

Considered: _____

WATER PERMIT NO. VR 5636-3

Phone: 886-2280

Name of Applicant: Stanley Schmitt

Post Office Address: 18 N Broadway, Watertown SD 57021

Amount of Water Claimed: 15 gpm 0.033 cfs Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Codington

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-12-92 Fee: \$15 Remarks Priority date

of January 1, 1949

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: SE 1/4 SE 1/4 Sec 6-T116N-R52W

Land to be Irrigated: _____

			6		
				8	1

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 20' REMARKS no log available

Type of Map: aerial PREPARED BY: W. Stanley Lamb, ASCS Reviewed and the Number

Assigned on 3-12-92 By Karen Schlaak

No. 5636-3 Hydrologic Unit 10170202
 Map No. _____ Basin Big Sioux
 Newspaper Public Opinion, PO Box 10, Watertown

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

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____

① Name of Applicant Stanley Schmitt Phone No. 886-2280
 Post Office Address 18 N. Broadway State Watn. SD. 57201
(Street, RR or Box) (City) Zip Code

② Amount of water claimed (c.f.s) ~~4.5 c.f.s~~ 15 Gal P.M. (0.033 c.f.s)

3. Source of water supply Ground Water

④ Location of point of diversion S.E. 9th Sec 6 Twn. 116 N Range 52-
(SE4 SE4)

County Codington - SD.

5. Counties where water will be used Codington.

6. Annual period during which water is to be used 1-1- 12-31

7. 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)

For. S Fork Bar & Grill
 2 stools etc. } Water is used
 Primarily for S. Fork
 Bar & Grill -
 2 stools - Dishwashing
 etc.

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 Codington)^{ss}

I, Grace Schmitt the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Grace SchmittSubscribed and sworn to before me this 11 day of MARCH 19 92

Jan Marguand
 Notary Public

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5636-3

Date of Receipt of Claim March 12, 1992.

Date of Validation June 3, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5636-3 for Stanley Schmitt, 18 N Broadway, Watertown SD 57201 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5636-3 appropriates 15 gallons per minute (0.033 cubic feet of water per second) from one well (Big Sioux:North Aquifer) 20 feet deep located in the SE 1/4 SE 1/4 Section 6-T116N-R52W.
2. The appropriated water is used for supplying water at the South Fork Bar and Grill and may not exceed the amount of water needed for beneficial use for commercial purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1949.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Right Division
Department of Environment and Natural Resources

AUG 5 1992

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5636-3

(1) Stanley Schmitt of 18 N. Broadway, Watertown, SD 57201 made Application No. 5636-3, March 12, 1992 for validation of a vested right claim to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from groundwater (one well), Codington County, South Dakota for commercial purposes. Vested Water Right No. 5636-3 was validated June 3, 1992 with a priority date of January 1, 1949. 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 0.033 cubic feet of water per second (15 gallons per minute) for beneficial use. The location of the diversion point is: in the SE 1/4 SE 1/4 Section 6, T116N, R52W.

(3) Pursuant to Section 46-5-30.1 Stanley Schmitt of 18 N. Broadway, Watertown, SD 57201 the holder(s) and/or owners(s) of Vested Water Right No. 5636-3 is issued a license to appropriate 0.033 cubic feet of water per second (15 gallons per minute) from groundwater (one well) with a priority date of January 1, 1949 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5636-3 and subject to South Dakota State Law.


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

AUG 5 1992

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 1 1/4" Depth 20'
- b) Casing Type GALV PIPE Diameter 1 1/4" Thickness —
- c) Screen Type SANDPOINT Diameter 1 1/4" Thickness —
- d) Gravel Pack Thickness — Length of Gravel Pack —
- e) Depth to Top of Water Bearing Material 8'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well: 1/4 mi,
On applicants property 1/4 mi On property owned by others —

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

—
—

b) Freeboard —

c) Crest Width —

Crest Length —

d) Height —

e) Primary Outlet Capacity —
If Pipe, diameter —

f) Secondary Spillway Capacity —
Spillway width —

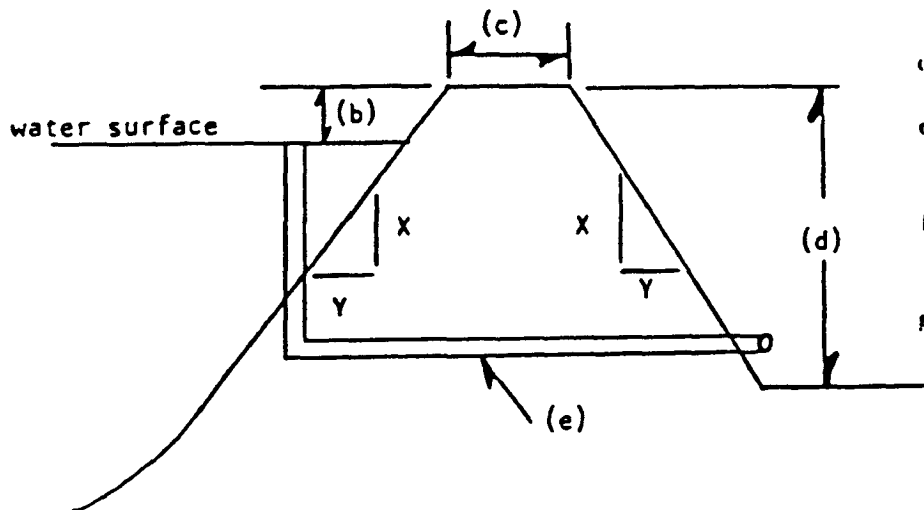
g) X & Y Slope
Upstream —

Downstream —

Surface Area of Impoundment —

Storage — acre feet

Drainage area above dam —



Signature of Applicant

Grace Schmitt Mgr.

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

✓ Name of Applicant (Same as Form 2) Stanley Schmitt

Post Office Address 18 N Broadway Watertown SD 57201
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use 1-1-49

(D) Name of owner of original water supply system _____

E. Amount of water originally applied to beneficial use 15 gal p. M.

F. Present Use of Water - Amount of water now being used 15 gal p.m.

Date that this water was first used 1-1-91

G. Chronological History of Water Use
Conklins Truck Stop - 1949 > No previous Record.
Ass' Bar & Grill -
Rebels " " "
South Fork " " "

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 Codington) ss

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

Signed Grace Schmitt

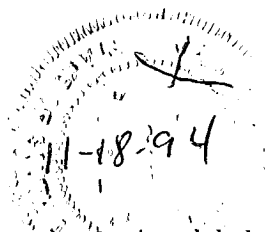
Subscribed and sworn to before me March 11, 1992

Jan Marguardt
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.

Sue Rogge Sue Rogge 1992
(Print name)

Peggy Hulscher 1992
(Print name)



NOT TO SCALE



W. Stanley Lamb, CED
Cadington Co. ASLS Office



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1992

STANLEY SCHMITT
SOUTH FORK BAR AND GRILL
SOUTH HWY 81
WATERTOWN SD 57201

Dear MR. SCHMITT:

I am writing to follow-up on my August 30, 1991 and November 8, 1991 letters regarding the need for a permit to appropriate water for use in your facility. Based on the information we have, we believe you need a permit. We would appreciate your earliest attention to this matter.

Pursuant to South Dakota Codified Laws 46-1-15 and 46-5-10, except for private domestic use, a water permit is required to use water from any water source. Examples of commercial enterprises that require permits for private water supplies are: truckstops, motels, restaurants, tourist attractions, bars, clubs, commercial campgrounds and any other business operation. Examples of institutions that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute or use water outside of the school building.

An existing business or institution without a required water permit has no legal right to the use of water. Water users without a water permit are not protected if their water use is interfered with by someone who has a water right. If you believe you already have a water permit or if you have a permit issued under another name, please contact us.

We have previously sent you water permit application forms and an instruction sheet. Please complete and return the application with the required fee to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501". If you have questions, or don't believe you need a water permit, contact Don Frye, Natural Resources Analyst (605-773-3352).

Very truly yours,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

(over)

According to the 1st letter I received - This.
Well was installed previous to 1940 & we were
exempt from this.

Thanks

Grace Schmitt (gen. mgr)

886-2280 day.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 1992

Grace Schmitt
South Fork Bar and Grill
South HWY 81
Watertown SD 57201

Dear Ms. Schmitt:

We received the note you wrote on the back of our February 12, 1992 letter. It appears you may qualify for a vested water right if the business has been using the same water supply beginning on or prior to February 28, 1955. In order to claim a vested water right, you must still complete the application forms (Forms 2 and 2A) plus an Affidavit of Water Use (Form 2B).

Back in November of 1991, I helped you complete the Forms 2 and 2A. You still need a water permit. The fact that you will claim a vested water right will decrease the application fee from \$50.00 to \$15.00 and will also establish a water right priority date going back to when you first used the water for the business (1940's).

Enclosed is a complete set of application forms, including the form you need to claim a vested water right. If you need help filling out these forms, I will be glad to help. Please call me at (605) 773-3352 if you have any questions on this matter.

Sincerely,

DON FRYE, Natural Resources Analyst
Division of Water Rights

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413122

Pierre, March 12, 1992

RECEIVED OF South Fork Bar & Grill, South Hwy. 81, Watertown, SD 57201

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

Fee for Application for Permit No. <u>5636-3</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

REPORT ON VESTED RIGHT APPLICATION NO. 5636-3
for Stanley Schmitt
April 15, 1992

Vested Right application No. 5636-3 proposes to appropriate 15 gpm (0.033 cfs) from one well approximately 20 feet deep located in the SE 1/4 SE 1/4 of section 6, T116N R52W in Codington County. The water use has a claimed priority date of January 1, 1949 and is used as a commercial water supply at the South Fork Bar and Grill.

AQUIFER - BIG SIOUX NORTH (BS-N)

The Big Sioux North is an alluvium mantled outwash (sand and gravel) under unconfined (water table) conditions. The aquifer is hydraulically connected to area lakes and to the Big Sioux River which acts primarily as discharge areas for groundwater. The Big Sioux North underlies 67,300 acres and contains an estimated 151,430 acre feet of recoverable water in storage in Codington County (Hedges, 1982). The aquifer is recharged by rainfall and snowmelt directly into the aquifer and potentially from the Big Sioux River.

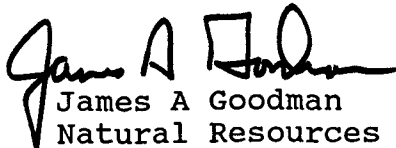
The Division of Water Rights monitors and observation well CD-60C which is located approximately 1/2 mile west of this application. Water levels for this well show good response to climatic conditions, that is, rising during wet years due to recharge and declining during dry years due to lack of recharge and natural discharges. The water levels indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby existing water permits/rights which could be affected by this application. Interference will not be a concern.

CONCLUSIONS

1. Water is available from the Big Sioux North aquifer.
2. This well is a sandpoint. There is no information available to determine if this well is completed in accordance with SD Well Construction Standards.
3. The affidavit submitted with the application indicates that 15 gpm has been put to use since January 1, 1949 and this application can be validated as a vested right.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Water Rights, 1992, Unpublished Observation Well Records for Codington County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5636-3, Stanley Schmitt

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 Validation of Vested Water Right Application No. 5636-3, Stanley Schmitt, 18 North Broadway, Watertown, SD 57021.

The Chief Engineer is recommending VALIDATION of Application No. 5636-3 for 0.033 cfs (15 gpm) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 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 report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
April 20, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 30, 1992

Stanley Schmitt
18 N Broadway
Watertown, SD 57201

Dear Mr. Schmitt:

Your Application No. 5636-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Public Opinion printed at Watertown, SD (Ph # 886-6901). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of 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.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1992

Public Opinion
PO Box 10
Watertown, SD 57201

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5636-3 to be published twice. Please publish the notice on May 7, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Stanley Schmitt, 18 N Broadway, Watertown, SD 57201 (Ph # 886-2280)

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 until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
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 Notice on May 7, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5636-3 to Appropriate Water

Notice is given that Stanley Schmitt, 18 N Broadway, Watertown, SD 57201 has filed an application to validate a vested water right claim to appropriate 15 gallons per minute (0.033 cubic feet of water per second) from one well (Big Sioux:North Aquifer) 20 feet deep located in the SE 1/4 SE 1/4 Section 6-T116N-R52W. The water use has a claimed priority date of January 1, 1949, and is used as a commercial water supply at the South Fork Bar and Grill.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5636-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 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. 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 vested water right application 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 May 26, 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 Application No. 5636-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 3, 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 June 3, 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 June 3, 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 May 26, 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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Codington) ss.

I, Monica K. Saathoff

certify that the attached printed Notice was taken
 from the Watertown Public Opinion

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 Watertown

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

May 7th, 1992

May 14th, 1992

Monica K. Saathoff
 (Signature)

Bookkeeper
 (Title)

May 14th, 1992
 (Date Signed)

Cost of Printing: \$140.18



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 vested water right application 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 May 26, 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.

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APPLICATION

NOTICE OF HEARING To Validate Vested Water Right Application No. 5636-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5636-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1949, 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. Unless a

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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-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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

(May 7, 14, 1992)

2)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 5 1992

5636-3

Stanley Schmitt
18 N. Broadway
Watertown, SD 57201

Dear Mr. Schmitt:

Enclosed are your Validated Vested Water Right and Water License No. 5636-3. 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

enclosures