 1/4 of SW 1/4 - 22-102-48	40.305		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication DELL RAPIDS TRIBUNE
12. Principal Features of the Proposed Water Supply System. DELL RAPIDS, SO. DAK. 57022

A. Works proposed to divert water from its natural source.

centrifugal pump

B. Works proposed to transport water to place of use.

PIPE LINE

C. Works proposed to apply water to beneficial use.

CENTER PILOT

Estimated Total Cost \$ 50,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Minnehaha) ss.

I, Ordeil Kovans the applicant, certify that I have read the foregoing application and 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 Ordeil Kovans
Subscribed and sworn to before me this 27 day of APR 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2652-3ORDELL ROYANG

(Applicant)

COESLIN

(Post Office Address)

SOUTH DAKOTA 57019

(State)

With the following limitations:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS, MUST BE BY-PASSED.

Date of first receipt of application MARCH 4, 19 76Date of return to applicant for correction, amendments or changes required ---, 19 ---Date of receipt of corrected application ---, 19 ---Approved MAY 20, 19 76, Recorded in Book 15, Page 106WATER RIGHT PERMIT NO. 2652-3The Water Rights Commission hereby grants and issues this Water Right Permit No. 2652-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 4, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 19 77
3. The whole of said work is to be completed on or before MAY 20, 19 79
4. The limit of time from onset of beneficial use of water appropriated in accordance herewith is MAY 20, 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION
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 injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 if for the irrigation purposes said appropriation must be limited to not more than 3 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 MAY 20, 19 81; said water to be used during the following described annual period: MAY 1 TO SEPTEMBER 1

Witness my hand this 26TH day of MAY, 19 76

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive OfficerCertificate of Construction Issued ---, 19 ---Water License Issued ---, 19 ---

Form 6 - Notice of Intent to Appropriate Water

2652-3

Publish first publication, on or before May 6, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 9, 19 76

Notice is hereby given that Ordell Rovang

whose post office address is Corson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.7 cubic feet of water per second of time from the Split Rock Creek through the Rovang Irrigation Project #1, the point of diversion of which is to be located in the _____

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

of Section 22, Twp. 102N, Range 49W. Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

SW $\frac{1}{4}$, Section 22, T102N, R49W

This application No. 2652-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 19 76, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Ordell Rovang, Corson, S.D. 57019

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Corinne M. Petersen hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Bell Rapids 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
Bell Rapids of South Dakota

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

April 22, 1976
April 29, 1976

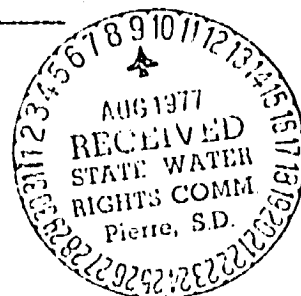
Corinne M. Petersen
(Signature)

Office
(Title)

April 29, 1976
(Date Signed)

No. 2652-3
NOTICE INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
April 9, 1976
Notice is hereby given that Or-
dell Royang, whose post office ad-
dress is Corsen, South Dakota, has
made an application in accordance
with the provisions of the
water laws of South Dakota for a
permit to appropriate for benefi-
cial use 1.7 cubic feet of water per
second of time from Split Rock
Creek through the Royang Irriga-
tion Project No. 1, the point of di-
version of which is to be located in
the SE 1/4 NW 1/4 of Section 22, Twp.
102N, Range 49W. Said water to be
used for the purpose of providing
irrigation on portions of the follow-
ing described land: SW 1/4, Section 22, T102N, R49W
This application No. 2652-3 will
be considered by the Water Rights
Commission at their office at
Pierre upon the 20th day of May,
1976, at 1:00 P.M. All interested
persons may appear and be heard.
Water Resources Commission
By: BURTON F. JONES
Water Rights Specialist
T-Apr. 22, 29





NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING

Post Office Canon S.D. 57019Date July 28, 1977

TO: **PIERRE, SOUTH DAKOTA 57501**
Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2652-3

Water Right Permit No. 2652-3 states that the diversion system is to be constructed by May 20, 1974 and that the water is to be put to beneficial use by May 20, 1981.

The diversion system was completed on June 21, 1977. Applying the water to beneficial use was completed on June 22, 1977.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Orville Rorango
(Signature)

November 14, 1977

Ordell Rovany
Corson, South Dakota 57019

Dear Mr. Rovang:

On November 2, 1977 I was at your farm and you indicated a desire to pump water during the month of April. Your application No. 2652-3 indicates you may pump from May 1st to September 1st. I discussed the matter with Burton Jones, Water Rights Specialist from our office and he felt there would be no problem if you pumped during high flows in April. Low flows as needed for downstream domestic use, including livestock watering and prior rights must be by-passed.

If this office should receive a valid objection to your pumping during April then you will be asked to stop pumping until May 1st as stated in your application.

Sincerely,

LE ROY HERNAUGH
Water Resources Engineer

November 14, 1977

Ordell Rovany
Corson, South Dakota 57019

Dear Mr. Rovang:

On November 2, 1977 I was at your farm and you indicated a desire to pump water during the month of April. Your application No. 2652-3 indicates you may pump from May 1st to September 1st. I discussed the matter with Burton Jones, Water Rights Specialist from our office and he felt there would be no problem if you pumped during high flows in April. Low flows as needed for downstream domestic use, including live-stock watering and prior rights must be by-passed.

If this office should receive a valid objection to your pumping during April then you will be asked to stop pumping until May 1st as stated in your application.

Sincerely,

LE ROY HERNAUGH
Water Resources Engineer

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Corson, S. Dak.
Date July 15, 1982

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 2652-3.

Water Right Permit No. 2652-3 states that the diversion system is to be constructed by 1979, and that the water is put to beneficial use by 1981 - 2 yrs later

The diversion system was completed on May 8, 1982 Applying the water to beneficial use was completed on June 10, 1982

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

David R. Roney
(Signature)





Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181
January 29, 1988

2652-3

ORDELL ROVANG
RR 5 BOX 250
CORSON, SD 57019

NOTICE

Re: Violation of Water Permit No(s). 4876-3 and 1987 Irrigation Questionnaire Requirements

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4876-3. The request for the questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4876-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will also be to determine if Permit No(s) 2652-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 9:00 am, March 2, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

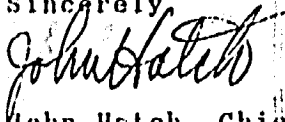
The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4876-3 until either the 1987 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s) 2652-3 also held by ORDELL ROVANG to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. Those 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 the State Supreme Court as provided by law.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division

Note: If the questionnaire(s) are received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

February 12, 1988

2652-3
4876-3

Ordell Royang
RR 5, Box 290
Corson SD 57019

Dear Mr. Royang:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2652-3 & 4876-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

February 17, 1989

Ordell Rovang
RR 5, Box 230
Corson, SD 57005

Dear Mr. Rovang:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

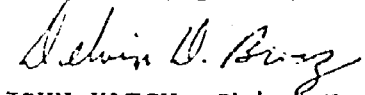


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bcwar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

2652-3

REPORT ON WATER PERMIT NO. 2652-3
ORDELL ROVANG
June 19, 1992

Water Permit No. 2652-3 appropriates 1.7 cubic feet of water per second from Split Rock Creek located in the SE 1/4 NW 1/4 Section 22 to irrigate 122 acres in the SW 1/4 Section 22; all in T102N-R48W. Readvertisement of the notice of hearing published in the Dell Rapids Tribune on April 22 and 29, 1976 is needed to correct the legal description of the point of diversion and the irrigated acres. The location of the diversion point and the irrigated acres were incorrectly advertised as being a location in Section 22-T102N-R49W. The correct location of the diversion point and the acreage developed for irrigation is Section 22-T102N-R48W. This readvertisement does not authorize any increase in the developed irrigated acreage of 118 acres or increase the authorized developed diversion rate of 1.69 cfs.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2652-3.
2. This readvertisement is necessary to correct the legal description of the point of diversion and the lands being irrigated prior to issuance of the water license. The correct location of the irrigated acreage was identified on the permit application.
3. The correct location of the diversion point is SE 1/4 NW 1/4 Section 22-T102N-R48W. The correct location of the lands being irrigated is the SW 1/4 Section 22-T102N-R48W.

Eric Gronlund
Natural Resources Engineer

Ron Duvall / gme
Ron Duvall
Natural Resources Engineer IV

2652-3

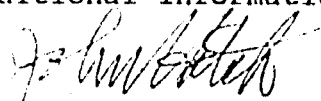
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2652-3, Ordell Rovang

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2652-3, Ordell Rovang, RR 5 Box 250, Corson, SD 57019.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 2652-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 26, 1992

2652-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 1, 1992

Ordell Royang
RR 5 Box 250
Corson, SD 57019

Dear Mr. Royang:

The original notice of hearing for Water Permit Application No. 2652-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Garretson Weekly printed at Garretson, SD (Ph # 594-6315). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Groulund
Natural Resources Engineer
605 773-3352

enclosures

2652-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 1, 1992

Garretson Weekly
Box 316
Garretson, SD 57030

ATTN: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2652-3 to be published twice. Please publish the first notice on July 9, 1992, with the second publication 7 days later.

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 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,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION

Name _____

Instruction to Newspaper - Publish first Notice on July 9, 1992, with the second publication 7 days later.

2652-3

Readvertisement of NOTICE OF HEARING on Application No. 2652-3 to Appropriate Water

Notice is given that Ordell Royang, RR 5 Box 250, Corson, SD 57019 filed an application for a water permit on March 4, 1973. Water Permit No. 2652-3 appropriates 1.7 cubic feet of water per second from Split Rock Creek to irrigate 122 acres. Readvertisement of the notice of hearing published in the Dell Rapids Tribune on April 22 and 29, 1976 is needed to correct the legal description of the point of diversion and the irrigated acres. The location of the diversion point and the irrigated acres were incorrectly advertised as being located in Section 22-T102N-R49W. The correct location of the diversion point is the SE 1/4 RW 1/4 and the acreage developed for irrigation is in the SW 1/4; all in Section 22-T102N-R49W. This readvertisement does not authorize any increase in the developed irrigated acreage of 115 acres or increase in the authorized diversion rate of 1.69 cfs.

Pursuant to SDCL 46-1A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 2652-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on readvertised Application No. 2652-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for: August 5, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 5, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 5, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

2652-3

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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-19, 46-2A-20, 46-2A-21; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

2652-3

Form 30 - Proof of Publication

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Minnehaha)

George H. H. H. H.

certify that the attached printed Notice was taken

from the *Minnehaha Press*

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

Minnehaha Press

located by *Minnehaha* and State of South Dakota; that the said notice was published in said newspaper on the following two dates

July 16, 1992

July 16, 1992

George H. H. H.

(Signature)

George H. H. H.

(Title)

July 16, 1992

(Date Signed)

Cost of Printing *1.00*



Minnehaha

Readvertisement of NOTICE OF HEARING on Application No. 2652-3 to Appropriate Water

Notice is given that Ordell Rovang, RR 5 Box 250, Corson, SD 57019 filed an application for a water permit on March 4, 1993. Water Permit No. 2652-3 appropriates 1.7 cubic feet of water per second from Split Rock Creek to irrigate 122 acres. Readvertisement of the notice of hearing published in the Dell Rapids Tribune on April 22 and 29, 1978 is needed to correct the legal description of the point of diversion and the irrigated acres. The location of the diversion point and the irrigated acres were incorrectly advertised as being located in Section 22-T102N-R40W. The correct location of the diversion point is the SE 1/4 NW 1/4 and the acreage developed for irrigation is in the SW 1/4; all in Section 22-T102N-R48W. This readvertisement does not authorize any increase in the developed irrigated acreage of 118 acres or increase in the authorized diversion rate of 1.69 cfs.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 2652-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on readvertised Application No. 2652-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 5, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 5, 1992, hearing date will be rescheduled

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for a regularly scheduled Board meeting. Notice of the time and place of the scheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 5, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 27, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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-20, 46-2A-21; 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; and Board Rules ARSD 74.02:01:01 thru 74.02:01:15.

Published July 9, 16, 1992



2652-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUN 11 1993

4876-3

Ordell Rovang
RR 5, Box 2990
Corson, SD 57005

Dear Mr. Rovang:

Enclosed is Water License No. 4876-3 and Receipt No. 413517 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4876-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 2652-3 have been incorporated into this Water License.

2652-3

NOT TO SCALE

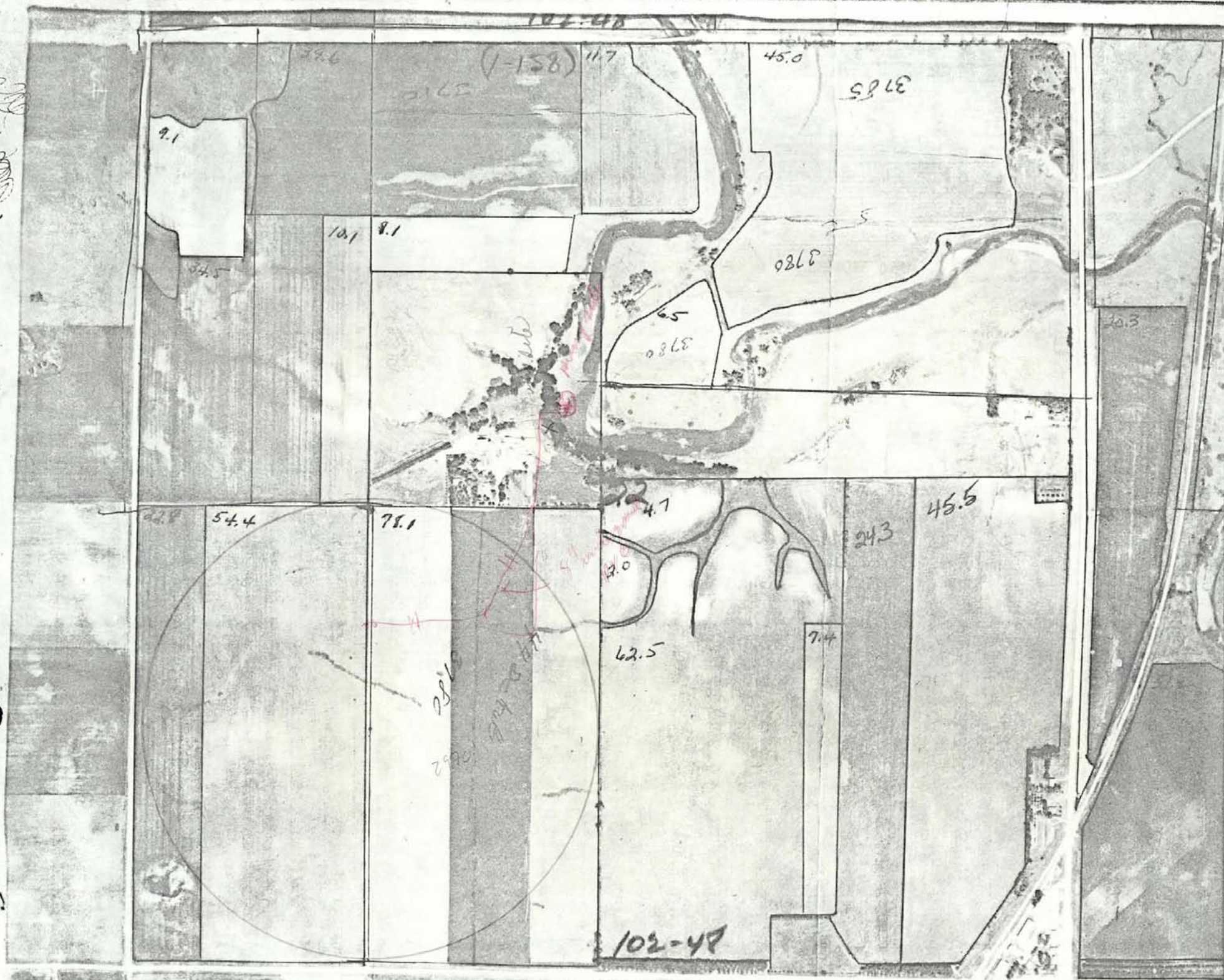


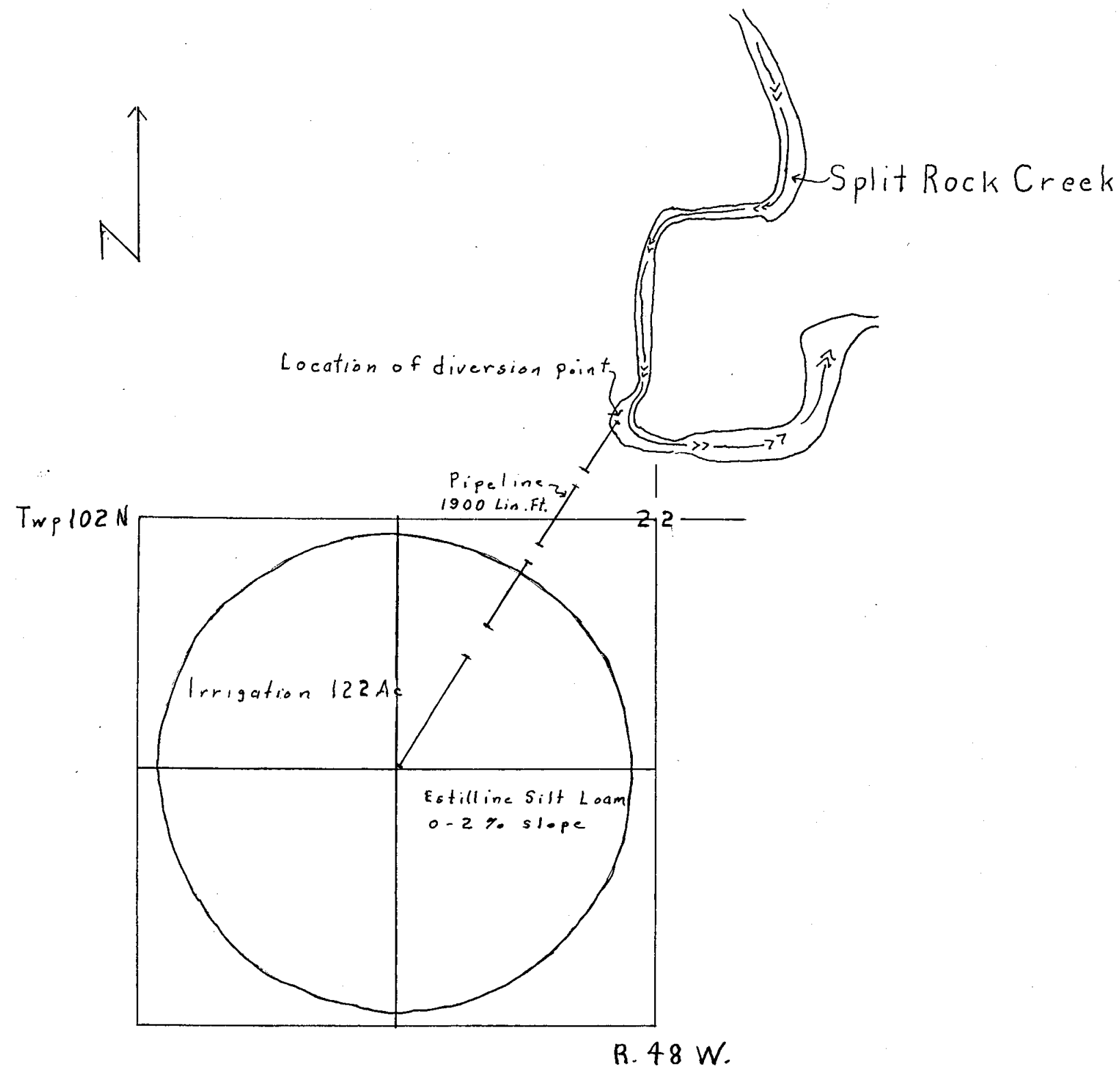
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Scale - 8" = 1 mile

Ordell Rovang
Irrigation Plan Map
SW 1/4 22-102-48

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn <i>Wayne C. Thiele</i> 1/24/74		Title.....
Traced.....		Title.....
Checked.....	Sheet No.....	Drawing No.....
	of.....	