

Considered: _____

WATER PERMIT NO. VR 5662-3

Phone: 448-5526 or 738-2258

Name of Applicant: Faye Lee Michael Jepsen

Post Office Address: RR 2, Box 117
Box 58, Lake City SD 57247

Amount of Water Claimed: 0.03 cfs (15 gpm) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: commercial County: Marshall

About 3 miles west of Lake City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 4-30-92 Fee: \$50 Remarks refunding \$35

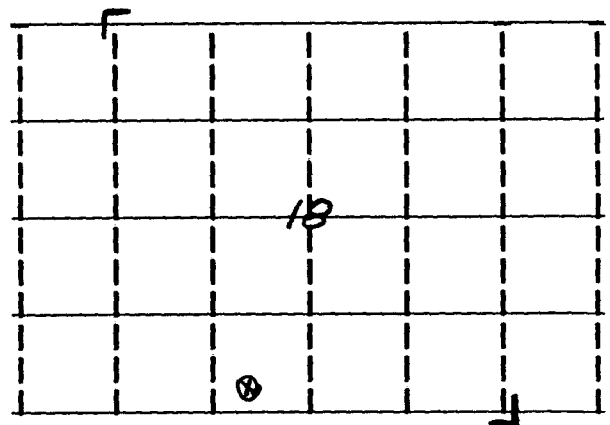
Corrected Application Received 5-8-92 Period of Annual Use May 1 - October 31

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

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

Diversion Point: SE 1/4 SW 1/4 Sec 18-T126N-R55W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 85' REMARKS no well log available

Type of Map: plat PREPARED BY: Harland Peterson Reviewed and the Number

Assigned on 5-11-92 By Karen Schlaak

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 778-3352

No. 5662-3 Hydrologic Unit 10160010
Map No. _____ Basin James River
Newspaper The Britton Journal, Box 169

Britton 57430-0069 448-2281 (Wed)

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change 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 Faye Lee Michael Jepsen Phone No. 448 5526
RR 2 Box 117 738-2258
Post Office Address Box 58 Lake City State S.D. 57047
(Street, RR or Box) (City) (Zip Code)

2. Amount of water claimed (c.f.s.) .03 cfs or 15 gpm or less

3. Source of water supply Well

4. Location of point of diversion SE 1/4 SW 1/4 Section 18-T126N-R55W

County Marshall

5. Counties where water will be used Marshall

6. Annual period during which water is to be used May - October 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)

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 _____ ss

I, Faye Lee 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 Faye Lee

Subscribed and sworn to before me this 28th day of April 19 92

Gail E. Vichota
Notary Public
My comm expires 11-14-1999

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5662-3

Date of Receipt of Claim April 30, 1992.

Date of Validation August 11, 1992.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5662-3 for Michael Jepsen, RR 2, Box 117, Lake City SD 57247 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5662-3 appropriates 0.03 cubic feet of water per second (15 gallons per minute) from one well (Coteau Lakes Aquifer) 85 feet deep located in the SE 1/4 SW 1/4 Section 18-T126N-R55W.
2. The appropriated water is used for supplying water at Sportsman Lodge and Resort 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: May 1 - October 31.
4. The priority date of the Vested Water Right is January 1, 1924.
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

NOV 23 1992

date

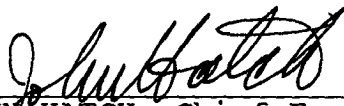
STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5662-3

(1) Michael Jepsen of RR 2, Box 117, Lake City, SD 57247 made Application No. 5662-3, April 30, 1992 for validation of a vested right claim to appropriate 0.03 cubic feet of water per second from groundwater (one well), Marshall County, South Dakota for commercial purposes. Vested Water Right No. 5662-3 was validated August 11, 1992 with a priority date of January 1, 1924. 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 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is: in the SE 1/4 SW 1/4 Section 18, T126N, R55W.

(3) Pursuant to Section 46-5-30.1 Michael Jepsen of RR 2, Box 117, Lake City, SD 57247 the holder(s) and/or owners(s) of Vested Water Right No. 5662-3 is issued a license to appropriate 0.03 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1924 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. 5662-3 and subject to South Dakota State Law.



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

NOV 23 1992

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 2" Depth 85'
- b) Casing Type PVC Plastic Diameter 2" Thickness Standard Casing
- c) Screen Type Sand Point Diameter 2" Thickness _____
- d) Gravel Pack Thickness Not Certain Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 77'
- f) Depth to Water (ground surface to water level) 77'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others 400 yards

2. Dugout Information Estimates

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

3. Water Storage Dams

N/A

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

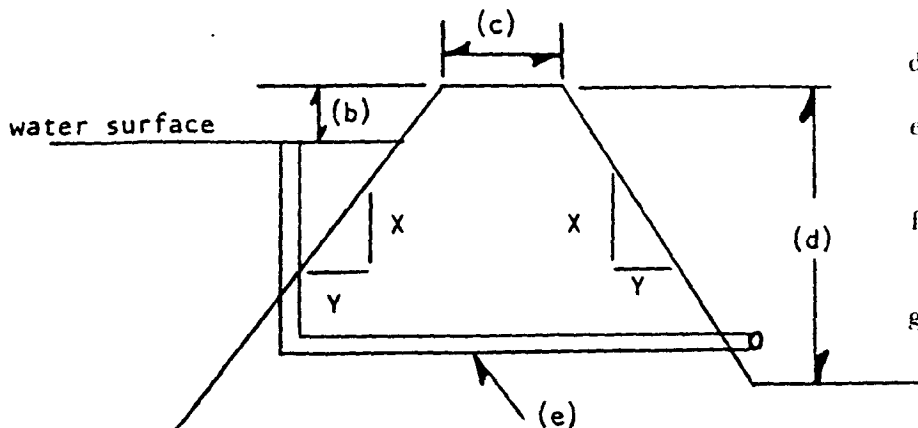
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Laye Lee
Signature of Applicant



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 of a water use system 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) Faye Lee
 Post Office Address Box 58, Lake City, SD 57247
(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 1924C. Date that water was first applied to beneficial use 1924D. Name of owner of original water supply system Mr. Freeman Four mile LakeE. Amount of water originally applied to beneficial use 10 or 15 gal minF. Present Use of Water - Amount of water now being used sameDate that this water was first used June - 1974
 G. Chronological History of Water Use
1924 - Four mile Resort - 1974 Change to Sportsman Lodge & Resort.

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 Marshall)
SS
 I, FAYE LEE the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Faye LeeSubscribed and sworn to before me 5-7-, 1992
Gail E. Orchota - notary public
Notary Public or other qualified officer
My comm expires 11-14-1999

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.

FAYE LEE 19____
(Print name)

 _____ 19____
(Print name)

PAYMENT REQUEST FORM

PAYEE: Faye Lee
RR Box 39
Veblen, SD 57270

FROM: DENR
Water Rights Division
532 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

A \$50.00 filing fee was originally submitted. It was later determined through correspondence with Ms. Lee that the application qualified for a vested right; therefore, \$35.00 of the \$50.00 filing fee should be returned.

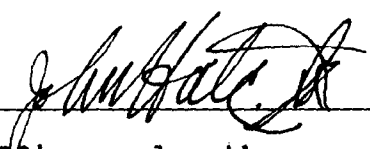
AMOUNT: \$35.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

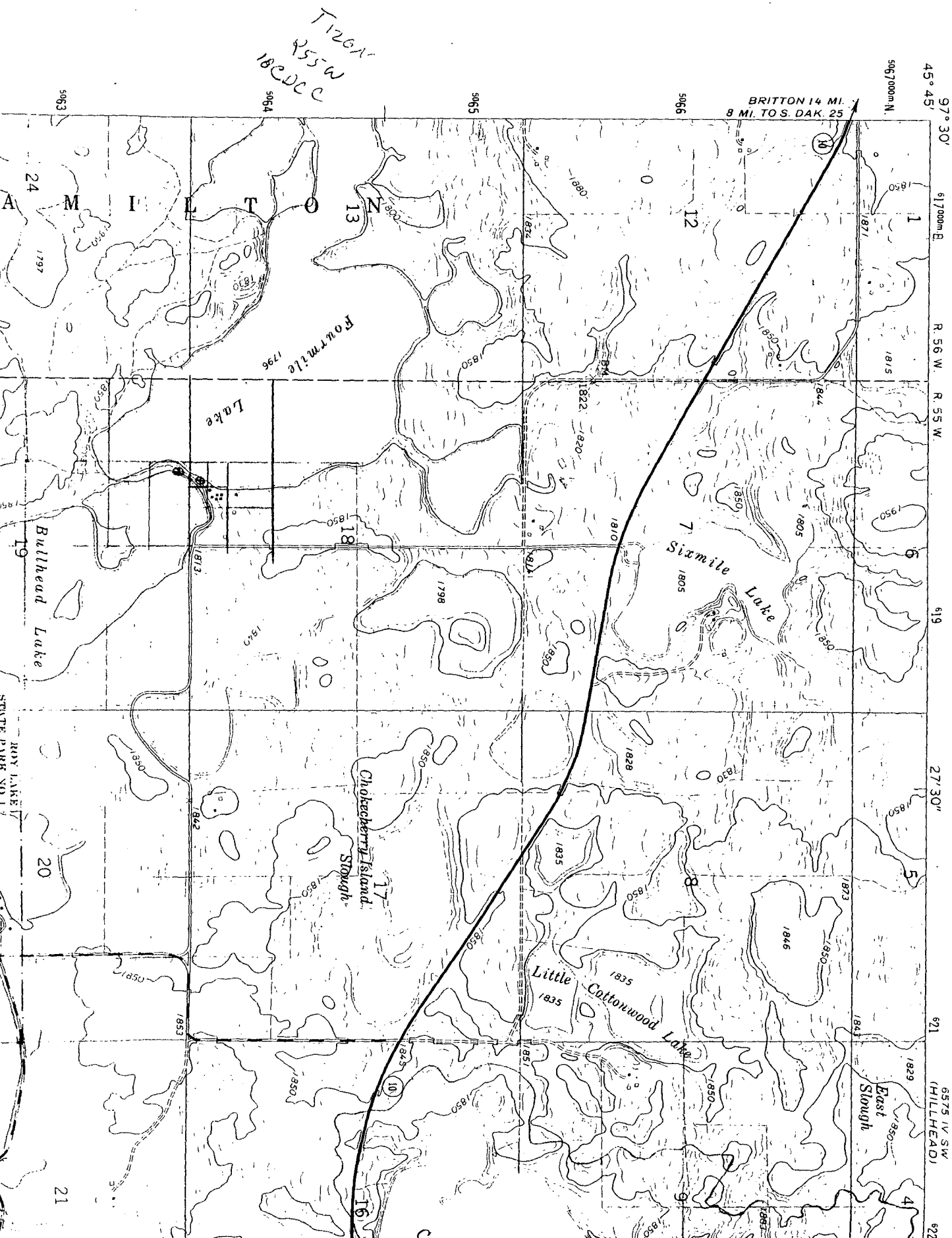
COMMENTS:

AUTHORIZATION: 

5-11-92

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted program

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413200

Pierre, April 30, 1992

RECEIVED OF Faye Lee, RR Box 39, Veblen SD 57270

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

Fee for Application for Permit No. <u>5662-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	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	50 00

By

Chief Engineer

John Hatch / Jmk



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 1992

Faye Lee
Box 58
Lake City SD 57247

Dear Ms. Lee:

In regard to your water permit application received on April 30, 1992, the following information needs to be clarified in order to process your application.

1. On Item No. 4 of the application, location of the point of diversion, was left blank. From the map submitted with the application, it would appear that the well is located in the SE 1/4 SW 1/4 Section 18-T126N-R55W. Do you agree with this location?
Yes
2. A well log signed by a South Dakota licensed well driller must accompany the application. If a well log is not available, please let us know.
Can not find one.
3. On the application, you indicated that the permit is a vested right. In order to qualify for a vested right, the water must have been applied to beneficial use prior to 1955. If this is the case, complete, sign and have notarized, the enclosed Form 2B Affidavit of Water Use Form. This form is used to establish a priority date for the vested right claim. The filing fee for a vested right is \$15.00. If you qualify for a vested right, then \$35.00 of the filing fee will be returned to you.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

REPORT ON APPLICATION NO. 5662-3
for Faye Lee
June 17, 1992

Vested Right Application No. 5662-3 proposes to appropriate 0.03 cfs (15 gpm) from one well approximately 85 feet deep located in the SE 1/4 SW 1/4 of section 18, T126N R55W in Marshall County. The water use has a claimed priority date of January 1, 1924 and is for commercial use at the Sportsman Lodge and Resort.

AQUIFER - COTEAU LAKES (COL)

The Coteau Lakes aquifer consists of a confined glacial outwash (sand and gravel) under predominantly artesian conditions. The aquifer underlies 32,000 acre and contains an estimated 120,000 acre feet of recoverable water in storage in Marshall County (Hedges, 1982). The aquifer is hydraulically connected to area lakes and laterally extends into Roberts County to the east and Day, Grant and Codrington Counties to the south.

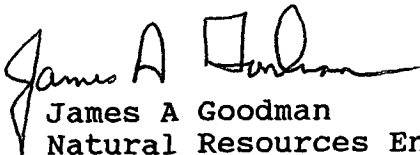
The Division of Water Rights monitors one observation well completed into the Coteau Lakes aquifer in Marshall County. The well is ML-70Q. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights in this area. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Coteau Lakes aquifer.
2. Interference is not expected to be a concern. The diversion rate is relatively small and this well has been used for many years with no apparent problems.
3. The affidavit filed with this application indicates that water has been used for these purposes since 1924. This diversion does qualify for a Vested Right and can be recognized.
4. Very little information has been supplied concerning the well construction for this application. It can not be determined if this well is constructed in accordance with SD Well Construction Standards.


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 Marshall County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 5662-3, Faye Lee

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. 5662-3, Faye Lee, Box 58, Lake City, SD 57247.

The Chief Engineer is recommending VALIDATION of Application No. 5662-3 for 15 gallons per minute (0.03 cfs) because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1924, 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.


JOHN HATCH, Chief Engineer
June 26, 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.

June 30, 1992

Faye Lee
Box 58
Lake City, SD 57247

Dear Ms. Lee:

Your Application No. 5662-3 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 Britton Journal printed at Britton, SD (Ph # 448-2281). 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
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

June 30, 1992

The Britton Journal
Box 69
Britton, SD 57430-0069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5662-3 to be published twice. Please publish the notice on July 8, 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 Faye Lee, Box 58, Lake City, SD 57247 (Ph # 448-5526 or 738-2258).

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

File No. 5662-3

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Michael Jepsen

ADDRESS: RR 2, Box 117, Lake City SD 57247

COUNTY: Marshall

DATE: 7-6-92

TELEPHONE:

RE: Application No. 5662-3

COMMENTS:

Michael Jepsen stated that he had just bought the Sportsman Lodge and Resort from Faye Lee. Mr. Jepsen stated that Ms. Lee had given him all the information regarding the publication notice which was to be published on July 8 and 15. I told Mr. Jepsen to disregard the publication notice paperwork and that we would amend the notice, so it would be in his name. Mr. Jepsen was informed he should contact the newspaper to authorize publication when he receives notice from our office.

Karen Schlaak

Karen Schlaak
Natural Resources Analyst

Instruction to Newspaper - Publish first Notice on July 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5662-3 to Appropriate Water

Notice is given that Faye Lee, Box 58, Lake City, SD 57247 has filed an application to validate a vested water right claim to appropriate 0.03 cubic feet of water per second (15 gallons per minute) from one well (Coteau Lakes Aquifer) 85 feet deep located in the SE 1/4 SW 1/4 Section 18-T126N-R55W. The water use has a claimed priority date of January 1, 1924, and is for commercial use at the Sportsman Lodge and Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5662-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1924, 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 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 Application No. 5662-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 4, 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 4, 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 4, 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 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, 46-2A-22; 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.



**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.

July 9, 1992

Michael Jepsen
RR 2 Box 117
Lake City, SD 57247

Dear Mr. Jepsen:

Your Application No. 5662-3 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 Britton Journal printed at Britton, SD (Ph # 448-2281). 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

July 9, 1992

The Britton Journal
Box 69
Britton, SD 57430-0069

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5662-3 to be published twice. Please publish the notice on July 15, 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 Michael Jepsen, RR 2 Box 117, Lake City, SD 57247.

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.

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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 July 15, 1992, with the second publication 7 days later. The applicant is responsible for payment.

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Vested Water Right Application No. 5662-3 to Appropriate Water

Notice is given that Michael Jepsen, RR 2 Box 117, Lake City, SD 57247 has filed an application to validate a vested water right claim to appropriate 0.03 cubic feet of water per second (15 gallons per minute) from one well (Coteau Lakes Aquifer) 85 feet deep located in the SE 1/4 SW 1/4 Section 18-T126N-R55W. The water use has a claimed priority date of January 1, 1924, and is for commercial use at the Sportsman Lodge and Resort.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5662-3 because 1) water has been appropriated as described for commercial use with a priority date of January 1, 1924, 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 August 3, 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. 5662-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 11, 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 11, 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 11, 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 August 3, 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, 46-2A-22; 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 Marshall) ss.

I, Charles L. Card

certify that the attached printed Notice was taken
 from the Britton Journal

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 Britton

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

July 15, 1992

July 22, 1992

Charles L. Card
 (Signature)

publisher

(Title)

July 22, 1992

(Date Signed)

Cost of Printing: \$54.85

2T(July 15-22)

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 To Validate Vested Water Right
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GREAT FACES. GREAT PLACES.

NOV 23 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5662-3

Michael Jepsen
RR 2, Box 117
Lake City, SD 57247

Dear Mr. Jepsen:

Enclosed are your Validated Vested Water Right and Water License No. 5662-3. 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,

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

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

enclosures