

No. 610-1Water Division No. 1Belle Fourche River

District

AUG 23 1961

(Blanks to be Filled by the Engineer for the W. R. C.)

8:15 AM

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant John A. Halset
 Postoffice address 377 Newell 57760, County Meade, State S. Dak.

I. If a corporation:

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

special by the owner (employment of several groups)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work dike & canal structure (head gate)3. Amount of water claimed 8" hose 1.6 c.f.s. cubic feet per second 1 3/4 acre ft 12 hrs4. Source of water supply Meade River5. Location of point of diversion at the head of creek section 1 range 7 township 5 on right bank Meade County.6. Annual period or periods during which water is to be used May through Sept

7. To be used for:

I. and Irrigation or domestic use: Gravity, overhead sprinkling or combination system? pumping system(a) Number of acres to be irrigated 115 acres.(b) Legal subdivisions to be irrigated 6.17 & 5.33 acres 11.5 total

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) ground used for

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use stockwatering & pumping water
Name of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

A. Estimated cost of work: \$
(a) Head Gates, \$300.00 (b) Pumping plant, \$300.00
(c) Fluming, \$100.00 (d) Canal earth, \$200.00 ~~disposal of rock~~, \$3800.00
(e) Other structures ----- \$----- Total, \$4400.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Reservoir, dam & pumping plant

II. Dimensions of works.

(a) Dam: Height 4 feet; length at bottom 400 feet; length at top 400 feet; thickness at bottom 15 feet; thickness at top 8 feet; slope at front water face 45°; slope at back face 45°
material used in construction concrete, steel, dirt, lumber
(b) Reservoir: Capacity when filled 12-12.5 acre feet. Surface area at highwater mark 4 four acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
<u>3 ft</u>		<u>12</u>
<u>2 ft</u>		<u>8</u>
<u>1 ft</u>		<u>4</u>

(c)* Hesi gate: Width 5 ft 4 inches feet; height 5 ft feet;
Material Concrete, steel, lumber
Canal: Total length 4 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1977-1981 years.
11. Time required for complete application of water to the proposed beneficial use immediately
12. Choice of newspaper for publication of notice of intention to appropriate Meade County "Star-Tribune"
STATE OF SOUTH DAKOTA
County of Meade

I, Donna M. Hoff, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Donna M. Hoff

Subscribed and sworn to before me this 22 day of August 1961

Bea E. Hart
Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

Thelma Thompson Clerk
Town office March 1962

Remarks by State Water Resources Commission:

Use of water under this permit is contingent upon
supplies being available for downstream domestic use and
prior water rights.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, February 16, 1962

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

a.m. upon the 23rd day of August, 1961.

State Water Resources Commission

By: Burtin

Chief Engineer, Executive Officer

Number of permit 610-1

Date of first receipt of application August 23, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1947, 19____

Approved February 16, 1962, Recorded in Book 7 Page 37

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

4th. The water appropriated shall be used for the purpose of irrigation and
domestic use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.6
cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works,
nor the least amount of water that experience may hereafter indicate as necessary for the production of crops
in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one
seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually
used

and beneficially applied for irrigation on or before June 30, 1955; said water to be used
during the following described annual period:

MAY THRU SEPTEMBER

Witness my hand this 16th day of February, 1962

State Water Resources Commission

By: James

Chief Engineer, Executive Officer

Certificate of Construction Issued February 11, 1962

Water License Issued February 11, 1962

Permit No. 610-1Water Division No. 1 Belle Fourche River**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Dave Ruff

of Vale, County of Butte, and State of South Dakota, the holder of Vested Right of Permit No. 610-1, issued upon Application No. 610-1, bearing date of priority of 1947, authorizing the diversion of 1.6 cu. ft. per second of the waters of Cottonwood Creek

County of Meade, State of South Dakota, at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, T7N, R5E

for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are ~~recognized as~~ satisfactory

~~for~~ for diverting and conveying to the place of intended use 1.6 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to irrigate 115 acres in the NE $\frac{1}{4}$, Section 1, T7N, R5E

Witness my hand this 16th day of February A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

WATER LICENSE No... 610-1...

WHEREAS, On the 23rd day of August A. D. 1961
Dave Ruff

of Vale County of Butte and State of
South Dakota duly made application (No. 610-1) to us for a Vested Right permit to use 1.6
cubic feet per second of the waters of Cottonwood Creek
County of Meade, State of South Dakota, for irrigation and domestic
purposes; and

Vested Right WHEREAS, On the 16th day of February A. D. 1962
recognizing Permit No. 610-1 was issued to said applicant... for the diversion of said water, ~~xxxxxxx~~
completion of the works of diversion therein described ~~xxxxxxx~~
~~xxxxxx~~ and ~~xxxxxx~~ application to beneficial use of said
water ~~xxxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~
and,

WHEREAS, On the 2nd day of August A. D. 1961
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.6
cubic feet per second of said waters, as evidenced by our Certificate No. 610-1
dated February 16, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.6 cubic feet per second of water, with date of
priority of 1947 ~~xxx~~ and,

WHEREAS, On the 2nd day of August A. D. 1961
proof was duly made of the application to beneficial use of 1.6 cubic feet per second of said water;
for irrigating 115 acres in the NE 1/4 Section 1, T7N, R5E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to Dave Ruff

of Vale the holder and owner of said Vested Right permit No. 510-1

a water right, dating from 1947 to the use of 1.6

cubic feet per second of the waters of Cottonwood Creek

in the County of Head and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at a point in the SW 1/4 NE 1/4

Section 1, T7N, R5E

and conducted to and upon portions of the NE 1/4, Section 1, T7N, R5E

for the purpose of irrigation and domestic use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of February A. D. Nineteen
Hundred and sixty-two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

Book _____ of _____ Page _____

State of South Dakota

SS

County of Butte

Dave Ruff of Vale, South Dakota, being first duly sworn on oath, states that ^{he} is the owner of the NE $\frac{1}{4}$ of Section one in Township Seven North of Range 6 East, B.H. Meridian, in Meade County, South Dakota; that the North Cottonwood Creek runs through said land; that said Ruff claims a Vested Right to the use of the water in said creek under par. 7 of Chapter 61.0103, South Dakota Code for the reason that he has been pumping and using said water out of said creek each year since the year 1947 through the summer of 1961 to date.

Dated this 28th day of July, 1961.

Dave Ruff

Subscribed and sworn to before me this 28th day of July, 1961.

Daniel R. Rickard
Notary Public.

Seal

State of South Dakota

SS

County of Butte

Benjamin G. Dell of Vale, Butte County, South Dakota, being first duly sworn on oath states that he has read the foregoing affidavit made by Dave Ruff of Vale, S. Dak.; that he knows the land described therein and that said Dave Ruff has been using the water as stated in said affidavit.

X Benjamin G. Dell

Subscribed and sworn to before me this 1 day of Aug, 1961.

Bessie E. Hawk
Notary Public

(SEAL)

Vale Township Clerk.
Term expires March 1962

RECEIVED
AUG 2 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State of South Dakota

ss

County of Butte

Dave Ruff of Vale, South Dakota, being first duly sworn on oath, states that ^{he} is the owner of the NE¹/₄ of section one in Township Seven North of Range 5 East, B.H. Meridian, in Meade County, South Dakota; that the North Cottonwood Creek runs through said land; that said Ruff claims a Vested Right to the use of the water in said creek under par. 7 of Chapter 61.0103, South Dakota Code for the reason that he has been pumping and using the water out of said creek each year since the year 1947 through the summer of 1961 to date.

Dated this 28th day of July, 1961.

Dave Ruff

Subscribed and sworn to before me this 28th day of July, 1961.

Daniel Richards
Notary Public.

Seal

State of South Dakota

ss

County of Butte

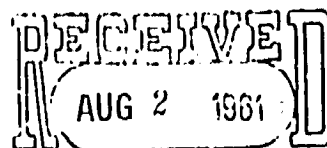
Henry Smith of Nisland, Butte County, South Dakota, being first duly sworn on oath states that he has read the foregoing affidavit made by Dave Ruff of Vale, South Dakota, that he knows the land described therein and that said Dave Ruff has been using the water as stated in his affidavit.

Henry Smith

Subscribed and sworn to before me this 31 day of July, 1961.

Daniel Richards
Notary Public

(SEAL)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State of South Dakota

ss

County of Butte

Dave Ruff of Vale, South Dakota, being first duly sworn on oath, states that ^{he} is the owner of the NE $\frac{1}{4}$ of Section one in Township Seven North of Range 5 East, B.H. Meridian, in Meade County, South Dakota; that the North Cottonwood Creek runs through said land; that said Ruff claims a Vested Right to the use of the water in said creek under par. 7 of Chapter 61.0103, South Dakota Code for the reason that he has been pumping and using the water out of said creek each year since the year 1947 through the summer of 1961 to date.

Dated this 28th day of July, 1961.

Dave Ruff

Subscribed and sworn to before me this 28th day of July, 1961.

David Richard
Notary Public.

Seal

State of South Dakota

Meade ss

County of Butte

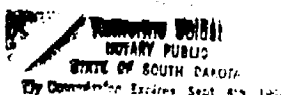
Don Scoggins, of Sturgis, Meade County, South Dakota, being first duly sworn on oath states that he has read the foregoing affidavit made by Dave Ruff of Vale, South Dakota; that he knows the land described therein and that said Dave Ruff has been using the water as stated in said affidavit.

Don Scoggins

Subscribed and sworn to before me this 31st day of July 1961.

Kathleen Leland
Notary Public
South Dakota

(Seal)



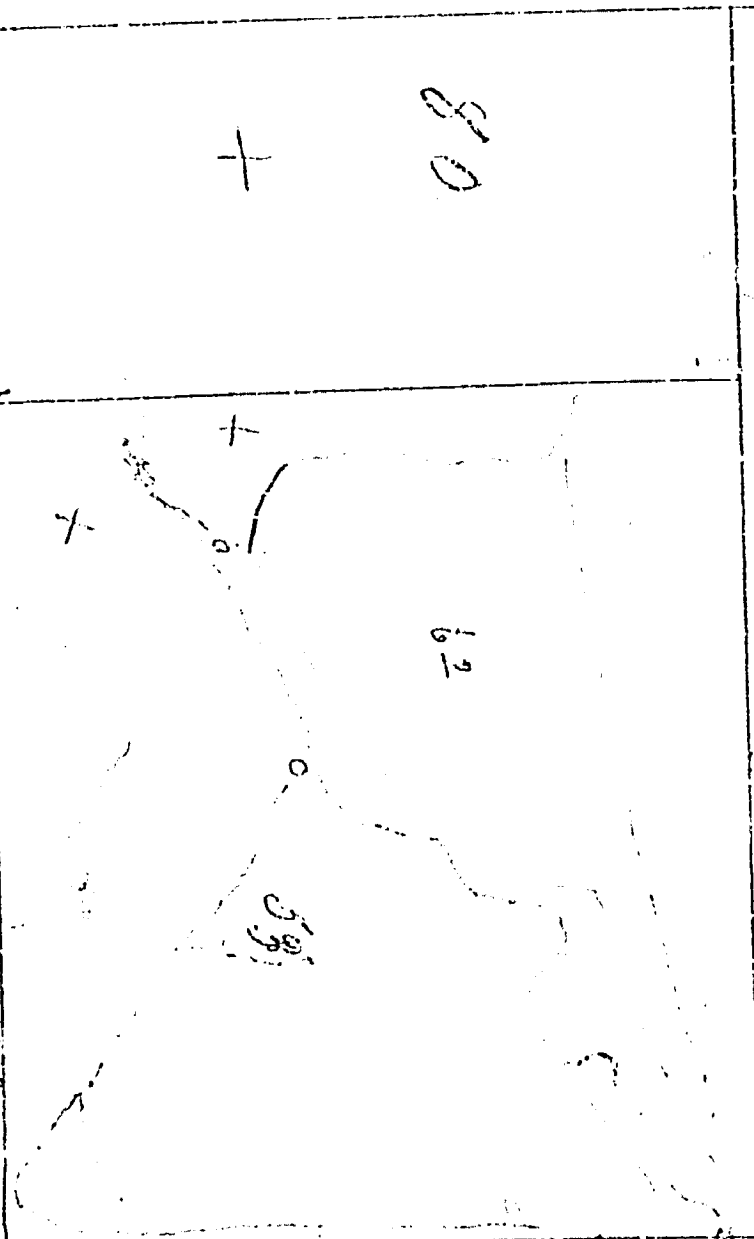
RECEIVED
AUG 2 1961

STATE WATER RESOURCES COMMISSION
PIERRE SOUTH DAKOTA

Draw 240 A.

or

1-7 5



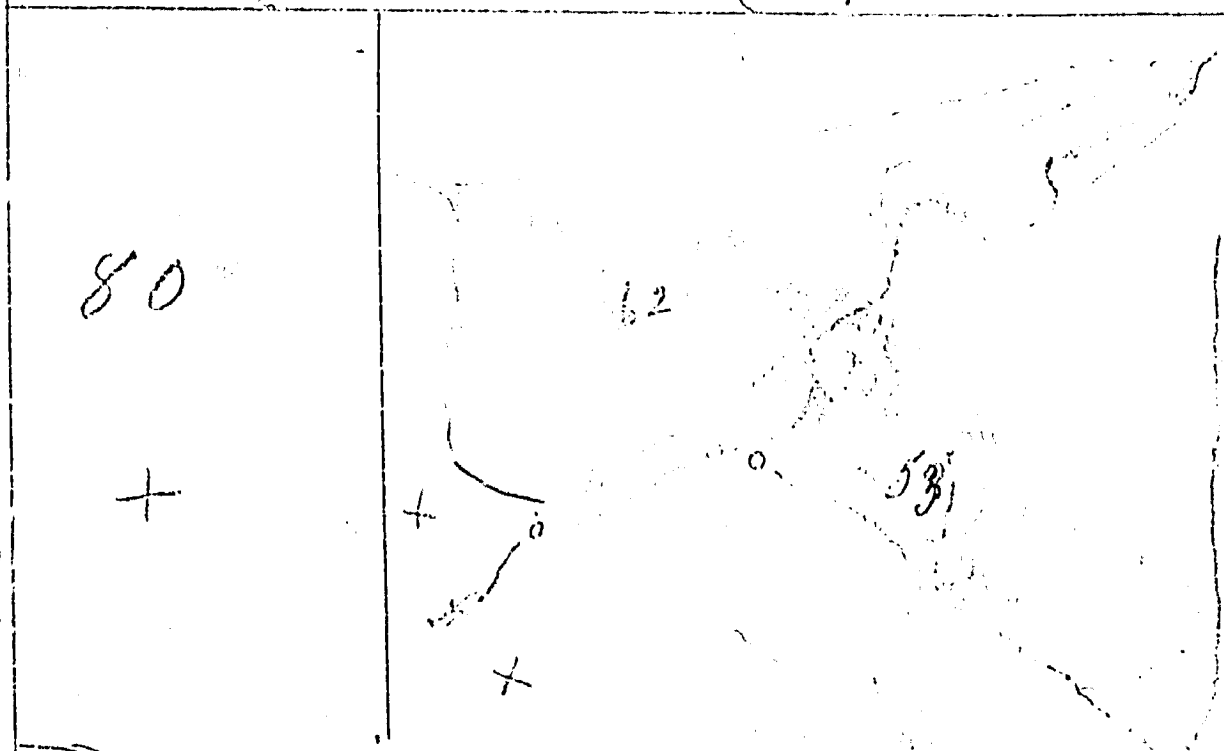
Plot is marked with red X has not been pumped on. And the creek is marked in red.

The black is what has been pumped on. ditches are marked. + pumping point.

Down 240 A.

21

1-7-5



The black is what has been
pumped on. Ditches are marked
+ pumping point.

What is marked with red x has not been pump-
ed on. And the creek is marked in red.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8255

PIERRE, June 11, 1931

RECEIVED OF Lillie Holst, Box 377, Newell, SD 57760

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of WR# 610-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / (ct)

NO. 610-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____



This is to notify you that the title to the lands described as follows:

NE 1/4 Section 1, T7N, R5E - 115 acres

formerly owned by Dave Ruff

has been transferred to Lillie Holst, Box 377, Newell, SD 57760

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 610-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Lillie Holst 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 I know of my own personal knowledge that the information herein stated is true.

Lillie Holst
(Signed)

Subscribed and sworn to before me this 9 Day of June, 1981.

Colgan J. Huber
(Notary Public)

COLGAN J. HUBER, Notary Public
Butte County
My Commission Expires April 23, 1987



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

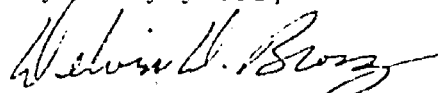
Lillie Holst
Box 377
Newell SD 57760

Dear Ms. Holst:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 610-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



Water Rights Division - DWNR
Conversation or File Documentation

File No. 610-1

NAME OF PERSON OR FILE: Lillie Holst
ADDRESS: Newell, SD COUNTY Meade (Irrigated Land)
DATE: 4-11-89 TELEPHONE 456-2818
RE: Validation of Vested Right 610-1

COMMENTS:

On this date I spoke with Mrs. Holst's son and inspected the spreading system irrigation. All of the land listed on the V.R. has been developed, however, only a portion of the land has been irrigated in recent years. Water has been pumped out of the creek and into the ditches for irrigation of the acreages marked in red (see map). Mrs. Holst's son stated that the other portion of land hasn't been irrigated for 20 years. All of the land is now leased by Larry Knutson of Vale, SD. Vested Right 610-1 should be validated for the acreage and water listed below.

NE 1/4 NE 1/4 1-7N-5E - 11 acres

SE 1/4 NE 1/4 " " " - 30 acres

SW 1/4 NE 1/4 " " " - 1 acre

42 acres

(0.6 cfs)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: James L. Wentz



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 22, 1991

Lillie E Holst
Box 377
Newell, SD 57760

Dear Ms. Holst:

Enclosed is a copy of Vested Water Right Claim No. 610-1. You requested information as to the amount of water assigned, the appropriation date, and what you needed to do to maintain your water right.

Vested Water Right Claim No. 610-1 has a recognized priority date of 1947 for irrigation of 115 acres in the NE 1/4 Section 1, T7N, R1E from Cottonwood Creek at a diversion rate of 1.60 cubic feet of water per second (cfs). April 11, 1989, an inspection was conducted of your water use system to determine the extent of irrigation being done under the vested right claim. The inspection found 42 acres being irrigated out of the original 115 acres claimed.

Under SDCL 46-2A-16, any claim for a vested right accepted for filing by the Chief Engineer or Water Management Board prior to July 1, 1986 is eligible for validation. The Chief Engineer will be scheduling Vested Right Claim No. 610-1 for validation before the Water Management Board. At that time, the recommendation will be to validate the claim for the acreage and diversion rate found during the 1989 inspection. You will be notified of when and where the hearing will be held.

Water use is a requirement for keeping a water right valid. As long as you irrigate at least once every three years, if water is available, you have a continuing right to the use of the water. For your information, I am enclosing a copy of the South Dakota Water Laws. If I can answer anymore questions for you, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

January 2, 1991

So. Dak. Dept. of Water & Natural Resources
Joe Foss Building
503 East Capitol
Pierre, South Dakota 57501-3181

Gentlemen:

I am writing to request information on existing water rights recorded by the State of South Dakota for property I own in Meade County. You have identified my case for Irrigation Water Use Questionnaire purposes as follows:

610-1 ND/FB
Lillie Holst
Box 377
Newell, SD 57760 S

Two specific questions that I have are:

1. What is the amount of water assigned to my property by the State of South Dakota and what is the appropriation date?
2. As a property owner what must I do to insure that this water right is maintained and preserved?

In the event that you can not provide this information please let me know how and where I can obtain it. Also, if you have a brochure or packet dealing with South Dakota water rights I would appreciate receiving a copy.

Sincerely yours,

Lillie E. Holst
Lillie E. Holst
Box 377
Newell, SD 57760



610-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

LARRY KNUTSON, RENTER
RR
VALE SD 57788

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 610-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 610-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvali, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

LARRY KNUTSON, RENTER
RR
VALE, SD 57788

4a. Article Number

P906-557684

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-92

5. Signature (Addressee)

Larry Knutson

6. Signature (Agent)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: LARRY KNUTSON, RENTER
RR
VALE, SD 57788

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 

SUBJECT: Amendment to Water Permit No(s). 610-1

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 610-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.

6010-1

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 28, 1992

NOTICE

TO: Lillie Holst
Box 377
Newell SD 57760

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 610-1

A Notice of Intent to validate Claim No. 610-1 was published on July 6 and 13, 1988 in the Black Hills Press, Sturgis SD. The Water Rights Division opposed validation of No. 610-1 for purposes of completing on on-site inspection of the claim. The inspection of Claim No. 610-1 was completed on April 11, 1989, by Jim Wendte, staff engineer. The inspection found that the number of acres being irrigated has been reduced from 115 acres to 42 acres due to a portion of the land not having been irrigated for over 20 years. The diversion rate is to be reduced, accordingly, from 1.6 cubic feet of water per second (cfs) to 0.6 cfs. This reduced diversion rate is based on the statutory application rate of 1 cfs per 70 acres (42 acres/70 = 0.6 cfs).

The Water Management Board will consider validation of Claim No. 610-1 at 10:00 am, September 30, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site inspection, validation of Claim No. 610-1 is recommended for a diversion rate of 0.6 cfs from Cottonwood Creek to irrigate 42 acres. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 42 acres and 0.6 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 610-1 will still apply at this hearing. A copy of the July 6 and 13, 1988, publication is available upon request.

This hearing is an adversary proceeding. You 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.

cc: Diane Best, Assistant Attorney General

CERTIFICATION

610-1

I hereby certify that on August 28, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 28, 1992, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

V.R. Claim #334-1: Nancy L. Collins, Todd J. Collins and Randy Cammack, HC 75, Box 280, Sturgis, SD 57785.

V.R. Claim #352-1: Lyle D. Weiss, HCR 71, Box 39, Faith, SD 57626.

V.R. Claim #380-1: Walter C. Miller, HC 75, Box 14, Sturgis, SD 57785.

V.R. Claim #391-3: Arthur Bieber, RR 1, Box 87, Java, SD 57452.

V.R. Claim #564-1: John Miller, Star Rt. 1, Box 5A, Red Owl, SD 57777.

V.R. Claim #572-1: Wilbur Bacrand, Faith Rt., Sturgis, SD 57785.

V.R. Claim #610-1: Lillie Holst, Box 377, Newell, SD 57760.

V.R. Claim #746-1: Rick Soelzer, P.O. Box 196, Piedmont, SD 57769.

V.R. Claim #746-1: Angenetta Schemmel, 801 2nd Ave. SE, Pipestone, MN 56164.

V.R. Claim #460-2: Willard Bloom, Rt 2, Box 1, Wall, SD 57790.

V.R. Claim #523-2: William Beaudette, Horse Creek Campground, HC 33, Box 2800, Rapid City, SD 57702.

V.R. Claim #4794-3: Thomas M. Tobin and Larry Lovett, Box 1766, Aberdeen, SD 57401.

A copy of the above listed Notices was sent Inter-office to:

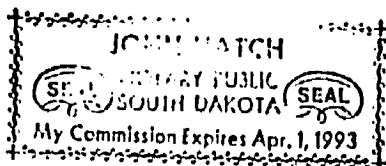
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 9th day of September, 1992.



John Hatch
Notary Public

610-1

September 7, 1992

John Hatch, Chief Engineer
Water Rights Division
Department of Environmental and Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-3181



Reference: Hearing to Consider Validation of Recognized Vested
Right Claim No 610-1

Dear Mr. Hatch:

It is disturbing to learn that the State of South Dakota has plans to reduce irrigated acreage from 115 to 42 and the diversion rate from 1.6 cubic feet per second to 0.6 cfs. for Water Right Claim No. 610-1.

For many years my husband farmed the land served by this water right and he initially installed a system for using this water for both irrigation and domestic purposes. Later, when my son took over farming operations, he continued to use the irrigation facility. My farm is now rented to Larry Knutson (RR#1, Box 100, Vale, SD 57788) and Larry does not routinely pump water to irrigate, although he or another renter may wish to exercise this option at some future date. As you know, Western South Dakota has been experiencing drought conditions in recent years. With low water levels in Orman Dam, pumping for irrigation purposes becomes more attractive especially in situations where a pump system already exists and water is available.

Even though this water supply has not have been used to irrigate the entire acreage in recent years, it has been continually used for beneficial purposes. My current renter keeps livestock on this property year long and depends on this water for all stock watering needs. I'm sure that he will verify past use and the need for this water in the future. Also, I am not sure if any of the acreage you have targeted for reduction has or has not been placed in any government production quota programs by my renter. If past program information is needed to make a ruling in this case please contact Mr. Knutson about his production quota participation.

For your information a number of recent improvements have been completed on this facility to enhance water storage. In December 1991 the Belle Fourche Irrigation District deepened and enlarged this impoundment from the check to my west property line. This action probably doubled the water storage capacity of this facility. This past month concrete repair work was completed on the check and new check boards were installed. If you wish to check this work or want me to forward photographs of these projects I would be happy to do so.

It certainly was not my intent or desire to abandon or not put to beneficial use all water allotted under this vested water right. Additionally, I do not wish to "forfeit these and other due process rights if not exercised" which you referred to in the last paragraph of your August 28, 1992 letter.

Health problems, travel time and anticipated legal counsel fees will not permit me to be represented at your upcoming Water Management Board hearing on water rights claim no. 610-1 scheduled for September 30, 1992. However, I would like to record to reflect that I do not agree with the proposed reduction of water or acreage which the State of South Dakota proposes for Water Right Claim No. 610-1.

Please let me know what, if any additional action I should be taking to retain this water right.

Sincerely,

Lillie Holst

Lillie Holst
Box 377
Newell, SD 57760

610-

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Recognized Vested Right Claim No. 610-1

ADDRESS: _____ COUNTY: Meade

DATE: 9/15/92 TELEPHONE: _____

RE: Whether lands are in a production quota

COMMENTS:

In reponse to Mrs. Holst's letter regarding the validation of Recognized Vested Right Claim No. 610-1, I called the Meade County ASCS office to check to see if the acres in the NE1/4 Section 1 T7N R5E is in a production quota program. I talked with Charlene (ph # 347-4428) who said this acreage was not on their records as being in a production quota program like CRP.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Threlkeld



6010-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 21, 1992

Lillie Holst
Box 377
Newell, SD 57760

Dear Mrs. Holst:

I am writing in response to your letter concerning our notice of validation of Recognized Vested Right Claim No. 610-1. Your letter opposes the validation for the reduced number of acres and diversion rate.

The recommendation to validate Claim No. 610-1 for 42 acres is based on an inspection completed by Jim Wendte, staff engineer and an April 11, 1989, discussion with your son. According to your son, 73 acres of the 115 acres originally included in Claim No. 610-1 have not been irrigated for 20 years. South Dakota Codified Law 46-5-37 states:

Failure to use beneficially appropriated water -- Forfeiture for nonuse -- Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

Validation of Claim No. 610-1 is recommended for those 42 acres that are still being irrigated. The reduction of the diversion rate to 0.6 cubic feet of water per second (cfs) [269 gallons per minute] is based on the statutory application rate for irrigation of 42 acres (42 acres x 1 cfs/70acres = 0.6 cfs).

We contacted the Meade County office of the Agricultural Stabilization and Conservation Service to determine if any of the acreage is in a production quota program. The Meade County Office advised that no portion of the NE1/4 Section 1, T7N, R5E is in a production quota program.

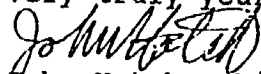
Your letter also referenced that water is beneficially used for livestock watering. Livestock watering is a domestic use of water and is not affected by this validation process.

September 21, 1992
Lillie Holst
Page 2

If you can not attend the September 30, 1992 hearing to represent your position, I will present a copy of your letter to the Water Management Board. I will also present the Board with a copy of the Notice dated August 28, 1992, and this letter explaining our position. The Board is authorized to 1) validate the claim as recommended for 42 acres and 0.6 cfs, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim.

If you have any questions regarding validation of Recognized Vested Right Claim No. 610-1, please contact Eric Gronlund at 773-3352.

Very truly yours,



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

cc: Diane Best, Assistant Attorney General

610-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 610-1 FOR IRRIGATION

Date of Receipt of Claim August 23, 1961.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 610-1 for irrigation purposes for Lillie Holst, Box 377, Newell, SD, 57760 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 610-1 appropriates 0.6 cubic feet per second of water from Cottonwood Creek for stockwatering and to irrigate 42 acres. The point of diversion is located in the SW1/4 NE1/4 SEC 1, T7N, R5E. The irrigated lands are located in the E1/2 NE1/4 and in the SW1/4 NE1/4; all in SEC 1, T7N, R5E.
2. The appropriation may not exceed the amount of water needed for beneficial use for stock watering and irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: May 1 to September 30.
3. The priority date of the Vested Water Right is January 1, 1947.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

DEC 24 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

610-1

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 610-1 FOR IRRIGATION

(1) Lillie Holst of Box 377, Newell, SD 57760, made Application No. 610-1, August 23, 1961 for validation of a vested right claim to appropriate 1.60 cubic feet of water per second from Cottonwood Creek, Meade, County, South Dakota, for irrigation purposes. Vested Water Right No. 610-1 was validated September 30, 1992, with a priority date of January 1, 1947. 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.

The original vested right claim recognized irrigation of 115 acres. An April 11, 1989, inspection of the water use system found only 42 acres of the original 115 acres were still being irrigated. Based upon the 1989 inspection and subsequent validation of the vested right claim, this license is being issued to reflect what is actually irrigated.

(2) The vested right owner is entitled to divert 0.60 cubic feet of water per second for beneficial use. The location of the diversion point is: in the SW 1/4 NE 1/4 Section 1, T7N, R5E.

The location of the irrigated acreage is:

T7N, R5E Section 1	NE 1/4 NE 1/4	11 acres
	SE 1/4 NE 1/4	30 "
	SW 1/4 NE 1/4	1
	Total	42 acres

(3) Pursuant to Section 46-5-30.1 Lillie Holst of Box 377, Newell, SD 57760 the holder and/or owner of Vested Water Right No. 610-1 is issued a license to appropriate 0.60 cubic feet of water per second from Cottonwood Creek with a priority date of January 1, 1947 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. 610-1 and subject to South Dakota State Law.



DEC 24 1992

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

6010-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 24 1992

Lillie Holst
Box 377
Newell SD 57760

Dear Ms. Holst:

The Water Management Board has validated the enclosed Vested Water Right No. 610-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

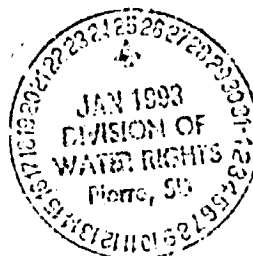
Very truly yours,

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

enclosure

610-

January 23, 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
Dept. of Nat. Res.
523 East Capital
Pierre, South Dakota 57501-3181

Dear Mr. Hatch:

Receipt of your letters dated Sept. 21, 1992 and Dec. 24, 1992 concerning water rights on land I own in Meade County, South Dakota is acknowledged.

In my September 7, 1992 letter to your office I objected to a proposed reductions in acreage and water allocations on my land. In this correspondence I mentioned that my land is now being rented by Mr. Larry Knutson, RR1 Box 100 Vale, So. Dak. 57788 and suggested that you contact Mr. Knutson regarding production quota program participation. Apparently your office failed to follow up on this suggestion which resulted in an erroneous recommendation to the Water Management Board. Had you contacted Mr. Knutson, you would have learned that this land was included in a 1992 production quota program with the contract on file in the Butte County office of ASCS in Belle Fourche, South Dakota.

Because of this oversight and error I see no alternative but to amend or reissue vested water license no. 610-1 for the correct acreage.

Your prompt attention in rectifying this matter is appreciated.

Sincerely,

Lillie Holst

Lillie Holst
Box 377
Newell, SD 57760

6010

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Vested Water Right No. 610-1, Lillie Holst

ADDRESS: _____ COUNTY: Heade

DATE: 1/26/93 TELEPHONE: _____

RE: Call to Butte County ASCS office (892-2567)

COMMENTS:

I contact^d the Butte County ASCS office and talked with Donna regarding whether the NE1/4 Section 1, T7N, R5E was in a production quota program. She stated that Larry Knutson had all his lands in one of ASCS's program. However it was not a set aside program that takes land totally out of production like the Conservation Reserve Program. She said that in fact their records show that in 1992, portion of the NE1/4 Section 1 were planted in corn.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Hunkler

610-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: LARRY KNUTSON, RENTER
RR
VALE SD 57788

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 610-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 610-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 610-1 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 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) 610-1 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

cc: Lillie Holst, Box 377, Newell, SD 57760

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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.

3. Article Addressed to:

LARRY KNUTSON, RENTER
RR
VALE SD 57788

5. Signature (Addressee)

Dona Knutson

6. Signature (Agent)

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P 906 560 195

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☒ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-1-93

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional service.
- Complete items 3, and 4a & b.
- 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:

610-1
Lillie Holst.
Box 377
Newell SD 5776

4a. Article Number

P906-560 207

4b. Service Type

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

7. Date of Delivery

FEB - 2 1993

5. Signature (Addressee)

Lillie Holst

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

Lillie Holst
Box 377
Newell, SD 57760

Dear Mrs. Holst:

I am writing in response to your letter on the validation of Vested Water Right No. 610-1. Vested Water Right No. 610-1 was validated with a January 1, 1947 priority date by the Water Management Board on September 30, 1992 for appropriation of 0.6 cubic feet of water per second (cfs) from Cottonwood Creek for stockwatering and to irrigate 42 acres in the E1/2 NE1/4, SW1/4 NE1/4 Section 1, T7N, R5E.

The original vested right claim was to appropriate 1.6 cfs to irrigate 115 acres. As explained in my September 21, 1992 letter, an inspection of No. 610-1 found only 42 acres being irrigated. According to your son at the time of the inspection, 73 acres of the 115 acres originally included in Claim No. 610-1 had not been irrigated for 20 years. South Dakota Codified Law 46-5-37 is very specific that the portion of water not used for the purpose for which it was appropriated, for a period of three years is subject to forfeiture for nonuse.

Water Rights Division staff called the Butte County ASCS office in reference to the 1992 production quota program in which Mr. Knutson is enrolled. The program that Mr. Knutson's land is enrolled in does not prohibit the irrigation of acreage in the NE1/4 Section 1, T7N, R5E. In fact, the ASCS office indicated that corn was planted in portions of the NE1/4 Section 1 in 1992. Regardless of the 1992 program, the land had not been irrigated for 20 years according to your son at the time of the inspection.

The Belle Fourche Irrigation District has advised that 67.4 acres in the NE1/4 Section 1, T7N, R5E are included within the District. The irrigation of land authorized within the District was not affected by the validation of Vested Water Right No. 610-1.

On September 30, 1992, the Water Management Board took into consideration your September 7, 1992 letter. However, there was compelling evidence that there was no use of water for irrigation of the 73 acres for greater than a three year period without

610-1

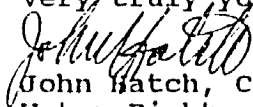
February 5, 1993
Lillie Holst
Page 2

legal excuse. Under South Dakota water rights law, the Board was obligated to validate Vested Water Right No. 610-1 for 42 acres based on the evidence at the hearing.

If you desire to bring the validation of Vested Water Right No. 610-1 back before the Board, you will need to petition for a declaratory ruling. This petition must include the action requested by the Board and a notice of hearing will need to be published in a legal newspaper for Meade County. The cost of this notice must be paid by the petitioner.

If you have any questions or need further information on how to petition the Board for a declaratory ruling, please contact Eric Gronlund at 773-3352.

Very truly yours,



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

cc: Larry Knutson, RR #1, Box 100, Vale, SD 57788

6010-1

[illegible]

Reference is made to your 1/29/93 notice regarding violation of Water Permit no. 610-1 which you mailed to Larry Knutson who currently rents my land in Meade County, So. Dak. I have visited with Mr. Knutson and learned that when he received your questionnaire in October 1992 he had no way of knowing which of the land he rented it applied to. Mr. Knutson contacted the owner of a farm he rents who he thought was working with water rights and was instructed to disregard the questionnaire and so it was discarded. For the record, please be informed that no water was pumped under permit no. 610-1 in 1992 however the irrigated acreage authorized by permit 610-1 was in a production quota program with the Butte County ASCS office. If it is necessary to record this information on your official questionnaire, please send a duplicate copy to Mr. Knutson, indicate that it is needed for my land and the information will be forthcoming.

With this background information, several questions come to mind as follows:

2. The head gate or check that is used to store the water was constructed by the Belle Fourche Irrigation District and I'm wondering if I also should be applying for a water storage permit or some similar document. Can you advise me on this issue?

610-1

Ltr to R. Duvall, dtd 2/7/93 page 2

3. I am not aware of any other pumps or farmers using water from this creek upstream from my land, but are there any other water permits currently in use along Cottonwood Creek downstream from my land before it dumps into the Belle Fourche River?

Any information that you can provide me will be greatly appreciated and if you need anything further from me please let me know.

Sincerely,

Lillie Holst

Lillie Holst
Box 377
Newell, SD 57760



February 11, 1993

6610-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Lillie Holst
Box 377
Newell, SD 57760

Dear Ms. Holst:

in your letter of February 7, 1993, you indicated the land was not irrigated during 1992; therefore, I have completed a questionnaire for you. I am writing to acknowledge that we now have the 1992 irrigation questionnaire and that No. 610-1 has been removed from the agenda for the March Water Management Board Meeting.

Following are responses to your questions in your letter dated February 7, 1993, (copy enclosed). My responses are numbered the same as listed in your letter.

1. Vested Water Right No. 610-1 authorizes diversion of 0.60 cubic feet of water per second (cfs) from Cottonwood Creek for irrigation of 42 acres located in the NE 1/4 Section 1, T7N-R5E. No. 610-1 carries a priority date of 1947. This vested water right is the proper instrument for irrigation of the above described acreage.
2. The headgate or check, near or on your property, belongs to the Belle Fourche Irrigation District. You are not responsible for the structure and do not have to obtain any permit from our office for its use. If you have any questions regarding this headgate, please contact Jim Winton, Manager of the Belle Fourche Irrigation Project in Newell.
3. Our files show the following water rights exist on Cottonwood Creek downstream from your diversion point:

Water Right No. 1221-1, Trohkimonien Farm and Ranch, Inc. uses 0.65 cfs for irrigation of 46 acres located in the SW1/4 Section 29, T8N-R6E;

Water Right No. 949-1, Charles Fields, uses 0.25 cfs for irrigation of 16 acres located in SE1/4 Section 31, T8N-R6E;

Vested Water Right No. 412-1, Sheeler Farms, uses 2.19 cfs for irrigation of 152 acres in the NW1/4 and SW1/4 Section 28, T8N-R6E.

Please contact me if you have any further questions (605 773-3352).

Sincerely

Ron Duvall, Natural Resources Engineer
Water Rights Division
enc.

2003 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2003

No. 610-1

LARRY KNUTSON, RENTER
RR 1 BOX 100
VALE SD 57788 9721

456-2618

Any address corrections?

Telephone No. _____

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <http://www.state.sd.us/eforms/secure/eforms/E0455V2-IQ.pdf>

1. Is the system constructed? *yes ? no _____

*Type of system used (check all that apply):

center pivots _____ towlines _____ big gun _____
flood X sprinklers _____ other _____

3. Is the land enrolled in CRP? *yes _____ no X

*If yes, through what year? _____

4. Did you apply chemicals or fertilizer through the system in 2003? yes _____ no X

2. Did you irrigate in 2003? *yes _____ **no X

*If yes, number of acres irrigated _____

**If no, list reason(s) in comment box and answer No. 3:

Comment Box

THIS SYSTEM WAS CONSTRUCTED AND USED IN THE PAST ('50's & '60's) BUT THE PUMP HAS BEEN REMOVED AND HAS NOT BEEN USED IN RECENT YEARS. WATER IS CURRENTLY BEING IMPOUNDED AND USED BY LIVESTOCK AND WILDLIFE.



BB	BA	AB	AA
(B)			(A)
BC	BD	AC	AD
CB	CA	DB	DA
(C)			(D)
CC	CD	DC	DD

1 square mile

Office use only

Acreage permitted for irrigation under No. 610-1

(see above section map for help reading legal descriptions)

sec 01-T007N-R05E, AA -- 11.00 acres

sec 01-T007N-R05E, AD -- 30.00 acres

sec 01-T007N-R05E, AC -- 1.00 acres ^{DP}

92- Pres

REPORT PREPARED BY:

DAVID D. RUFF
3040 RIDGE RD.

SNEADFISH, SD 57783

722-7147/48

I AM LILLIE HULSE'S SON

103° 27' 10" 103° 27' 167'
49° 36' 2" 49° 36' 033'

On 11/18/03 I spoke with Larry Knutson requesting the size of the impoundment - Larry stated it is less than 25 a.f. I then spoke with David Ruff concerning the non use for irrigation & that a permit wasn't needed for domestic use less than 25 a.f. (cover)

Please provide your 2003 water use to irrigate the above acreage on the REVERSE side of this form.

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

I advised Mr. Ruff that the WR would be scheduled for cancellation. Mr. Ruff wants to keep the WR, but understands the legal requirements. He agreed to scheduling the cancellation and will probably, submit a letter stating his desire to retain the WR.

Donald E. Starn



610-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

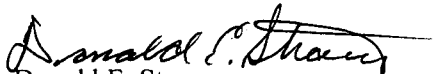
PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 18, 2003

INTERNAL MEMORANDUM

Water Right No. 610-1, Lillie Holst, has reported non use since 1992 (on the 2003 IQ it was stated that the pump was removed). On November 18, 2003 I spoke with Larry Knutson, renter of the land where the storage dam on Cottonwood Creek is located and the land to be irrigated under this water right. Mr. Knutson stated that the dam is used for livestock and wildlife, and stores less than 25 acre-feet.

I then spoke with David Ruff, son of Lillie Holst, explaining the statute for non use and that a right was not required for a dam storing less than 25 acre-feet for domestic use. I further explained that the water right would be scheduled for cancellation. Mr. Ruff stated that he understood the legal requirements, but that they would like to retain the water right. Mr. Ruff further stated that the renter, Mr. Knutson, was not interested in irrigating due to the cost, etc. I explained that the water right would be scheduled for cancellation and his mother would receive a notice. If he desired, he could submit a letter to the Chief Engineer or appear before the Water Management Board to protest the cancellation. Mr. Ruff stated that he understood that the water right should be cancelled, but they would like to retain it and he would probably send a letter to the Chief Engineer stating the desire to retain the water right


Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

cc to File

610-1

McMath, Genny

From: Johnson, Stacy
Sent: Wednesday, January 14, 2004 3:20 PM
To: McMath, Genny
Subject: FW: Section 1 T7N-R5E

Genny,

Here is the information that you wanted.

Thanks,

Stacy

-----Original Message-----

From: charlotte [mailto:bfid1@sdplains.com]
Sent: Wednesday, January 14, 2004 3:05 PM
To: Stacy.Johnson@state.sd.us
Subject: Re: Section 1 T7N-R5E

Stacy, Yes these lands are in the District. A landowner does pay an assessment on these --- they are Serial #1.
 Thanks, Charlotte

----- Original Message -----

From: Stacy.Johnson@state.sd.us
To: bfid1@sdplains.com
Sent: Tuesday, January 13, 2004 12:05 PM
Subject: Section 1 T7N-R5E

Charlotte,

I need to know if the following lands in Section 1 T7N-R5E are in the District or not:

NE1/4NE1/4
 SE1/4NE1/4
 SW1/4NE1/4

If these lands are within the District is the landowner paying an assessment on them or not?

Thanks,

Stacy J. Johnson

McMath, Genny

610-1

From: Rath, Mark
Sent: Thursday, August 05, 2004 8:43 AM
To: McMath, Genny
Subject: Status of Irrigation for No 610-1

I spoke with Charlotte with the Belle Fourche Irrigation District about irrigation of this land. She said this land located in the NE 1/4 of Section 1 T7N-R5E is rented by Larry Knutson. Mr Knutson has been irrigating the land using BFID water. It appears water right No. 610-1 would be used when there is not sufficient water from the BFID, so No. 610-1 would provide supplemental water would be needed. The BFID has provide an allotment of water to the irrigators each of the past several years.

8/5/2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 5, 2004

610-1

David D Ruff
3040 Ridge Rd
Spearfish SD 57783

Dear Mr. Ruff:

I am contacting you in regard to Vested Water Right No. 610-1 listed in the name of Lillie Holst. The vested right authorizes diversion of water from Cottonwood Creek for irrigation of 42 acres in the NE ¼ Section 1, T7N, R5E.

In November, 2003 a staff engineer from our program visited with you and also with Mr. Knutson about the status of irrigation as it relates to your mother's water right. It was our impression at the time that the land was not being irrigated and the water right may be subject to cancellation consideration due to abandonment and/or forfeiture.

Upon further review and information obtained from the Belle Fourche Irrigation District, we found the land is being irrigated with water purchased from the District. If this is the case, the use of water from Cottonwood Creek as authorized under No. 610-1 would be considered a back-up source of water in the event water could not be obtained from the District.

Since No. 610-1 provides for supplemental water for irrigation to that used under the Belle Fourche Irrigation District, we recognize water use under this right would be sporadic. Therefore, we do not feel that cancellation of the vested water right is warranted and will not proceed with bringing the matter before the Board.

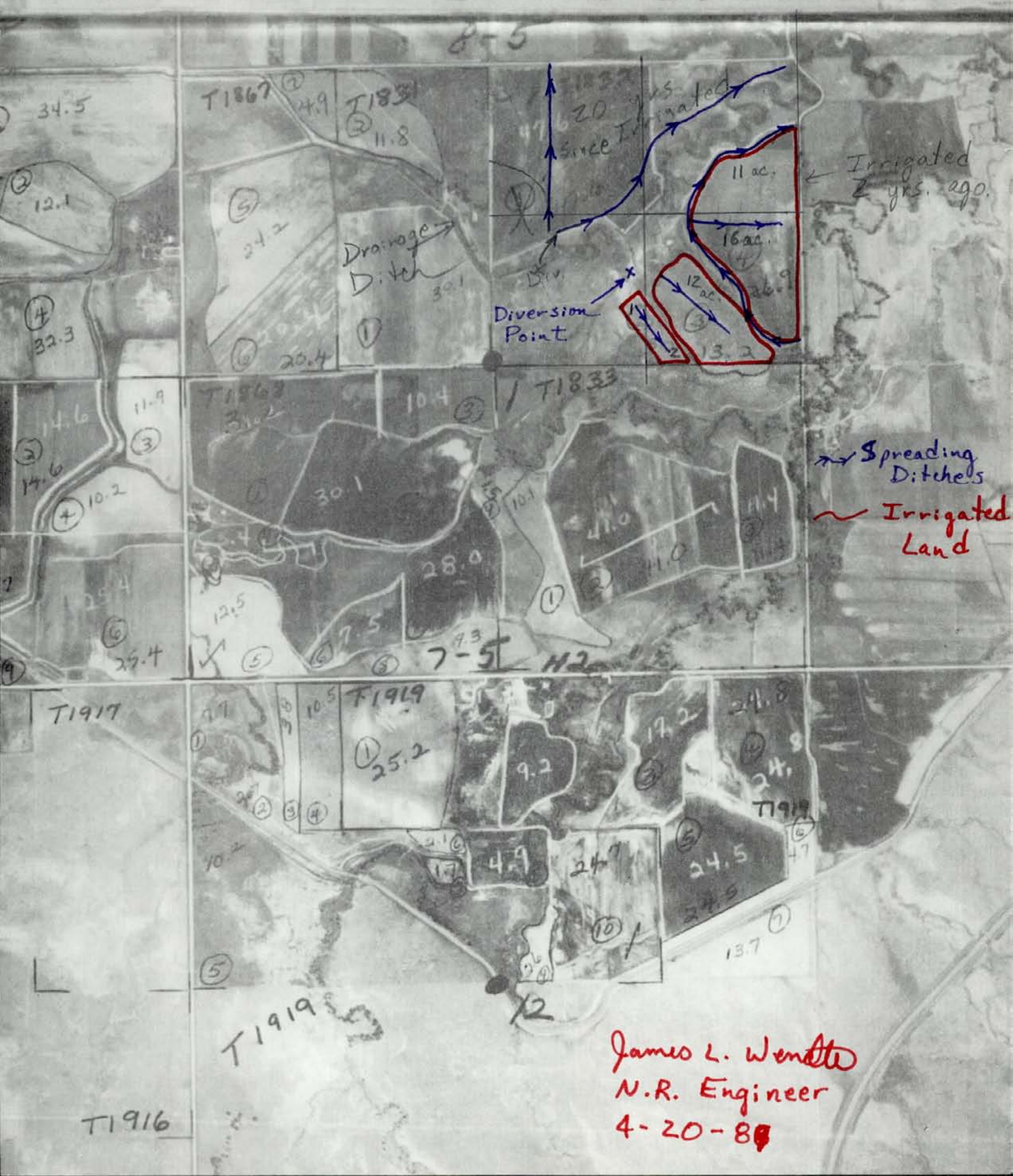
Submission of the annual irrigation questionnaire for Vested Water Right No. 610-1 is still required. Rather than mailing the form each year to your renter, we will send it directly to you. We would ask that if water is used from the District, please make a notation on the form to that affect and return it to us. In other words, you do not have to report how much water was used through the district, only that it was used. If water is used from Cottonwood Creek, please complete the form in its entirety and submit it as usual.

The annual questionnaire will be mailed to you in October. Thank you in advance for your help and if you have any questions, please contact us.

Sincerely,

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

NOT TO SCALE



Larry Knutson

Vale, SD

3 Yr. Lease Starting
this year

File No. 610-1
610B-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: David Ruff, 3040 Ridge Rd, Spearfish SD 57783

DATE: June 27, 2012

TELEPHONE: 605 722-7147

RE: existence of pond on Vested Right No. 610-1

COMMENTS:

When working on the division of Vested Right No. 610-1 into an A & B number to reflect separate ownership I noted that the original claim had mention of a small ponded area with the project.

I called Mr. Ruff to find out if a dam existed and if it was part of the irrigation project. He indicated it was not actually a dam but a head gate that allowed boards to be added or removed to raise and lower the water level. He said he never uses the boards in it and allows the water to free flow thru the stream.

The structure actually belongs to the District (as per letter to Lillie Holst from Ron Duvall on February 11, 1993) and it is not necessary for the water right holder in this instance to have a permit in place for storage.



Genny McMath
Water Rights Program

**DIVISION OF VESTED WATER RIGHT NO. 610-1
INTO NOS. 610A-1 AND 610B-1**

Vested Water Right No. 610-1 authorizes irrigation of 42 acres in the NE $\frac{1}{4}$ Section 1, T7N, R5E. Ownership changes were filed with the vested water right on April 26, 2012 (David D Ruff) and September 16, 2013 (Amanda Uhlmann). Vested Water Right No. 610-1 has been divided and reissued to reflect separate ownership as follows:

- **Vested Water Right No. 610B-1: David D Ruff, 3040 Ridge Rd, Spearfish SD 57783** authorizing irrigation of 31 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1, T7N, R5E with a prorated diversion authority of 0.44 cfs.
- **Vested Water Right No. 610A-1: Amanda Uhlmann, 12981 193rd St, Vale SD 57788** authorizing irrigation of 11 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T7N, R5E and a prorated diversion authority of 0.16 cfs.