

1. Considered: _____, 19____ Water Right No. 4954-3
2. Name of Applicant C. Thomas Huber
3. Post Office Address RR #2, Box 79, Conde, S.D. 57434
4. Amount of Water Claimed 2.28 maximum acre feet _____
5. Source of Water Supply one 84' well
6. Water to be used for IRR acres to be irrigated 160
7. County Clark about 1W, 11½N miles north of Raymond
8. PROOF OF PUBLICATION: Received lt 5-12-83 Not Received _____
- APPLICATION: Approved 6-9-83 Subject to SW-10 aw 9/11/83
- Not Approved _____ Action Deferred _____

CLERK Dated Received 4-20-83 Application complete-yes / no _____ FEE 250.00

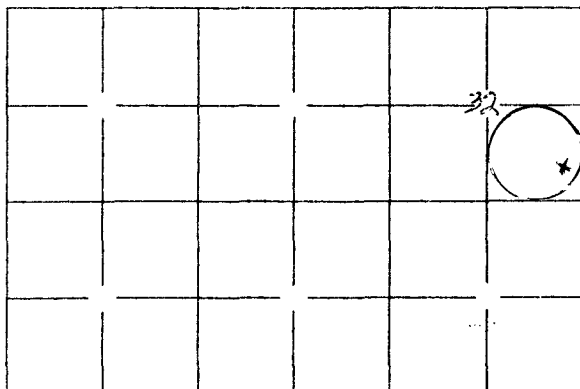
4-20-83 Remarks _____

Corrected Application received _____ Period of Annual Use _____

RECEIVED Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one) _____

DESCRIPTION Description same as application yes (yes) no _____ Remarks Received Ltr from Mr. Field recommending approval on this application on April 27, 1983

Disapproved _____ Returned _____



Diversion Point _____

SE¼ SE¼ Section 32-T119N-R59W

Land to be irrigated _____

SE¼ 32-119N-59W

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth 84' deep

Remarks _____

MAP Map No. 4954-3 Map located in Water Right xx Map file _____
 Type of Map Aerial Prepared by _____

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

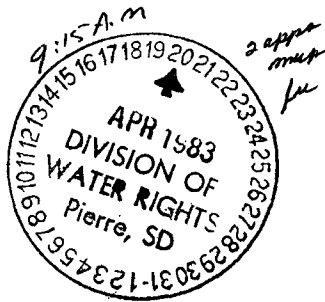
*llk from
 Dept of Agriculture
 recommending
 approval.* 4-22-83

Lolly Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 FC. Remarks _____



No. 4954-3
 Map No. 4954-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 10160006

**APPLICATION FOR PERMIT
 To Appropriate Water within the State of South Dakota**

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

**INCORPORATED INTO
 WATER LICENSE NO. 4955-3**

1. Name of Applicant C. Thomas Huber Phone No. 897-6642
 Post Office Address Rt #2 Box 79 Conde State South Dakota 57434
 (Street, RR, or Box) (Town) (Zip Code)
 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 Huber 3

4. Amount of water claimed (cubic feet per second) 2.28

5. Source of water supply Well

6. Location of point of diversion SE 1/4 SE 1/4 Sec. 32-119-59

County Clark

7. Annual period or periods during which water is to be used May - October

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

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.
SE 1/4 SE 1/4 32-119-59	40
SW 1/4 SE 1/4 32-119-59	40
NW 1/4 SE 1/4 32-119-59	40
NE 1/4 SE 1/4 32-119-59	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Clark Courier

12. Principal Features of the Proposed Water Supply System.

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

Well and turbine pump

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

PVC Pipe

C. Works proposed to apply water to beneficial use.

Center pivot

Estimated Total Cost \$ 52,000.00

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)
) ss.
 County of Clark)

I, C. Thomas Huber 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 C. Thomas Huber
John A. McDonald
 Notary Public (or other qualified officer)
 My Commission expires 9/14/84

Subscribed and sworn to before me this 18th day of April, 1983

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4954-3

C. Thomas Huber

(Applicant)

South Dakota

(State)

RT. 2 Box 79, Conde

(Post Office Address)

With the following qualifications

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**INCORPORATED INTO
WATER LICENSE NO. 4955-3**

Date of first receipt of application April 20, 1983

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

Date of receipt of corrected application , 19

Approved June 9, 1983, Recorded in Book Page

WATER RIGHT PERMIT NO. 4954-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4954-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 20, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 9, 1985
3. The whole of said work is to be completed on or before June 9, 1988
4. The ~~limit~~ of time from proof of beneficial use of water appropriated in accordance herewith is June 9, 1992
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 2.28 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 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 June 9, 1992; said water to be used during the following described

annual period: May 1 - October 31

Witness my hand this 20th day of June, 1983

THE WATER MANAGEMENT BOARD

By: John H. H. H.

Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

D Well Information

- (1) Drill Hole, Diameter 28", Depth 84'
- (2) Casing, Type Plastic, Diameter 16", Thickness 5/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Stainless steel, Diameter 16", Length 25'
- (4) Gravel Pack, Thickness 3" annulars, Length of gravel pack top to bottom

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

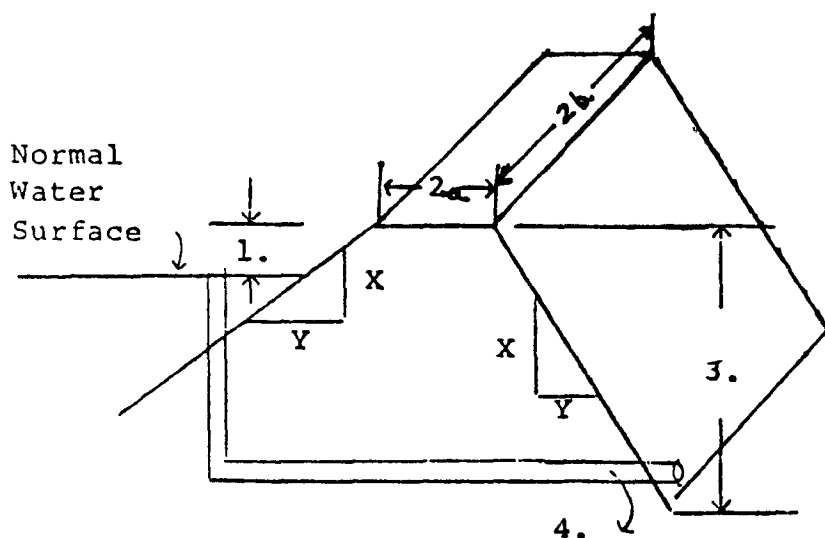
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 160 rds.

On property owned by others 90 rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

C. Thomas Hecker
Signature of Applicant

PAGE NO. 2 of 2

John Guilford
FOREMAN

[illegible]

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9235

PIERRE, April 20, 1983

RECEIVED OF C. Thomas Huber, Route #2, Box 79, Cadde, SD 57434

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

Fee for Application for Permit to Appropriate Water No. 4954-3 (examination, processing, recording and filing)	250.00
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	250.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

4954-3



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

April 22, 1983

C. Thomas Huber
RR #2
Conde, S.D. 57434

Dear Mr. Huber:

In reviewing your soil and water compatibility application for the SE $\frac{1}{4}$ Sec. 32-119-59 = 160 acres, the irrigation staff is recommending approval of your application to the State Conservation Commission at their May 5, 1983, meeting. Any conditions and/or management recommendations may follow.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Jack Fifield".

Jack Fifield, Director
DIVISION OF CONSERVATION

JF/ah





Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 ● Pierre, South Dakota 57501
Phone 605/773-3258

April 25, 1983

C. Thomas Huber
RR #2
Conde, S.D. 57434

Dear Mr. Huber:

In reviewing your soil and water compatibility application for the SE $\frac{1}{4}$ of Sec. 32-119-59, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their May 5, 1983, meeting. The Conditional recommendation is based on the clay content of Beadle soil which may make the leaching of salts difficult. The management recommendations are as follows:

MANAGEMENT RECOMMENDATIONS:

We recommend leaving crop residue on the surface and conservation tillage practices to control soil erosion and conserve moisture.

We also recommend the application of additional water to aid in the leaching of salts.

If you have any questions concerning your application, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Stukel". The signature is written in dark ink and is positioned above the printed name and title.

Jim Stukel
Irrigation Program Director

JS/ah

WR#

OWNERS ADDRESS: 1412

Conde, 1992)

PHONE: 697-4111

1000

1. WELL LOCATION _____

Depth 84 feet

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: none

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
S₁ S₁ 32-119-59	40		
S₁ S₁ 32-119-59	40		
N₁ S₁ SW 32-119-59	40		
N₁ S₁ 32-119-59	40		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED none

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: corn alfalfa primarily

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 83 - 0111 10. ADJUSTED (SAR): 1.68

8. SALINITY (EC X 10⁶): 1000 11. PERCENT SODIUM 13.04

9. SODIUM (SAR): .68

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 3 PM a.m./p.m., on March 31, 1983, at the following location: test well at NW 57-59 32-119-59 Clark Co
by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF April, 1980.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date _____

APPROVED

_DISAPPROVED

CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

CONDITIONAL APPROVAL

APPL. #4035

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

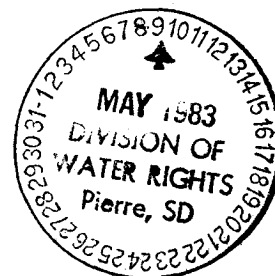
NAME OF APPLICANT: C. Thomas Huber

LEGAL DESCRIPTION: SE 1/4 Sec. 32-119-59 = 160 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:



RECOMMENDED MANAGEMENT:

We recommend leaving crop residue on the surface and conservation tillage practices to control soil erosion and conserve moisture.

We also recommend the application of additional water to aid in the leaching of salts.

Carl A. Hilde
SIGNATURE

5-5-83
DATE

REPORT ON APPLICATION NO. 4954-3

C. Thomas Huber

April 22, 1983

Application No. 4954-3 proposes to irrigate 160 acres in SE $\frac{1}{4}$ Section 32, T119N, R59W from one 83 foot well finished into the Altamont aquifer.

The original application submitted was modified by deleting acreages already covered under permit No. 2833-3.

The Altamont aquifer in Clark County has an estimated amount of recoverable water of 3,326,400 acre feet (SDGS Corps Report 1982) but, because of the discontinuous nature of the Altamont in Clark County only a 15 mi² area will be considered for water availability calculations.

100 feet (saturated thickness) x 15 mi² x 640 ac/mi² x 0.15 (storage coef.) = 144,000 acre feet of water in storage

5% x 144,000 acre feet = 7200 acre feet available for appropriation.

Appropriated and water use data

Permit	Acres	Ac.ft/yr	Appro	Water Use		
				1979	1980	1981
2653-3	289	3	867	79.9	159.1	145.8
2710-3	252	3	756	154.7	182.3	155.8
2833-3	305	3	915	171.2	225.5	229.1
2851-3	294	3	882	N.R.	N.R.	N.R.
3660-3	132	2	396	N.R.	N.R.	N.R.
4391-3	132	2	264	N.R.	N.R.	N.R.
TOTAL				405.8	566.9	530.7

7200 ac.ft. available - 4180 ac.ft. appropriate = 3020 ac.ft. available

566.9 ac.ft. (highest use reported)/7200 ac.ft. (available) = 8% used vs appropriated

The Altamont in this area is under both artesian pressure and water table conditions. The well log submitted with this application indicates that this application will be pumping from the water table portion of the formation. A review of observation well data from this area indicated that the artesian pressure wells have dropped approximately 5 feet dating from 1976 and the water table wells have remained essentially the same.

Based on the observation well data, test hole logs, estimated water in storage and water use data unappropriated water is available for this application.

RECOMMENDATION

The staff recommends that Application No. 4954-3 be approved with the well interference and Irrigation Questionnaire Qualification.

Gale N Selken

GALE N SELKEN P.E.

Hydrologist

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 4954-3, C. Thomas Huber

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4954-3, C. Thomas Huber, Box 79 Rt #2, Conde SD.

The Chief Engineer is recommending APPROVAL of Application No. 4954-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic well or in irrigation wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

The attached report is a part of this recommendation.

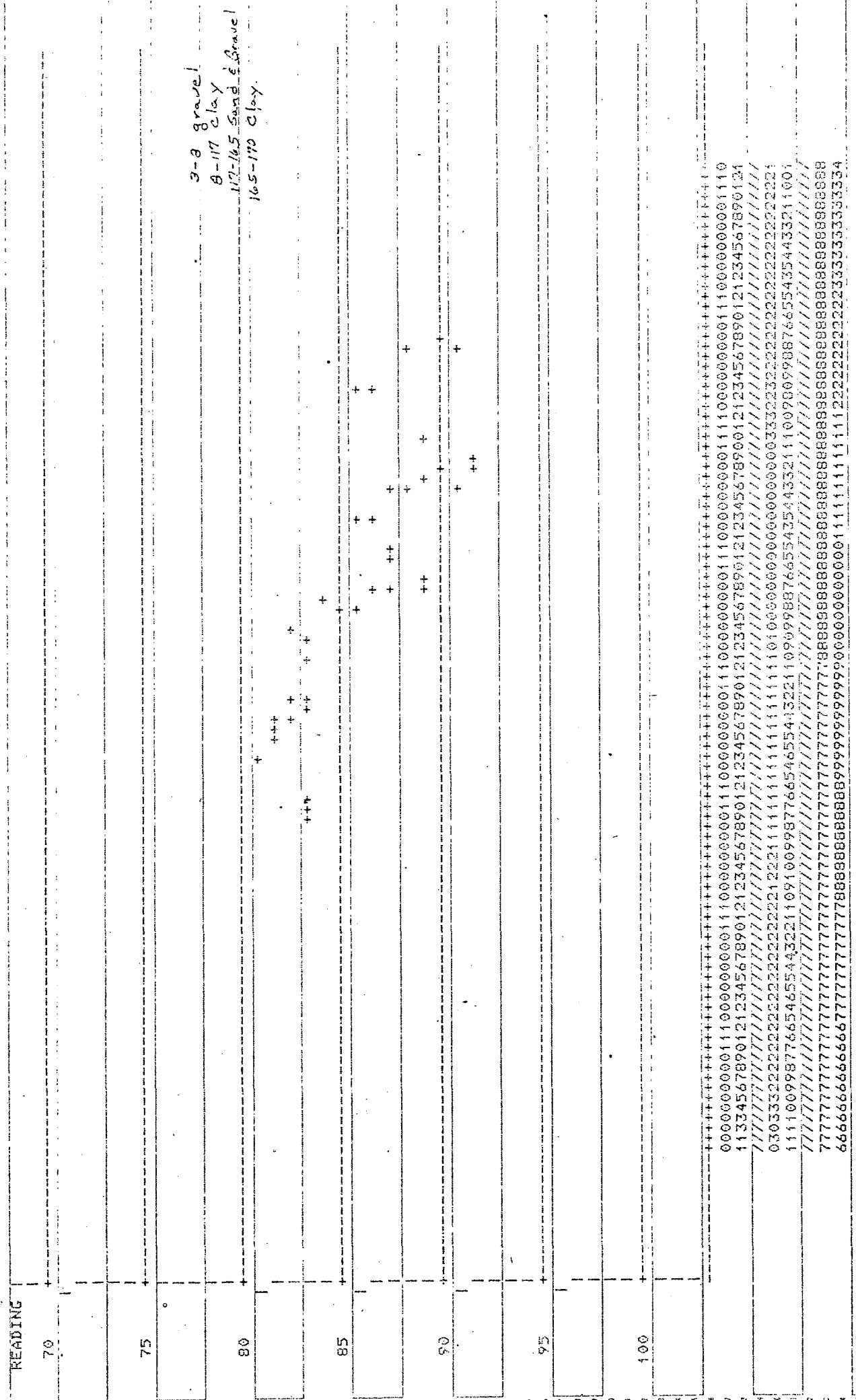


John Hatch, Chief Engineer
Water Rights Division
April 22, 1983

49543

OBS_WELL=CK-78A

PLOT OF READING*DATE SYMBOL USED IS +



SYMBOL USED IS +
PLOT OF READING*DATE

55

69

65

READING

02

52

02

1-3 sand
3-21 Gravel
21-29 clay
29-31 Gravel
31-90 clay
90-154 Gravel
154-165 Kp
cased 145 ft.

NOTE: 5 OFS HIDDEN

DATE _____

Instructions to Newspaper - Publish first publication of following Notice on or before
April 27, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4954-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Rt #2

Notice is hereby given that C Thomas Huber whose mailing address is Box 79

Conde, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, Section 71 of HB 1001; (transfer lands) 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05,~~ (several of the preceding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to appropriate 2.28 cubic feet per second from groundwater (one 84 foot deep well) through the Huber #3, the point of diversion to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T119N, R59W. Said water to be used for the purpose of providing irrigation on 160 acres located in the SE $\frac{1}{4}$, Section 32, T119N, R59W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4954-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest

This application will be considered by the Water Management Board at Federal Bldg, Room 301
200 4th St SW, Huron, South Dakota upon the 9th day of June, 1983 at ~~10:00 am.~~
1:30 pm

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this 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 the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason 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. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

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 the 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 Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clark County Courier

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

State _____ of S. Dak.

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

April 28, 1983

May 3, 1983

Bert Moritz
(Signature)
publisher
(Title)
5/6/83
(Date Signed)

Cost of Printing: 92 lines - 2 times
\$ 38.09

Notice of Hearing On
Application No. 4954-3
To Appropriate Water

Notice is hereby given that C Thomas Huber whose mailing address is Rt. 2 Box 79, Conde, South Dakota has made an application pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legislature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10, thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4, 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (several of the preceeding SDCL Sections are amended by HB 1001 & 1002 of 1983 Legislature) for a permit to appropriate 2.28 cubic feet per second from groundwater (one 84 foot deep well) through the Huber No. 3, the point of diversion to be located in the SE 1/4 SE 1/4 of Section 32, T119N, R59W. Said water to be used for the purpose of providing irrigation on 160 acres located in the SE 1/4, Section 32, T119N, R59W.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4954-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest. This application will be considered by the Water Management Board at Federal Bldg., Room 301, 200 4th St. SW, Huron, South Dakota upon the 9th day of June, 1983 at 1:30 p.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this 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 the Chief Engineer and the Applicant by May 30, 1983. The petition may be informal, but it must include a statement describing



petitioner's interest in the application, the reason 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. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by May 30, 1983.

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 the 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 Right Division, DWNR, Joe Foss Bldg., Pierre, SD, (605-773-3352) for assistance prior to the hearing date.



4954-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

June 21, 1983

C. Thomas Huber
Route #2, Box 79
Conde, South Dakota 57434

Dear Mr. Huber:

Enclosed herewith is your Water Permit No. 4954-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4954-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

October 6, 1983

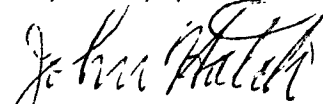
C. Thomas Huber
Rural Route #2, Box 79
Conde, South Dakota 57434

Dear Mr. Huber:

Enclosed herewith is, Water License No. 4955-3. This is the final water right document completing your process of obtaining a water right.

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

JHms

Enclosures

Applicable portions of Permit Nos 2833-3 and (4954-3) have been incorporated into this Water License No. 4955-3.

NOT TO SCALE

119-59

W

5.8

43.2

136.8

579-119L

6.4

32

59.3

36.8

45.6

72.0

74.5

WELL

5.5

119-59

Lulla Logan
Clark County, US Office
April 15, 1983
Map # 4954-3