

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1224B-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 holders have complied with the provisions of South Dakota State Law relating to completion of the water supply system and are entitled to divert 0.35 cubic feet of water per second for beneficial use. The location of the diversion point is:

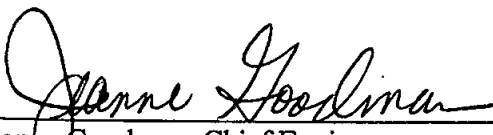
- 917'S and 2,508' W of the NE corner of Section 13, T6N, R7E (NW ¼ NE ¼)
Latitude 44.486225, Longitude -103.215653

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

Section 13, T6N, R7E	NW ¼ NE ¼	9.5 acres
	NE ¼ NE ¼	14.5 acres
	Total	24.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donna and Don Whitehead, 14190 202nd St, Sturgis SD 57785 the holders and/or owners of Water Right No. 1224B-1 are issued a license to appropriate water, the right to use 0.35 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.

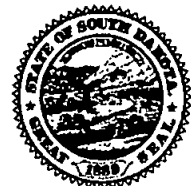
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1224-1.



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)

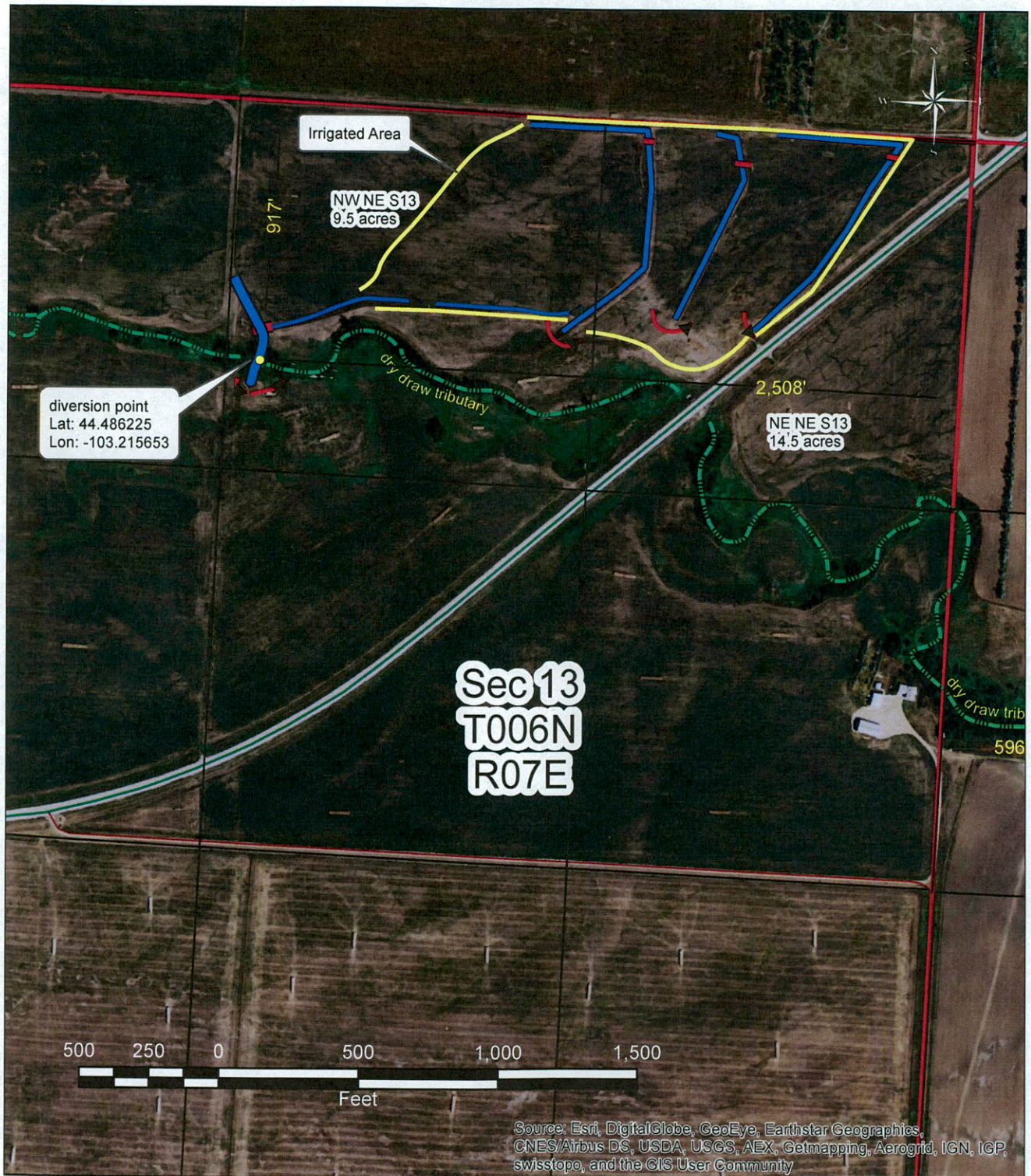


diversion on north side draw (SW $\frac{1}{4}$ NW $\frac{1}{4}$ S18)
diversion dam in background



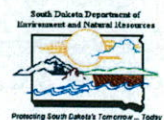
spreading area (SE $\frac{1}{4}$ NW $\frac{1}{4}$ S18) looking to northwest

Water Right #1224-1 Don Grubl
Transfer to Donna Whitehead
S13 T6N R7E
8/24/2016



Steven Quissell

Steven Quissell
Water Rights Inspector
DNR Water Rights Program



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

Sec 12
T006N
R07E

Sec 7
T006N
R08E

NW NE S13
9.5 acres

2,508'

NE NE S13
14.5 acres

diversion point
Lat: 44.486225
Lon: -103.215653

Sec 13
T006N
R07E

SW NW S18
0.3 acres

diversion point
Lat: 44.482974
Lon: -103.203760

NE NW S18
12.9 acres

NW NE S18
4.9 acres

SW NE S18
1.2 acres

Sec 18
T006N
R08E

SE NW S18
13.3 acres

NW SW S18
0.2 acres

NE SW S18
1.2 acres

Sec 19
T006N
R08E

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

Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program

Sec 24
T006N
R07E

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

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

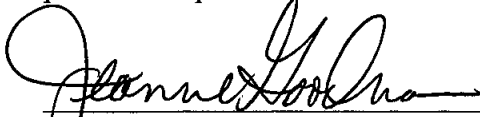
Based on the above criteria, it is recommended that the 58 acre area be included in the water license and split with Don Grubl getting 0.49 cfs / 34 acres and Donna/Don Whitehead getting 0.35 cfs / 24 acres .



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 black ink, appearing to read "Jeanne Goodman", is written over a horizontal line.

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 15, 2018

1224-1

Donna Whitehead
14190 202nd St
Sturgis SD 57785

Dear Ms. Whitehead:

This letter is in reference to Water Permit No. 1224-1 and the needed ownership change. Back in 2016, a staff engineer with our program conducted a licensing investigation of the area authorized for irrigation under the water permit. The permit is currently listed in Don Grubl's name and covers irrigation of land in portions of Section 13, T6N, R7E and Section 18, T6N, R8E. At the time of investigation, Mr. Grubl indicated you owned the land in Section 13.

On September 8, 2016, a transfer of ownership form was forwarded to you for use in filing the ownership change. To date, we have not heard from you, the permit remains in the name of Don Grubl and remains unlicensed.

In the event you no longer have the original form, I am enclosing another partially completed Notice of Transfer of Ownership form for filing an ownership change. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

As soon as the ownership change is completed, the water permit will be divided and reissued to reflect separate ownership and then licensed accordingly. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

encl

c: Don Grubl, 70245 Story Lane, Sturgis SD 57785



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 8, 2016

No. 1224B-1

Donna Whitehead
14190 202nd St
Sturgis SD 57785

Dear Ms. Whitehead:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1224B-1. The water permit is currently listed in the name of Don Grubl. Your father indicated you are the owner of the N 1/2 NE 1/4 Section 13-T6N-R7E.

The transfer form should be checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$50.00. At that time, the permit will be split to show separate ownership.

For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain water permit. This three year period can be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **September 4**, 20 **18**

Donna Whitehead 14190 202nd St Sturgis SD 57785-6320

RECEIVED OF _____

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. _____		
Fee for Filing Transfer Form 1224B-1		
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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08753**

By

Jeannie Goodman
Chief Engineer
442

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

SEP 04 2018

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1224B-1

Date: 8/25/18

I/We request that Water Permit No. 1224B-1

formerly owned by: Don Grubl

be transferred to: (name & address) Donna/Don Whitehead

14190 202nd St.

Sturgis, SD 57785

Telephone No. (605) 2061605

Title to the following described land(s)/property has been transferred as described above:

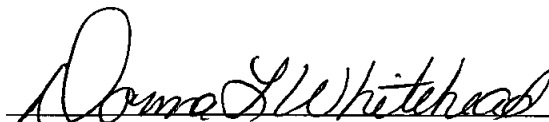
N ½ NE ¼ Section 13, T6N, R7E

I/We understand that the validity of Water Permit No. 1224B-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Donna/Don Whitehead, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 12 2018

1224B-1

Donna & Don Whitehead
14190 202nd St
Sturgis SD 57785

Dear Mr. & Mrs. Whitehead:

The ownership change you filed on September 4, 2018 for portions of land described in Water Permit No. 1224-1 has been processed. 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. 1224B-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 ownership change 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