

Considered: _____

WATER PERMIT NO. 1527-1

Phone: 347-3138

Name of Applicant: Eddie Grubl

Post Office Address: HC 75, Box 168, Sturgis SD 57785

Amount of Water Claimed: 0.47 Total Acres: 33

Source of Water Supply: runoff

Water to be used for: irrigation County: Meade

About 17 miles East of Sturgis

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 1-30-91 Fee: \$150 Remarks _____

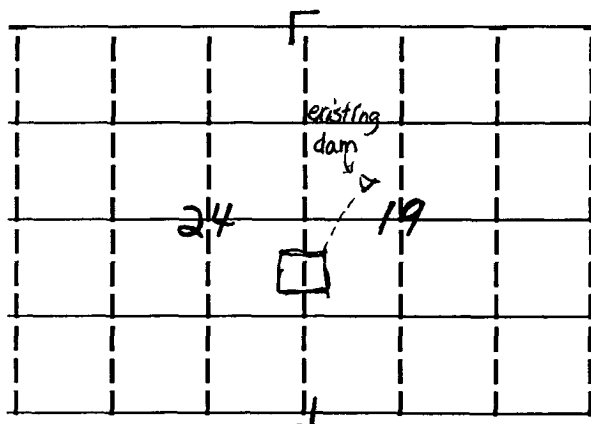
Corrected Application Received _____ Period of Annual Use April 1- October 1

WATER QUALITY APPROVAL RECEIVED 7-24-91 APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SE 1/4 NW 1/4 Sec 19-T5N-R9E

Land to be Irrigated: NW 1/4 SW 1/4, SW 1/4 SW 1/4
T5N, R9E
Sec 19, NE 1/4 SE 1/4, SE 1/4 SE 1/4 Sec 24 all in
T5N-R9E



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Darrell Vig Reviewed and the Number

Assigned on 7-29-91 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT No. 1527-1 FOR IRRIGATION**

Date of first receipt of application January 30, 1991.
Date Soil/Water Compatibility Permit received July 24, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1527-1 to Eddie Grubl, HC 75, Box 168, Sturgis SD 57785 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. 1527-1 appropriates 0.47 cubic feet of water per second from one dam (16.9 acre-feet of water storage capacity) located in the SE 1/4 NW 1/4 Section 19-T5N-R9E to irrigate 33 acres located in the NW 1/4 SW 1/4, SW 1/4 SW 1/4 Section 19-T5N-R9E and NE 1/4 SE 1/4, SE 1/4 SE 1/4 Section 24; all in T5N-R8E.
2. The amount of the appropriation may not exceed 2 acre feet annually 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 1.
3. The date from which applicant may claim right is July 24, 1991.
4. The date of approval of Permit No. 1527-1 is October 29, 1991.
5. One-fifth of the construction is to be completed on or before April 29, 1994.
6. All construction is to be completed on or before October 29, 1996.
7. Water is to be put to beneficial use on or before October 29, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. This permit authorizes storage of up to 16.9 acre feet of water annually.

WATER MANAGEMENT BOARD

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

FEB 26 1992

date

(See instructions)

No. 1527-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Meade Co. Times-Tribune, Box 69

Sturgis (Wed)

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



Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

Applicant Eddie Grubl Phone No. 3473138
Street Address HC75 Box 168 Sturgis State SD 57785
(Street, RR or Box) (City) (State) (Zip Code)

2. Amount of water claimed (c.f.s.) 72 cfs 0.47 cfs Total acres irrigated 33.0 acres

3. Source of Water supply rain or snow run-off from dry draw collected in dam

4. Location of point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19-5-9E
115 rods S. 85 rods E. of the NW corner

County Meade

5. Counties where water will be used Meade

6. Annual period during which water is to be used April 1 - October 1

7. 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.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19 - 5 ^N - 9 ^E	1.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19 - 5 ^N - 9 ^E	8.3
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 24 - 5 ^N - 8 ^E	3.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24 - 5 ^N - 8 ^E	20.7

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: Alfalfa, Small Grain

10. Give a description of proposed project. (Attach sheet if more space is needed)
This project is designed to divert water from a stockwater storage dam for the purpose of irrigating a field utilizing a gravity fed flow through a diversion and spread with a series of level lip ditches.

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 Meade)^{ss}

I, Eddie Grubl, 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 Eddie Grubl

Subscribed and sworn to before me this 29th day of January 1991

Carlene M. Rosencranz
Notary Public

My commission expires 8/19/98

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

Soil Conservation Service

b) Freeboard 3 ft.

c) Crest Width 12 ft.

Crest Length 714 ft.

d) Height 14.3 ft.

e) Primary Outlet Capacity _____
If Pipe, diameter 15"

f) Secondary Spillway Capacity _____
Spillway width 60 ft.

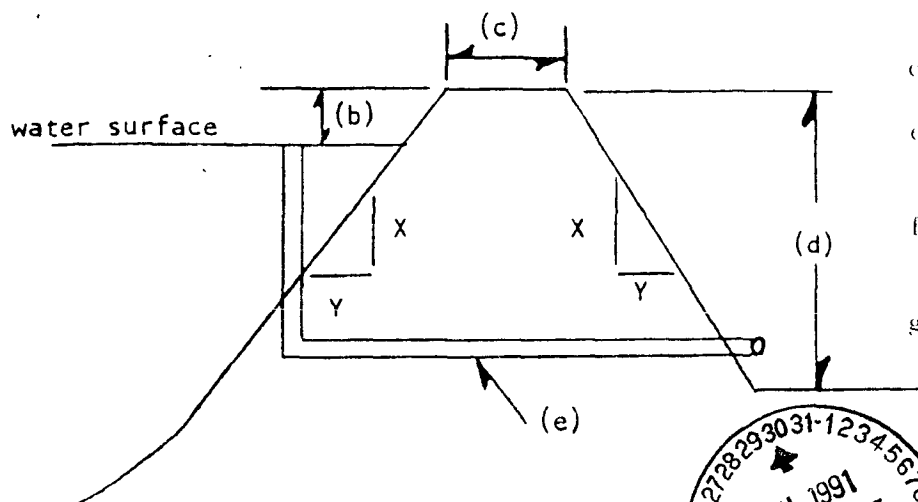
g) X & Y Slope
Upstream 3:1

Downstream 2:1

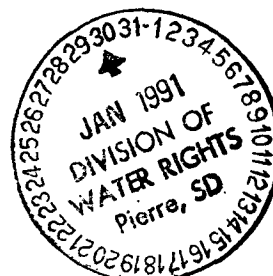
Surface Area of Impoundment 2.6ac

Storage 16.9 acre feet

Drainage area above dam 235 acres



Signature of Applicant _____



(I13)
(5-8)

1527-1

(I13)

24 19 T802

1800'

1430'

24 T802

NW
NHE
74.2
24

(I13)
(5-8)

24 19

(I
(5

MR. Thad
Nat Res Eng.
Nov 23, 1993 1527-1

NOT TO SCALE

Ed Grubl - owner/op.

Waterspreading Project Area
Elk Creek Cons. Dist.
Meade County, S.D. 8/89

Danell Vig
SCS
Sturgis, SD 57785

NW Corner
OF Sec. 19-T5N-R9E

T802

Ed's
F.S.

Existing Stockwater
Dam

Division

Proposed
Irrigation
AREA

33.0 AC.

Area to be
waterspread by
Level lip ditches

19
T802

5-9
(E7H)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412516

Pierre, Brable Jan 30, 19 91

RECEIVED OF Grubl Ranch, HC 75 Box 168, Sturgis SD 57785

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

Fee for Application for Permit No. <u>1527-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer

Group 7
Surface

.3 Intake Family
Design Sheet Nos. 3-6

These are deep, well drained and moderately well drained soils that have loam or silt loam surface layers and heavy clay loam or heavy silty clay loam subsoils. The underlying material is heavy clay loam, glacial till, silty bedrock, or fine textured loess. Available water capacity is high. Permeability is moderately slow or slow. These soils are characterized by compact subsoils. They are on uplands.

Special treatment is needed to improve tilth and fertility where the underlying glacial till is exposed by land leveling. Trace elements will be needed.

The heavy underlying material restricts the use of irrigation waters to those with low salinity and low sodium. The use of higher hazard waters will require the use of internal drainage systems and possible salt tolerant crops.

Some of these soils are on slopes that are too steep for surface irrigation.

Baca
Beadle
Bearpaw
Bidman

Dawes
Harmony
Hattie
Kube

Peever
Peno
Raber

Group 8
Surface

Map Symbol	Soil Name	Slope
NcB	Nunn clay loam	2-6%
NcC	Nunn chy loam	6-9%

.3 Intake Family
Design Sheet Nos. 7-10

These are deep, well drained and moderately well drained soils that have silt loam, loam, or silty clay loam surface layers and clay loam, silty clay loam, or silty clay subsoils. The underlying material is loess, alluvium, or clay. Available water capacity is high except in the McClure soil where it is moderate or high. Permeability is moderately slow in all soils except McClure where it is moderately slow in the upper part of the soil and slow in the lower part. These soils are on uplands and in swales of the uplands.

Graill and Onita soils are in swales and occur as inclusions in some map units and as minor components in some complex map units. Caution should be used when leveling McClure soils to avoid exposing the underlying clay.

Generally, these soils are suitable for irrigation with low salinity and low sodium water. Water of medium salinity may be used when additional quantities of water are applied for leaching purposes. Use of higher hazard waters will require additional internal drainage and the use of salt tolerant crops.

Some of these soils are on slopes too steep for surface irrigation.

Benclare
Boneek
Burton
Caputa

Graill
Kirkley
Lakeport
Lane

McClure
Nunn
Onita
Reliance

Richfield
Savage
Savo

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4630

WR#

OWNERS NAME: EDDIE GRUBL OWNERS ADDRESS: HC 75 BOX 168
STURGIS, SD 57785

COUNTY LAND LOCATED IN: MEADE PHONE: 347-3133

LEGAL DESCRIPTION: ☐ Well ☒ Surface DRY DRAW
1. LOCATION SE $\frac{1}{4}$ NW $\frac{1}{4}$ 19-T5N-R9E

Depth 115 RODS SOUTH 85 RODS EAST OF THE NW CORNER

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T5N-R9E	1.0		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19-T5N-R9E	8.3		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 24-T5N-R8E	3.0		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 24-T5N-R8E	20.7		

2. TYPE OF IRRIGATION: GRAVITY: XXX TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) _____ OTHER: _____

3. CROPS TO BE IRRIGATED: ALFALFA, SMALL GRAIN

WATER QUALITY:

4. WATER SAMPLE NUMBER: DRY DRAW 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:

A water sample shall be submitted for analyses when water is present.



Will Grubel
Director, Division of Conservation

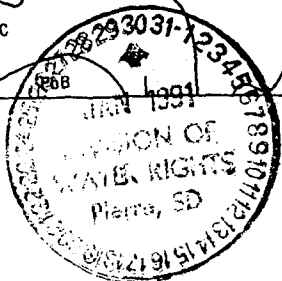
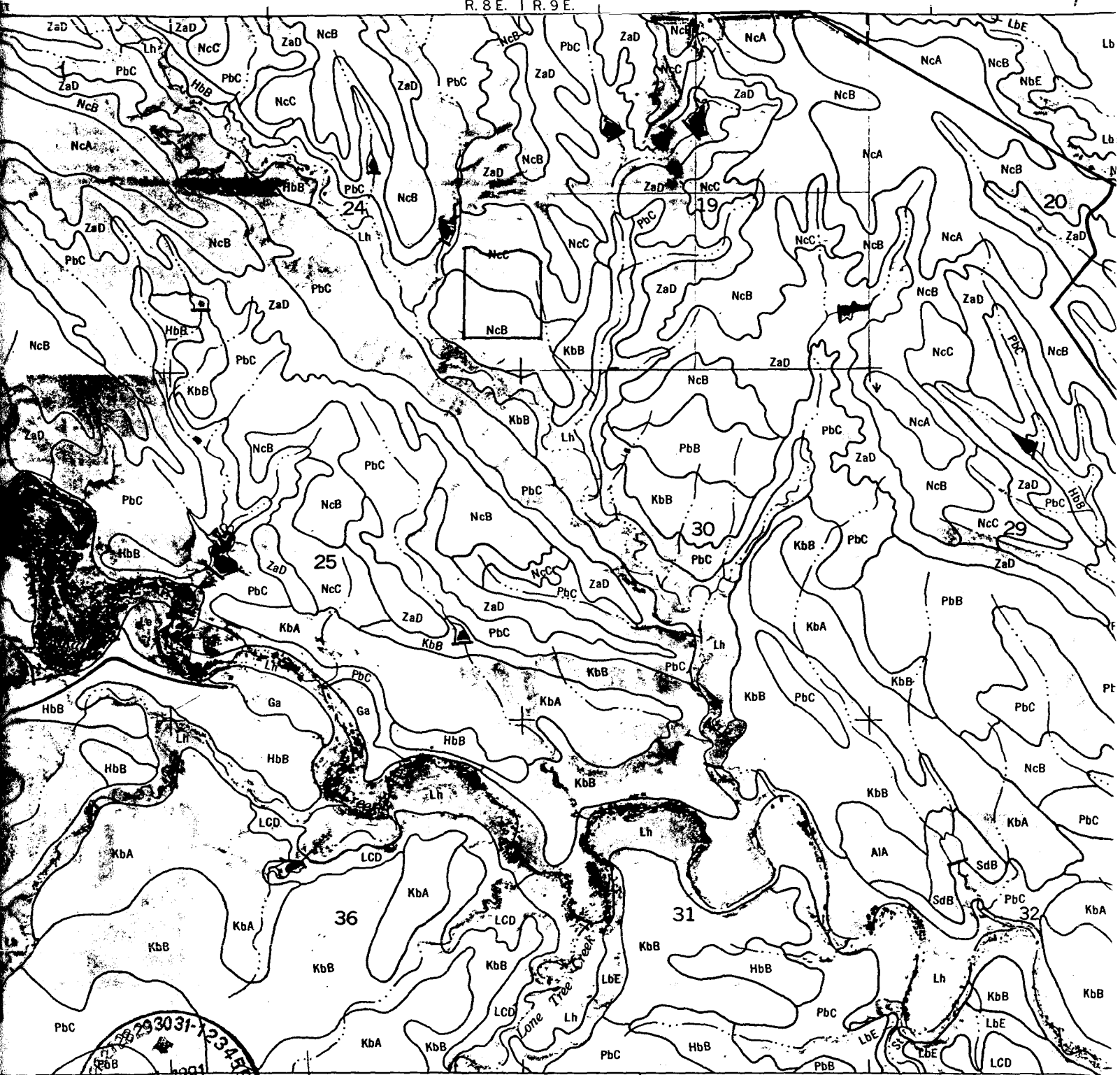
JULY 13, 1991
Date

XXX APPROVED XXX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

*Ed Grubl - ou/lo
Waterspreading Project
Meade Co. - Elk Creek Cons. Dist.
D. Vig, DC
SCS Stargis*

R. 8 E. | R. 9 E.



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1527-1, Eddie Grubl

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1527-1, Eddie Grubl, HC 75 Box 168, Sturgis, SD 57785.

The Chief Engineer is recommending APPROVAL of Application No. 1527-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. This permit authorizes storage of up to 16.9 acre feet of water annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 27, 1991

Report on Water Permit Application No. 1527-1
Eddie Grubl
August 6, 1991

Background

Water Permit Application No. 1527-1 requests to appropriate 0.47 cubic feet of water per second (cfs) from an existing dam, with a storage capacity of 16.9 acre-feet, located in the SE1/4 NW1/4 Section 19, T5N-R9E, in Meade County. The water will be used to irrigate 33 acres located in the NW1/4 SW1/4, SW1/4 SW1/4 Section 19, T5N-R9E; and NE1/4 SE1/4, SE1/4 SE1/4 Section 24, T5N-R8E.

Discussion

On October 29, 1960, Mr. Ed Grubl filed Location Notice No. 19713 for a dam located in the SE1/4 NW1/4 Section 19, T5N-R9E. On August 8, 1991, I contacted Mr. Grubl to find out if this dam and the dam in the application were the same. Mr. Grubl stated that the dam was the same, however, he had to increase the size of the dam to store enough water for irrigation.

No other water rights/permits exist downstream that could be adversely affected by this application.

Conclusions

1. A water spreading system will be used for irrigation.
2. Due to the small size of the dam, investigation of the dam under the safety of dam rules is not required.

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 29, 1991

Eddie Grubl
HC 75 Box 168
Sturgis, SD 57785

Dear Mr. Grubl:

Water Permit Application No. 1527-1 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 Meade County Times-Tribune printed at Sturgis, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



August 29, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Meade County Times-Tribune
Box 69
Sturgis, SD 57785

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1527-1 to be published twice. Please publish the first notice on September 4, 1991, 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 Eddie Grubl, HC 75, Box 168, Sturgis, SD 57785.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 September 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1527-1 to Appropriate Water

Notice is given that Eddie Grubl, HC 75 Box 168, Sturgis, SD 57785 has filed an application for a water permit to appropriate 0.47 cubic feet of water per second from one dam (16.9 acre-feet of water storage capacity) located in the SE 1/4 NW 1/4 Section 19, T5N-R9E to irrigate 33 acres located in the NW 1/4 SW 1/4, SW 1/4 SW 1/4 Section 19, T5N-R9E and NE 1/4 SE 1/4, SE 1/4 SE 1/4 Section 24, T5N-R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1527-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The October 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Dorothy Allison

certify that the attached printed Notice was taken
from the Meade County Times-Tribune

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

State of South Dakota

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

September 4, 1991

September 11, 1991

(Signature)

Publisher

(Title)

September 12, 1991

(Date Signed)

Cost of Printing: 5



South Dakota
Dept of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1527-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

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counsel, if legal counsel is obtained.

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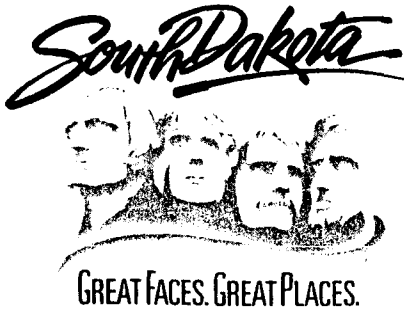
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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-6-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01.01 thru 74:02:01.15.

Publ. Sept. 4, 11, 1991

Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1991

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

Eddie Grubl
HC 75, Box 168
Sturgis SD 57785

Dear Mr. Grubl:

I am writing to advise you that the legal notice of hearing published in the Meade County Times-Tribune for Water Permit Application No. 1527-1 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. We had contacted the paper to make the necessary corrections on the September 11, 1991 publication, but the corrections were not made. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Meade County Times-Tribune

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 1991

Meade County Times-Tribune
Box 69
Sturgis SD 57785

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1523-1 to be published twice. Please publish the first notice on or before October 2, 1991 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 Eddie Grubl, HC 75, Box 168, Sturgis SD 57785.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 October 2, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1527-1 to Appropriate Water

Notice is given that Eddie Grubl, HC 75, Box 168, Sturgis, SD 57785 has filed an application for a water permit to appropriate 0.47 cubic feet of water per second from one dam (16.9 acre-feet of water storage capacity) located in the SE 1/4 NW 1/4 Section 19, T5N, R9E to irrigate 33 acres located in the NW 1/4 SW 1/4, SW 1/4 SW 1/4 Section 19, T5N, R9E and NE 1/4 SE 1/4, SE 1/4 SE 1/4 Section 24, T5N, R8E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1527-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 21, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 1527-1 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 29, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the October 29, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 29, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by October 21, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County _____)

I, Dorothy Allison

certify that the attached printed Notice was taken
 from the _____

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Meade County Times-Tribune

State of South Dakota

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

October 2, 1991

October 9, 1991

Dorothy Allison
 (Signature)

Publisher

(Title)

10/9/91

(Date Signed)

Cost of Printing: 52.56



Public hearing

South Dakota
 Dept of Environment
 and Natural Resources
 Joe Foss Building
 523 East Capitol
 Pierre, SD 57501

NOTICE OF HEARING on Application No. 1527-1 to Appropriate Water

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-10 thru 46-1-16, 46-2-3.1, 46-2-9, 46-2-11, 46-2-12, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Publ. Oct. 2, 9, 1991

Meade County Times-Tribune

Appropriate Water

South Dakota
Dept. of Environment
and Natural Resources
Joe P. [redacted]
523 East [redacted]
Pierre, SD 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

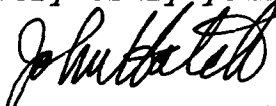
Eddie Grubl
HC 75 Box 168
Sturgis, SD 57785

Dear Mr. Grubl:

Enclosed is Water Permit No. 1527-1 authorizing construction of your water diversion system and beneficial use of the water, 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.

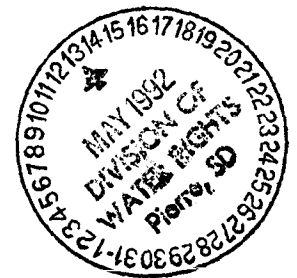
Very truly yours,


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.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 4/24/92

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Eddie Trubel HC 75 Box 168 Sturgis, S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1527-1.

Water Permit No. 1527-1 states that the diversion system is to be constructed by 10/29/76, and that the water it put to beneficial use by 10/29/2000.

The diversion system was completed on 3/10/92.
Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that the Water License may be issued.

Eddie Trubel
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1994

1527-1

Eddie Grubl
HC 75, Box 168
Sturgis, SD 57785

Dear Mr. Grubl:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1527-1, 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 inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

RECEIPT

414034

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 10, 1994

RECEIVED OF Edward Grubl (Grubl Ranch) HC 75 Box 168, 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 _____		
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>1527-1</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

Chief Engineer

John Hatch

Permit No. 1527-1Water District: Belle Fourche River

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system constructed by Eddie Grubl of HC 75, Box 168, Sturgis, SD 57785 holder of Permit No. 1527-1, bearing the priority of July 24, 1991 authorizing the diversion of 0.47 cu.ft. per second of runoff for irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Water is diverted from a dam through a 15 inch corrugated metal pipe.

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

2600 feet of earthen ditch, 3 feet wide.

C. Works used to apply water to beneficial use:

Water is spread through a series of level lip ditches.

The system is in the following conditions: Very good. The point of diversion is located: Approximately 1800 feet south, 1430 feet east from the Northwest corner of Section 19, T5N-R9E.

The works are capable of diverting and conveying to the place of use 0.5⁺ cu.ft. per second of runoff which is used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 24, T5N-R8E:

SE1/4 SE1/4 21.0 ac.

NE1/4 SE1/4 3.0 ac.

Section 19, T5N-R9E

SW1/4 SW1/4 8.0 ac.

NW1/4 SW1/4 1.0 ac.

comprising a total of 33.0 acres of land and the license should be issued for a diversion rate of 0.47 cfs and storage of 16.9 ac.ft. Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date: 9/22/93

M. Rassool Ahadi

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

DATE 9/22/93

DISTRIBUTION LINES OR CANALS:

a) **type** Earthen b) **size** 36 inches c) **length** 2600 feet

DAM INFORMATION:

a) height to crest 14 feet k) outlet tubes:

b) height to primary spillway * feet 1) diameter 15 inches

c) height to secondary spillway 12 feet 2) type Corrugated Metal Pipe

d) crest width 12 feet 3) valved Y (Y/N)

e) crest length 700 feet 4) valve type Drop

f) spillway length 200 feet 5) location on structure
Bottom-Middle

g) spillway width 60 feet

h) approximate storage 17 ac-ft

i) approximate storage to crest 14 ac-ft

j) date constructed ? l) category of dam III (I,II,III)
m) inspection sheet completed N (Y/N)
n) name of contractor:

*** See Outlet Tubes #5**

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit agree with lands being irrigated and lands listed on permit (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1527-1

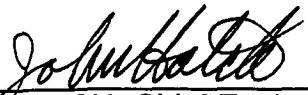
(1) Eddie Grubl, of HC 75 Box 168, Sturgis, SD 57785 made Application No. 1527-1, January 30, 1991 for a water permit to appropriate 0.47 cubic feet of water per second from a 16.9 acre feet storage dam, Meade County, South Dakota for irrigation purposes. Permit No. 1527-1, with a priority date of July 24, 1991 was approved October 29, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 29, 1996 and for the application to beneficial use of said water on or before October 29, 2000. The permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on May 13, 1992. The "Notice" stated the diversion system was completed on March 10, 1992.

(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 0.47 cubic feet of water per second and store 16.9 acre feet of water for beneficial use. The location of the diversion point (storage dam) is approximately 1800 feet south and 1430 feet east of the NW corner of Section 19, T5N, R9E (SE¼NW¼).

(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 24, T5N, R8E SE¼ SE¼ 21.0 acres NE¼ SE¼ 3.0 acres	Section 19, T5N, R9E SW¼ SW¼ 8.0 acres NW¼ SW¼ 1.0 acre TOTAL 33.00 acres
--	---

(4) Pursuant to South Dakota Water Law 46-5-30.1 Eddie Grubl of HC 75 Box 168, Sturgis, SD 57785 the holder and/or owner of Water Permit No. 1527-1 is issued a license to appropriate water, the right to use 0.47 cubic feet of water per second from a 16.9 acre feet storage dam with a priority date of July 24, 1991 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. 1527-1 and subject to South Dakota State Law. The water use system authorized in this water license is a water spreading system. The qualification in Water Permit No. 1527-1 to submit the irrigation water use questionnaire each year is no longer applicable.



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

MAR 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

1527-1

Eddie Grubl
HC 75, Box 168
Sturgis, SD 57785

Dear Mr. Grubl:

Enclosed is Water License No. 1527-1 and Receipt No. 414034 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1527-1 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 Division
(605) 773-3352

gm
enclosures