

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1224A-1**

(1) Don Grubl, 70245 Story Lane, Sturgis SD 57785 made Application No. 1224-1, April 15, 1981 for a water permit to divert 0.84 cubic feet of water per second (cfs) from a dry draw on a tributary of Bear Butte Creek, Meade County, South Dakota for irrigation purposes. Permit No. 1224-1, with a priority date of April 15, 1981 was approved May 27, 1981.

The original permit authorized irrigation of 58 acres of land located in portions of Section 13, T6N, R7E and Section 18, T6N, R8E. An investigation of the water use system for licensing purposes found an ownership change had occurred for a portion of the land. On September 4, 2018, a transfer was filed by Donna & Don Whitehead for the land located in Section 13, T6N, R7E. Water Permit No. 1224-1 is now being divided with licenses issued as follows:

- **No. 1224A-1, Don Grubl** authorizing diversion of 0.49 cfs from a dry draw on a tributary of Bear Butte Creek to irrigate 34 acres in portions of the NW ¼, W ½ NE ¼ and N ½ SW ¼ Section 18, T6N, R8E;
- **No. 1224B-1, Donna & Don Whitehead** authorizing diversion of 0.35 cfs from a dry draw on a tributary of Bear Butte Creek to irrigate 24 acres located in the N ½ NE ¼ Section 13, T6N, R7E.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.49 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,126'S and 596'E of the NW corner of Section 18, T6N R 8E (SW ¼ NW ¼)
Latitude 44.482974, Longitude -103.203760

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T6N, R8E Section 18	NE ¼ NW ¼	12.9 acres	NW ¼ NE ¼	4.9 acres
	SW ¼ NW ¼	0.3 acres	SW ¼ NE ¼	1.2 acres
	SE ¼ NW ¼	13.3 acres	NW ¼ SW ¼	0.2 acres
			NE ¼ SW ¼	1.2 acres

Total of 34 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Don Grubl, 70245 Story Lane, Sturgis SD 57785 the holder and/or owner of Water Right No. 1224A-1 is issued a license to appropriate water, the right to use 0.49 cubic feet of water per second from a dry draw on a tributary of Bear Butte Creek with a priority date of April 15, 1981 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1224-1.



Jeanne Goodman, Chief Engineer

Water Rights Program
Department of Environment and Natural Resources

SEP 12 2018

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1224-1

I have this day, Aug 24, 2016, made a thorough examination of the water use system constructed by Don Grubl, 70245 Story Lane, Sturgis, So. Dak. 57785 of Permit No. 1224-1, bearing the priority of 4/15/1981 authorizing 58 acres of irrigation from a dry draw tributary to Bear Butte Creek in Meade County.

Inspection contact & relationship to permit holder, if applicable: **Don Grubl, owner**
605-347-2295

A1. Works used to divert the water: Section 13 T6N R7E (Donna/Don Whitehead, owner)

Diversion Dam Information:

- 1) Height to crest 7 feet
- 2) Height to primary (cmp) spillway 1 foot
- 3) Spillway diameter 36"
- 4) Height to secondary (earth) spillway 4 ft
- 5) Crest width 10 feet
- 6) Crest length 400 feet
- 7) Spillway length 230 feet
- 8) Spillway width 50 feet
- 9) Approx. storage <1 ac-ft
- 10) Date constructed: 8/1981

B1. Works used to transport water to place of use:

- 1) Type diversion ditch
- 2) Length 1,100 feet

Comments:

C1. Works used to apply water to beneficial use:

- 1) Irrigation type waterspreading system
- 2) Spreading method spreader dikes
- 3) area spread 24.0 acres

A2. Works used to divert the water: Section 18 T6N R8E (Don Gruble, owner)

Diversion Dam Information:

- 1) Height to crest 10 feet
- 2) Crest width 10 feet
- 3) Crest length 150 feet
- 4) Approx. storage <1 ac-ft
- 5) Date constructed: 8/1981

Comments: The embankment is currently breached and when rebuilt may be modified from original Dimensions.

B2. Works used to transport water to place of use:

- 1) Type diversion ditches 2) Length 1,900 feet

Comments: The diversion ditches are located on either side of the dry draw to deliver the water to the two respective spreading areas.

C2. Works used to apply water to beneficial use:

- 1) Irrigation type Waterspreading system 2) Spreading method spreader dikes
3) Area spread 58.0 acres

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes, see below

Permit was approved subject to irrigation water use questionnaires being submitted each year.

There are no questionnaires on file however these are normally not submitted on water spreading systems.

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: **Completion of works filed 8/24/1981**
List any extended period of nonuse: **none**

- 3) Exceptions to compliance are: **none**

E. Condition and Location:

1. The system is in fair condition with the points of diversion located as follows:

24 acre area- (Donna/Don Whitehead, owner)

917' S and 2,508' W of the NE corner Section 13 T 6N R 7E (44.486225, -103.215653)

34.0 acre area- (Don Grubl, owner)

2,126' S and 596' E of the NW corner Section 18 T 6N R 8E (44.482974, -103.203760)

2. The works are capable of diverting and conveying to the place of use water which is to be used for surface irrigation (water spreading). Water has been put to beneficial use to the maximum extent as follows:

Section 13 T6N R7E

NW ¼ NE ¼ 9.5 ac.

NE ¼ NE ¼ 14.5 ac.

Section 18 T6N R8E

NE ¼ NW ¼ 12.9 ac.

NW ¼ NE ¼ 4.9 ac.

SW ¼ NW ¼ 0.3 ac.

SE ¼ NW ¼ 13.3 ac.

SW ¼ NE ¼ 1.2 ac.

NW ¼ SW ¼ 0.2 ac.

NE ¼ SW ¼ 1.2 ac.

comprising a total of 58.0 acres of land and the license should be issued for 0.84 cfs. All structures, diversions and lands on map: Yes

F. Comments or other permit(s) associated with the project: none

Report of Examination of Works

Permit No. 1224-1

SDCL 46-5-6 allows a greater diversion rate if the method of irrigation so requires. This system requires a greater diversion rate due to the method of irrigation. During peak flows this system is capable of diverting in excess of 0.84 cfs, however the maximum licensed diversion rate is 0.84 cfs. The ownership of the acreage under permit 1224-1 has been split and that portion located in N $\frac{1}{2}$ NE $\frac{1}{4}$ S13 T6N R7E is to be licensed in the name of Donna & Don Whitehead, 14190 202nd St., Sturgis, SD 57785. The diversion locations are as described in permit 1224-1; the acreage locations as constructed differ from the permit.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: 8/30/2016



diversion dam (NW $\frac{1}{4}$ NE $\frac{1}{4}$ S13)



diversion ditch (NW $\frac{1}{4}$ NE $\frac{1}{4}$ S13)



diversion on north side draw (SW $\frac{1}{4}$ NW $\frac{1}{4}$ S18)
diversion dam in background



spreading area (SE $\frac{1}{4}$ NW $\frac{1}{4}$ S18) looking to northwest

Water Right #1224-1
Don Grubl
8/24/2016

Sec 12
T006N
R07E

Sec 7
T006N
R08E

NW NE S13
9.5 acres

diversion point
Lat: 44.486225
Lon: -103.215653

2,508'

NE NE S13
14.5 acres

2,126'

NE NW S18
12.9 acres

NW NE S18
4.9 acres

SW NW S18
0.3 acres

diversion point
Lat: 44.482974
Lon: -103.203760

SE NW S18
13.3 acres

SW NE S18
1.2 acres

Sec 13
T006N
R07E

Sec 18
T006N
R08E

NW SW S18
0.2 acres

NE SW S18
1.2 acres

Sec 24
T006N
R07E

Sec 19
T006N
R08E

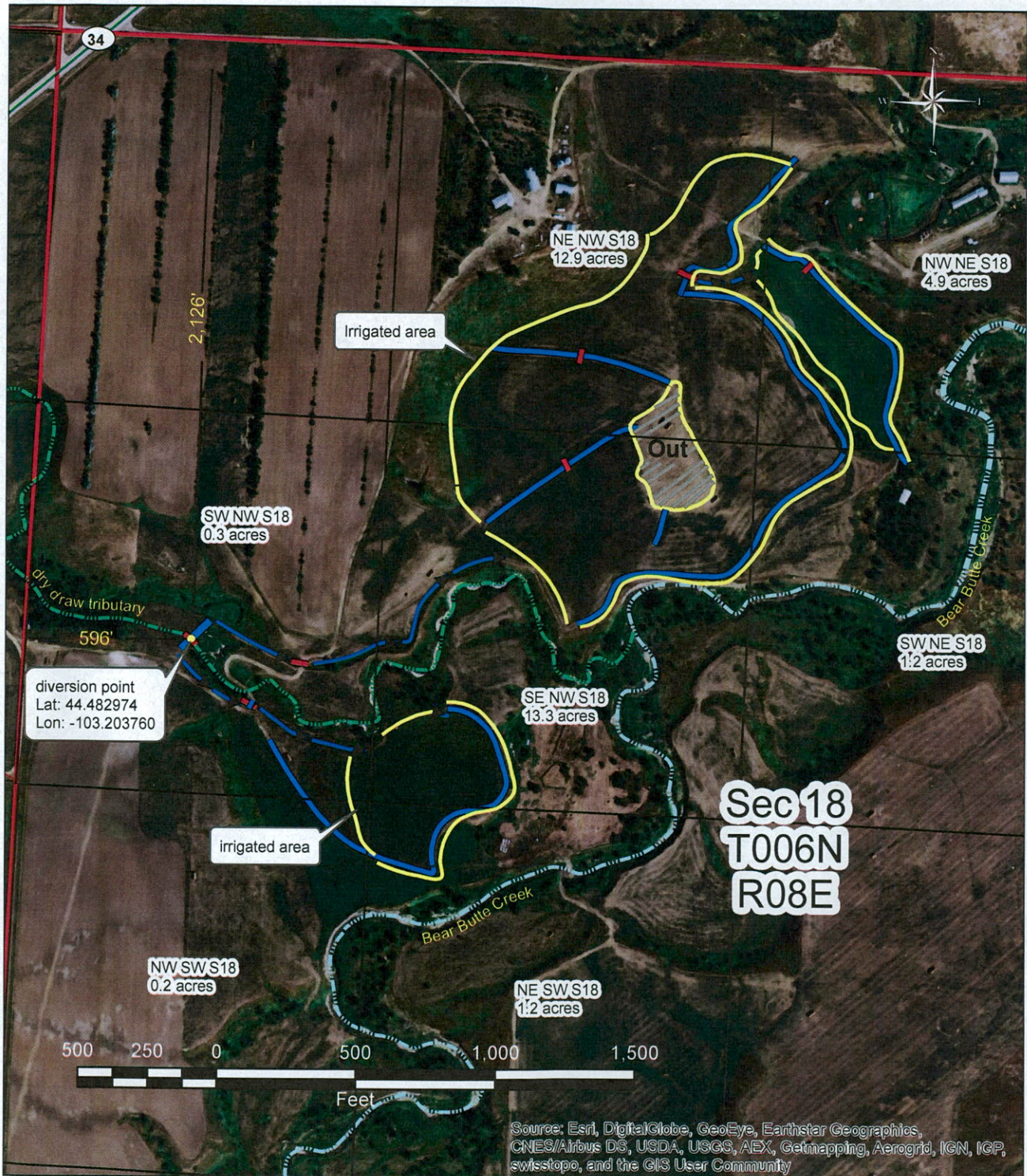
Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program

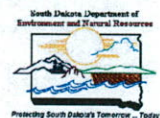
- diversion dam/dike
- irrigated perimeter
- diversion ditch
- spillway

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Water Right #1224-1
Don Grubl - S18 T6N R8E
8/24/2016



Steven Quissell
Water Rights Inspector
DENR Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Don Grubl Donna/Don Whitehead
70245 Story Lane 14190 202nd Street
Sturgis SD 57785 Sturgis SD 57785
DATE: September 15, 2018 COUNTY: Meade TELEPHONE:

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 58 acres as compared to 58 acres authorized by the permit.

UNPERMITTED ACREAGE:**• Contiguous to Permitted Acreage**

Original 58 acres authorized by Permit No. 1224-1 were:

- N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13-T006N-R07E
- W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18-T006N-R08E

Where 58 acres were found to be irrigated:

- N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13-T006N-R07E
- NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18-T006N-R08E

Acreage irrigated from same dry draw tributary of Bear Butte Creek prior to the confluence with Bear Butte Creek.

• Owned by Same Property Owner

Water permit originally obtained and developed by Don Grubl. Land has been split between Mr. Grubl and Donna / Don Whitehead. Donna Whitehead is Mr. Grubl's daughter. Proper transfer has been filed and during licensing the water right will be split.

• Developed Prior to Expiration of Construction Period

Yes - Date to complete construction of water was May of 1986. Notice of completion of works on file states system was completed in June of 1981.

RECOMMENDED ACTION

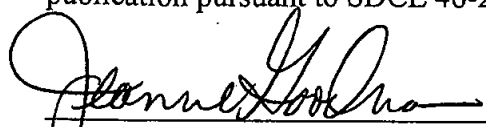
Based on the above criteria, it is recommended that the 58 acre area be included in the water license and split with Don Grubl getting 0.49 cfs / 34 acres and Donna/Don Whitehead getting 0.35 cfs / 24 acres .



Eric Gronlund, Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

A handwritten signature in dark ink, appearing to read "Jeanne Goodman", is written over a horizontal line.

Jeanne Goodman, Chief Engineer

Water Rights Program

1224A-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

September 8, 2016

1224-1

Don Grubl
70245 Story Lane
Sturgis SD 57785

Dear Mr. Grubl:

On August 24, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1224-1, was completed by Steven Quissell, a staff engineer with our program. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program".

A Notice of Transfer form has been sent to Donna Whitehead for the portion of the water permit she now owns. Upon receipt of the fees, the water permit will be split between you and your daughter.

Your licensed water right will be similar to a property right that cannot be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352
email: karen.schlaak@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/21, 20 16

RECEIVED OF Donald L Grubl 20745 Story Lane Sturgis SD 57785

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. <u>1224-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07919**

By *James L. Looman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 12 2018

1224A-1

Don Grubl
70245 Story Lane
Sturgis SD 57785

Dear Mr. Grubl:

On September 4, 2018, Donna & Don Whitehead filed an ownership change for portions of land described in Water Permit No. 1224-1. Based on the ownership change, Water Permit No. 1224-1 was divided and then licensed under No. 1224A-1, Don Grubl and No. 1224B-1 Donna & Don Whitehead.

Enclosed is your Water License No. 1224A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation. A receipt for the fee you paid for the inspection and issuance of the license is also enclosed.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures: water license, map, receipt