

Considered: \_\_\_\_\_

WATER PERMIT NO. 1390B-1MAP No. same 892-3293Name of Applicant Della E CragoPost Office Address RR 1, Box 107, Belle Fourche SD 57717Amount of Water Claimed 0.8 cfs (no add'l) Total Acres 28.2 (no add'l)Source of Water Supply Redwater RiverWater to be used for irrigation County ButteAbout East miles side of Belle Fourche

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

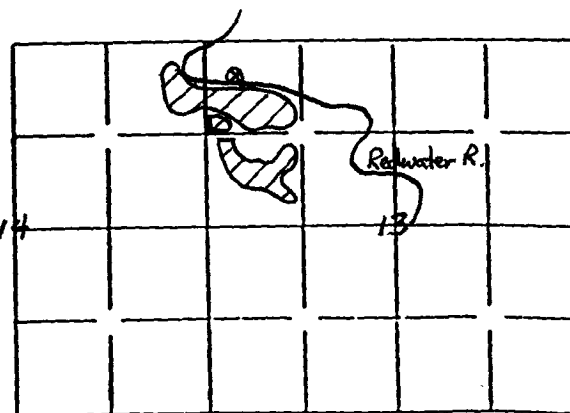
F.F. &amp; C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received May 1, 1989 Fee 50<sup>00</sup> Remarks appl is tochange div. pt. From McClure Ditch to Redwater River

Corrected Application Received \_\_\_\_\_ Period of Annual Use \_\_\_\_\_

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

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point Redwater River: NW 1/4 NW 1/4  
section 13 - T8N - R2ELand to be Irrigated W 1/2 NW 1/4 section 13;  
NE 1/4 NE 1/4 section 14; all in T8N - R2EWell Log: Driller NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

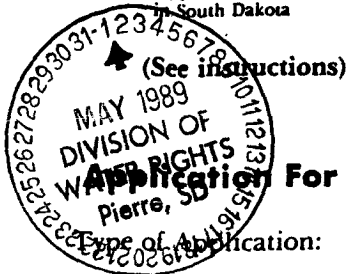
Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Rassool Ahadi Reviewed and the Number  
assigned on June 28, 1989 By R. J. Small

FORM 2: Application for irrigation (type or print)  
South Dakota

Mail to: Water Rights Div.  
523 E. Capitol  
Pierre, SD 57501  
(605) 773-3352

No. 1390B-1 Hydrologic Unit 10120202  
Basin Belle Fourche River  
Newspaper Belle Fourche Daily Post, 1004 5th Ave  
57717



## Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☒ Vested Right ☒ Amend Permit No. 1390-1
- ☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_
- Name of Applicant Della E. Crago Phone No. 892-3293
  - Post Office Address RR 1, Box 107 Belle Fourche State SD 57717  
(Street, RR or Box) (City) Zip Code
  - Amount of water claimed (c.f.s.) 0.8 (no add'l) Total acres irrigated 28.2 (no additional)
  - Source of Water supply Redwater River
  - Location of point of diversion approximately 440 feet E., 660 feet S. from the NW corner  
of Section 13, T8N-R2E (NW1/4)
  - Counties where water will be used Butte Apr 1 -
  - Annual period during which water is to be used - May 1 - October 31
  - List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description                         | No. Acres Irr. |
|------------------------------------------|----------------|
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13 | 10             |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 13 | 14.6           |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 14 | 3.6            |
| all in T8N-R2E                           |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: \_\_\_\_\_ Center Pivot: \_\_\_\_\_ Gun: X Other: \_\_\_\_\_  
(Specify)
9. Crops to be Irrigated: Pasture land
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change location of the diversion point from the McClure Ditch to the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 13, T8N-R2E. (See Vested Right No. 1390-1)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)  
County of Butte)<sup>ss</sup>

I, Della Crago, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Della Crago

Subscribed and sworn to before me this 27 day of April 1988

Lane Keil  
Notary Public  
my commission expires 1-1-93

**SOUTH DAKOTA**  
**WATER PERMIT No. 1390B-1 FOR IRRIGATION**

Date of first receipt of application May 1, 1989.

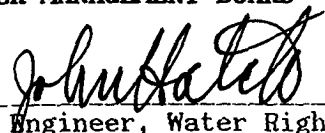
The Water Management Board approved Water Permit Application No. 1390B-1 on September 27, 1989 for Della E Crago, RR 1, Box 107, Belle Fourche SD 57717 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1390B-1 authorizes a change in the location of the Redwater River diversion point for irrigation of 28.2 acres. Vested Water Right No. 1390-1 has a May 12, 1879 priority date to appropriate 3.56 cubic feet of water per second (cfs) from the Redwater River via the McClure Ditch to irrigate 124.7 acres. This permit changes the diversion point location to direct from the Redwater River to irrigate 28.2 acres of the 124.7 acres with a diversion rate of 0.8 cfs. The Redwater River diversion point is to be relocated to the NW1/4 NW1/4 section 13; and the 28.2 irrigated acres are located in the W1/2 NW1/4 section 13; NE1/4 NE1/4 section 14; all in T8N-R2E. No increase in acreage or water appropriation is authorized by this permit.
2. The amount of the appropriation may not exceed 3 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is May 12, 1879.
4. One-fifth of the construction is to be completed on or before March 27, 1992.
5. All construction is to be completed on or before September 27, 1994.
6. Water is to be put to beneficial use on or before September 27, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 1390B-1 reduces Vested Water Right 1390-1 by 0.8 cfs and 28.2 acres.

**WATER MANAGEMENT BOARD**

By:   
Chief Engineer, Water Rights Division  
Department of Water and Natural Resources

**NOV 20 1989**

\_\_\_\_\_  
(date)

1390B-1

**STATE OF SOUTH DAKOTA**  
**REISSUED VESTED RIGHT WATER LICENSE NO. 1390-1 FOR IRRIGATION**

(1) McClure Ditch, %Boyd Klinger, 920 Country Club Drive, Spearfish, SD 57783 was issued Vested Right Water License No. 1390-1, on December 1, 1988 for a right to appropriate 3.56 cubic feet of water per second from the Redwater River, Butte, County, South Dakota, for irrigation purposes. Vested Water Right No. 1390-1 was validated May 11, 1988 with a priority date of May 12, 1879. 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.

On July 26, 1989, Water Permit No. 1390A-1, Fred W Carlson, was issued which changed the Redwater River diversion point location for 13.3 acres located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 14, T8N, R2E. Approval of No. 1390A-1 reduced Vested Right No. 1390-1 by 0.38 cfs and 13.3 acres.

On September 27, 1989, Water Permit No. 1390B-1, Della E Crago, was issued to change the location of the Redwater River diversion point for irrigation of 28.2 acres located in the W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 13 and the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 14, T8N, R2E. Approval of 1390B-1 reduced Vested Right No. 1390-1 by 0.80 cfs and 28.2 acres.

Vested Right License No. 1390-1 is being reissued to reduce the diversion rate and acreage to correspond with Water Permit Nos. 1390A-1 and 1390B-1.

(2) The vested right owner is entitled to divert 2.38 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 850 feet south and 2020 feet east of the NW corner of Section 24, T8N, R2E (NE $\frac{1}{4}$  NW $\frac{1}{4}$ )

The location of the irrigated acreage is: all in T8N, R2E

|            |                                   |            |
|------------|-----------------------------------|------------|
| Section 13 | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 24.0 acres |
|            | SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 22.2 acres |
|            | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 6.0 acres  |
|            | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 5.0 acres  |
|            | SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 18.8 acres |
| Section 14 | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 7.6 acres  |
|            |                                   | 83.6 acres |

(3) Pursuant to Section 46-5-30.1 McClure Ditch, %Boyd Klinger, 920 Country Club Drive, Spearfish, SD 57783 the holder and/or owner of Vested Water Right No. 1390-1 is issued a license to appropriate 2.38 cubic feet of water per second from Redwater River with a priority date of May 12, 1879 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1390-1 and subject to South Dakota State Law.

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

NOV 14 1994

\_\_\_\_\_  
 date

# RECEIPT

## Division of Water Rights

### South Dakota Department of Water and Natural Resources

Pierre, May 1, 19 89

RECEIVED OF Della E. Crago, RR #1, Box 007, Belle Fourche, SD 57717

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

|                                                                                                                                     |       |       |
|-------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>1390B-1</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 John Hatch  
Chief Engineer John Hatch/nra

Report on Application No. 1390B-1  
Della Crago  
June 23, 1989

Background

Application No. 1390B-1 proposes an amendment to Vested Right No. 1390-1, McClure Ditch. The application requests a change in the diversion point location for a portion of the lands from the NE1/4 NW1/4 of Section 24, T8N-R2E, (McClure Ditch) to directly pumping water from the Redwater River. The new diversion point will be located in the NW1/4 NW1/4 of Section 13, T8N-R2E, in Butte County. The application requests 0.80 cubic feet of water per second from the Redwater River (her portion of Vested Water Right No. 1390-1, McClure Ditch) to irrigate 28.2 acres in the NE1/4 NE1/4 Section 14 and W1/2 NW1/4 Section 13, T8N-R2E. The application does not request any increase in water or acreage.

Discussion

On May 11, 1988, the Water Management Board validated the Vested Right Claim No. 1390-1, McClure Ditch, for a diversion rate of 3.56 cubic feet per second from the Redwater River, through McClure Ditch, to irrigate 124.7 acres in Sections 13 and 14, T8N-R2E, with a priority date of May 12, 1879. Della Crago, a user on the McClure Ditch, now desires to change the location of her diversion point from the McClure Ditch to pumping directly from Redwater River. Cost of maintenance and the water loss in the ditch are the reasons for her decision.

The diversion rate for McClure Ditch was determined based on 1 cubic foot per second for irrigation of 35 acres. Based on this, 28.2 acres would be allocated 0.80 cfs. The 0.80 cfs and 28.2 acres for Application No. 1390B-1 will be subtracted from the water and the acreage authorized under Vested Water Right No. 1390-1. For more information see report on Vested Water Right No. 1390-1, McClure Ditch dated September 28, 1987.

Conclusions and Recommendations:

- 1) There are no water rights on the Redwater River between the location of the diversion point for McClure Ditch and the proposed diversion point for Application No. 1390B-1 which may adversely be affected by this change.
- 2) Water has continuously been used since May of 1879.
- 3) If Water Right Application No. 1390B-1 is approved Vested Water Right No. 1390-1 will need to be reduced accordingly.

4) It is recommended that Application No. 1390B-1 be approved to change the diversion point for 0.80 cubic feet per second of waters of McClure Ditch for irrigation of 28.2 acres with the following qualifications:

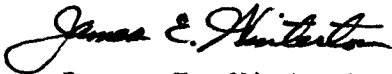
A) Water should be by-passed for downstream domestic water uses.

B) The Irrigation Questionnaire should be submitted annually by the applicant.



M. RASSOOL AHADI  
Natural Resources Engineer II  
(605) 773-3352

Approved by:



James E. Winterton, P.E.  
Natural Resources Engineer IV  
(605) 773-3352

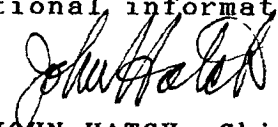
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 1390B-1, Della E. Crago

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1390B-1, Della E. Crago, RR 1, Box 107, Belle Fourche SD.

The Chief Engineer is recommending APPROVAL of Application No. 1390B-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 1390B-1 reduces Vested Water Right 1390-1 by 0.8 cfs and 28.2 acres.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
June 23, 1989



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
August 16, 1989

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

Della E. Crago  
RR #1 Box 107  
Belle Fourche, SD 57717

Dear Mrs. Crago:

Water Permit Application No. 1390B-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Belle Fourche Daily Post printed at Belle Fourche, SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication 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 Intent to Appropriate Water 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 by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures





# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

August 16, 1989

Belle Fourche Daily Post  
1004 5th Ave  
Belle Fourche, SD 57717

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1390B-1 to be published twice. Please publish the first notice on or before August 23, 1989 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 Della E. Crago, RR #1 Box 107, Belle Fourche, SD 57717.

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 by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Appropriate Water by Application No. \_\_\_\_\_ 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 or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

-----

NOTICE OF HEARING on Application No. 1390B-1  
to Amend Vested Water Right No. 1390-1

Notice is given that Della E. Crago, RR #1 Box 107, Belle Fourche, SD 57717 has filed an application for a water permit to change the location of the Redwater River diversion point to irrigate 28.2 acres authorized for irrigation by Vested Water Right No. 1390-1. Vested Right No. 1390-1 has a May 12, 1879 priority date to appropriate 3.56 cubic feet of water per second (cfs) from the Redwater River via McClure Ditch to irrigate 124.7 acres. The Redwater River diversion point for McClure Ditch is located in the NE1/4 NW1/4 Section 24-T8N-R2E. This application is to change the diversion point to irrigate 28.2 of the 124.7 acres direct from the Redwater River with a diversion rate of 0.8 cfs. The proposed Redwater River diversion point is located in the NW1/4 NW1/4 Section 13; and the 28.2 irrigated acres are located in the W1/2 NW1/4 Section 13; NE1/4 NE1/4 Section 14; all in T8N-R2E. No increase in acreage or water appropriate is authorized by this application. Vested Right No. 1390-1 is to be reduced by 0.8 cfs and 28.2 acres if this application is approved.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1390B-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County Butte ) ss.

I, Rhonda Schultz

certify that the attached printed Notice was taken  
 from the Belle Fourche Daily Post

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

of Belle Fourche

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

August 23, 1989

August 30, 1989

Rhonda Schultz  
 (Signature)

Bookkeeper  
 (Title)

8-30-89  
 (Date Signed)

Cost of Printing: 32.99



**NOTICE OF HEARING**  
 on Application No. 1390B-1  
 to Amend Vested Water  
 Right No. 1390-1

Notice is given that Della E. Crago, RR #1 Box 107, Belle Fourche, SD 57717 has filed an application for a water permit to change the location of the Redwater River diversion point to irrigate 28.2 acres authorized for irrigation by Vested Water Right No. 1390-1. Vested Right No. 1390-1 has a May 12, 1879 priority date to appropriate 3.56 cubic feet of water per second (cfs) from the Redwater River via McClure Ditch to irrigate 124.7 acres. The Redwater River diversion point for McClure Ditch is located in the NE1/4 NW1/4 Section 24-T8N-R2E. This application is to change the diversion point to irrigate 28.2 of the 124.7 acres direct from the Redwater River with a diversion rate of 0.8 cfs. The proposed Redwater River diversion point is located in the NW1/4 NW1/4 Section 13; and the 28.2 irrigated acres are located in the W1/2NW1/4 Section 13; NE1/4 NE1/4 Section 14; all in T8N-R2E. No increase in acreage or water appropriation is authorized by this application. Vested Right No. 1390-1 is to be reduced by 0.8 cfs and 28.2 acres if this application is approved.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1390B-1 because 1) existing right will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 3773-3352)". 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 peti-

tioner or legal council if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Division of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. 218/23-30



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

NOV 20 1989

Della Crago  
RR 1, Box 107  
Belle Fourche SD 57717

Dear Mr. Crago:

Enclosed is Water Permit No. 1390B-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



Dec. 13, 1993  
RR1 Box 107  
Belle Fourche 57717

Dept of Water & Nat. Resources  
Joe Fols Bldg  
Pierre, S.D. 57501-3181

Dear Sir:

This letter comes to tell you I did not pump water this summer, because of the abundance of rainfall and natural moisture.

I know I have rec'd a form letter but it was put up so I could find and I can't seem to find it. The calendar says it is due the 15th. If this doesn't suffice, please, send me another form and I'll get it to you immediately.

Truly yours  
Della Crago



1390B-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 14 1994

1390-1

Boyd Klinger  
McClure Ditch  
920 Country Club Drive  
Spearfish, SD 57783

Dear Mr. Klinger:

Enclosed is your Reissued Vested Right Water License No. 1390-1.

Approval of Water Permit No. 1390A-1 (Fred Carlson) and Permit No. 1390B-1 (Della Crago) changed the diversion point for acreage described under Vested Right No. 1390-1. Vested Right License No. 1390-1 has been reissued to reduce the diversion rate and acreage to correspond with Water Permit Nos. 1390A-1 and 1390B-1.

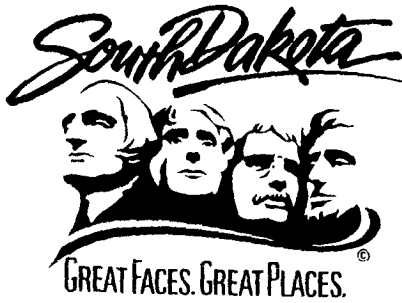
As long as you use the water beneficially, as stated in the Water License, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the reissued water license, please contact us.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

September 25, 1997

1390B-1

Della E. Crago  
403 Summit  
Belle Fourche, SD 57717

Dear Ms. Crago:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1390B-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:**  
**Department of Environment & Natural Resources**  
**Water Rights Program**  
**523 E. Capitol**  
**Pierre, SD 57501-3181**

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Oct 6, 1997

Enclosed is check # 5999 to  
pay for Water Permit # 1390B-1.

Thank you.

Hella Crago  
403 Summit St  
Belle Fourche, S.D. 57717



# RECEIPT

415485

## Division of Water Rights

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ October 7, 19 97

RECEIVED OF Della E. Crago, 403 Summit, Belle Fourche, SD 57717

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 _____ |       |       |
| 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>1390B-1</u>         | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Hatch  
Chief Engineer

## FIELD INVESTIGATION REPORT FOR PERMIT NO. 1390B-1

|                                                                                          |                                                                                                                                                        |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE OF INVESTIGATION                                                                    | <b>August 12, 1997</b>                                                                                                                                 |
| NAME & ADDRESS OF INVESTIGATION CONTACT/<br>RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE | <b>Della Crago and son, Cliff Crago</b>                                                                                                                |
| NAME & ADDRESS OF PERMIT HOLDER                                                          | <b>Della E Crago<br/>403 Summit<br/>Belle Fourche SD 57717</b>                                                                                         |
| DIVERSION POINT LEGAL LOCATION                                                           | <b>Redwater River: 660 feet S and 440 feet<br/>E from the NW corner section 13-T8N-<br/>R2E (NW<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math>)</b> |

### PUMP:

- 1) Make Berkeley
- 2) Model PTO drive
- 3) Size no plate
- 4) Capacity dependent upon tractor and RPM

### DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 6 inches
- 3) Length 1,200 feet

### SYSTEM TYPE:

#### Gun:

- 1) Make Heinzman w/Nelson nozzle
- 2) Serial # CC14304
- 3) Model # P200
- 4) Hose size 4 inches
- 5) Capacity  $\approx$  350 gpm

### CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

### PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

**Permit No. 1390B-1**  
**Belle Fourche River - Water District**

**Report of Examination of Works and/or Application of Water to Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 12, 1997, made a thorough examination of the water use system constructed by Della E Crago of 403 Summit, Belle Fourche SD 57717 holder of Permit No. 1390B-1, bearing the priority of May 12, 1879 authorizing the diversion of 0.80 cu. ft. per second of the waters of the Redwater River for irrigation purposes, in Butte County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

**PUMP:**

- |                           |                                                   |
|---------------------------|---------------------------------------------------|
| 1) Make <u>Berkeley</u>   | 3) Size <u>no plate</u>                           |
| 2) Model <u>PTO drive</u> | 4) Capacity <u>dependent upon tractor and RPM</u> |

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

- |                         |                         |                             |
|-------------------------|-------------------------|-----------------------------|
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inches | 3) Length <u>1,200</u> feet |
|-------------------------|-------------------------|-----------------------------|

C. Works used to apply water to beneficial use: **Traveling Gun**

- |                                         |                              |
|-----------------------------------------|------------------------------|
| 1) Make <u>Heinzman w/Nelson nozzle</u> | 3) Model # <u>P200</u>       |
| 2) Serial # <u>CC14304</u>              | 4) Hose size <u>4</u> inches |

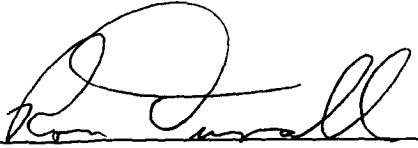
The system is in the following condition good. The point of diversion is located on Redwater River: 660 feet S and 440 feet E from the NW corner section 13-T8N-R2E (NW¼NW¼). The works are capable of diverting and conveying to the place of use 0.80+ cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

|                                  |                   |                                  |                  |
|----------------------------------|-------------------|----------------------------------|------------------|
| <u>SW¼NW¼ section 13-T8N-R2E</u> | <u>10.0 acres</u> | <u>NE¼NE¼ section 14-T8N-R2E</u> | <u>3.6 acres</u> |
| <u>NW¼NW¼ section 13-T8N-R2E</u> | <u>14.6 acres</u> |                                  |                  |

comprising a total of 28.2 acres of land and the license should be issued for 0.80 cfs.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: September 23, 1997

  
 Ron Duvall  
 Natural Resources Engineer  
 DENR, Water Rights Program

The map prepared for Application No. 1390B-1 can also serve as the map for the water license. Based on the permit investigation, the diversion point location and irrigated acreage are the same as originally permitted.

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1390B-1

(1) Della E Crago, 403 Summit, Belle Fourche, SD 57717 made Application No. 1390B-1, May 1, 1989 for a water permit to change the location of the Redwater River diversion point (authorized under Vested Water Right No. 1390-1) for irrigation of 28.2 acres. The land to be irrigated is in Butte County, South Dakota. Permit No. 1390B-1, with a priority date of May 12, 1879 was approved September 27, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 27, 1994, and for the application to beneficial use of said water on or before September 27, 1998.

Water Permit No. 1390B-1 did not authorize an increase in the authorized acreage or water appropriation. Approval of No. 1390B-1 reduced Vested Water Right No. 1390-1 by 0.8 cubic feet of water per second (cfs) and 28.2 acres.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.80 cubic feet of water per second for beneficial use. The location of the diversion points is on the Redwater River - 660'S and 440'E of the NW corner of Section 13, T8N, R2E (NW¼ NW¼).

(3) The applicant has 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, T8N, R2E | SW¼ NW¼ | 10.0 acres |
|                      | NW¼ NW¼ | 14.6 acres |
| Section 14, T8N, R2E | NE¼ NE¼ | 3.6 acres  |
|                      | Total   | 28.2 acres |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Della E Crago, 403 Summit, Belle Fourche, SD 57717 the holder and/or owner of Water Permit No. 1390B-1 is issued a license to appropriate water, the right to use 0.80 cubic feet of water per second from the Redwater River with a priority date of May 12, 1879 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1390B-1 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 12 1997

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 12 1997

1390B-1

Della E. Crago  
403 Summit  
Belle Fourche, SD 57717

Dear Ms. Crago:

Enclosed is Water License No. 1390B-1 and Receipt No. 415485 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1390B-1 is the final document which completes the process of obtaining a water right.

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.

Very truly yours,

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

gm  
enclosures



1390B-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 22, 1999

**NOTICE**

TO: DELLA E CRAGO, 403 SUMMIT ST, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1390B-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1390B-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1390B-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DELLA E CRAGO  
403 SUMMIT ST  
BELLE FOURCHE SD 57717

4a. Article Number

2 119 141 546

4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-25-99

5. Received By: (Print Name)

Della Crago

6. Signature: (Addressee or Agent)

X Della Crago

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 9, 1999

1390B-1

Della E Crago  
403 Summit St  
Belle Fourche, SD 57717

Dear Mrs. Crago:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 1390B-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

LAW OFFICES OF  
**BENNETT, MAIN, BAILEY & GUBBRUD**

A PROFESSIONAL CORPORATION

618 STATE STREET

**BELLE FOURCHE, SOUTH DAKOTA 57717-1489**

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@dtgnet.com

MAX MAIN\*

KEVIN S. BAILEY

DWIGHT A. GUBBRUD

\*ALSO LICENSED IN WYOMING

OF COUNSEL  
DONN BENNETT

November 12, 1999

Department of Environment and Natural Resources  
Water Rights Program  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501-3181



**RE: Della E. Crago; Our File #3085.003099.**

Dear Water Rights Program:

I represent Della E. Crago of Belle Fourche. She is selling land in Butte County near Belle Fourche described as part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T8N, R2E, and Lots 13, 17 and 18-A2 in Sections 13 and 14, T8N, R2E.

We believe Mrs. Crago holds a water right for use on the land described above. Could you please check your records, and send me a copy of any permit or license you find? The water right may have been associated with a McClure Ditch.

Thank you for your assistance, and please let me know if you have any questions.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

Max Main

MM/mje

cc: Client



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 16, 1999

1390B-1

Max Main  
Bennett, Main, Bailey & Gubbrud, P.C.  
618 State Street  
Belle Fourche, SD 57717-1489

Dear Mr. Main:

Thank you for your letter of November 12, 1999 concerning a water right held by Della E Crago. Della does hold a water right for the land you described. Enclosed is a copy of Water Right No. 1390B-1.

You indicated in your letter that she is selling the land in Butte county. With this in mind, I am including a "Notice of Transfer of Ownership" form for use in filing the ownership change once it occurs. The form will need to be completed and then signed in the presence of a notary public by the buyer/new owner(s). A \$2.50 filing fee is required.

If you have any questions concerning the water right, please get in touch with me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

enclosures

LAW OFFICES OF  
**BENNETT, MAIN, BAILEY & GUBBRUD**

A PROFESSIONAL CORPORATION

618 STATE STREET

BELLE FOURCHE, SOUTH DAKOTA 57717-1489

TEL (605) 892-2011

FAX (605) 892-4084

Email: bellelaw@dtgnet.com

MAX MAIN\*

KEVIN S. BAILEY

DWIGHT A. GUBBRUD

\*ALSO LICENSED IN WYOMING

OF COUNSEL

DONN BENNETT

December 14, 1999

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



**RE: Crago Notice of Transfer of Ownership; Our File #3085.004099.**

Dear Chief Engineer:

Enclosed is a NOTICE OF TRANSFER OF OWNERSHIP from Della Crago to W. Clifford Crago and Chris Crago. Also enclosed is a check in the amount of \$2.50 for the filing fee. Thank you.

Sincerely,

BENNETT, MAIN, BAILEY & GUBBRUD, P.C.

*Max Main*

Max Main

MM(gh)  
Enc.

# NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1390B-1



Date: Dec. 13, 1999

I/We request that Water Right No. 1390B-1

formerly owned by: Della Crago, 403 Summit, Belle Fourche, SD 57717

and  
be transferred to: (name & address) W. Clifford Crago Chris Crago, husband and wife, JTWROS,  
RR 1, Box 107, Belle Fourche, SD 57717 Telephone No. 605.892.6203

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

I/We understand that the validity of Water Right No. 1390B-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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

STATE OF SOUTH DAKOTA )

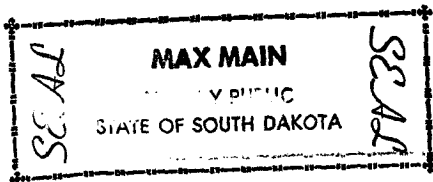
County of Butte )

W. Clifford Crago and

I/We Chris Crago being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

W. Clifford Crago  
Chris Crago  
(Signed)

Subscribed and sworn to before me this 13th day of December, 19 99.



Max Main  
(Notary Public)  
My Comm Exp: May 15, 2002

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

N<sup>o</sup> 416298

Pierre, December 16, 1999

RECEIVED OF Bennett, Main & Bailey, P.C., (Clifford & Chris Crago), 618 State St., Belle Fourche,  
the following amount in fees for services rendered as provided for by law: SD 57717

|                                                                                                                         |       |      |
|-------------------------------------------------------------------------------------------------------------------------|-------|------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct<br>and to put water to beneficial use _____ |       |      |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                  |       |      |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                  |       |      |
| Fee for Inspecting/Constructed Works, confirming beneficial use and issuing Water<br>License No. _____                  |       |      |
| Fee for Filing Transfer Form <u>Water Right No. 1390B-1</u>                                                             | 2     | 50   |
| Fee for Filing Extension Request _____                                                                                  |       |      |
| Fee for _____                                                                                                           |       |      |
| _____                                                                                                                   |       |      |
| _____                                                                                                                   |       |      |
| (Any Other Work Provided by Law)                                                                                        | Total | 2 50 |

By John Hatch   
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 16, 1999

1390B-1

Max Main  
Bennett, Main, Bailey & Gubbrud, P.C.  
618 State Street  
Belle Fourche, SD 57717-1489

RE: Crago transfer – your file # 3085.004099

Dear Mr. Main:

Thank you for sending in the transfer of ownership for Water Right No. 1390B-1. The transfer has been completed and the water right is now listed in the names of "W Clifford Crago and Chris Crago, husband and wife, JTWROS".

Enclosed is your Receipt No. 416298 in the amount of \$2.50. If you have any questions concerning the water right, please get in touch with me.

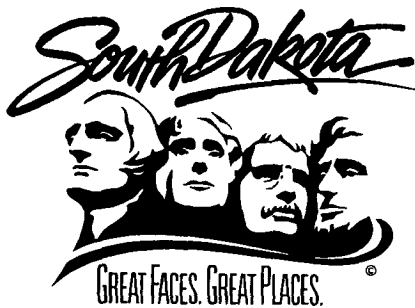
Happy Holidays to all of you!

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

enclosure

c: W Clifford Crago and Chris Crago



1390B-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 20, 2005

**NOTICE**

TO: W CLIFFORD & CHRIS CRAGO, 18956 HELMER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1390B-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1390B-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1390B-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1390B-1

## Track & Confirm

### Current Status

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SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8516 0261

W CLIFFORD & CHRIS CRAGO  
18956 HELMER RD  
BELLE FOURCHE SD 57717

Waiver of Signature ☐ YES ☐ NO

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January 31, 2005

1390B-1

W Clifford & Chris Crago  
18956 Helmer Rd  
Belle Fourche SD 57717

Dear Mr. & Mrs. Crago:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1390B-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352

**NOT TO SCALE**

**NOT TO SCALE**



Appl. No. 1390B-1



1390B-1

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2007

**NOTICE**

TO: W CLIFFORD & CHRIS CRAGO, 18956 HELMER RD, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1390B-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1390B-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1390B-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1390B-1

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## Track & Confirm

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|                                                            | Waiver of Signature <input type="checkbox"/> YES <input type="checkbox"/> NO                                                                                            |
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February 2, 2007

1390B-1

W Clifford & Chris Crago  
18956 Helmer Road  
Belle Fourche SD 57717

Dear Mr. & Mrs. Crago:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1390B-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352