

610-B-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

April 2, 2012

610-1

David Ruff
3040 Ridge Rd
Spearfish SD 57783

Dear Mr. Ruff:

I am writing in follow-up to our phone conversation regarding Vested Water Right No. 610-1 listed in the name of Lillie Holst.

Prior to dividing the water right to reflect separate ownership, I wanted to send you a copy of the water license and map showing the acreage authorized for irrigation. I have marked the area in a yellow highlight showing the portion you indicated was now owned by Amanda Uhlmann. It is my understanding from our phone conversation that the land she owns north of the creek will no longer be irrigated. I printed off a map of the area and it appears that all of the land covered by the water right is north of the creek.

I will need to get in touch with her as well since she owns part of the land however if she does not intend to irrigate, filing an ownership change on her part will not be necessary. With regard to the portion you and your brother now own in the S ½ NE ¼ Section 1, T7N, R5E, an ownership change will be required.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Please review the enclosed materials and get in touch with me as soon as you can so that we can update the water right.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

RECEIVED

APR 26 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 610B-1

Date: APR 24, 2012

I/We request that portions of Vested Water Right No. 610-1

formerly owned by: Lillie Holst

be transferred to: (name & address) DAVID D. RUFF
3040 RIDGE RD.

SPEARFISH, SO. DAK. Telephone No. 605-722-7147

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

31 acres - S 1/2 NE 1/4 Section 1, T7N, R5E

I/We understand that the validity of Vested Water Right No. 610B-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We DAVID D. RUFF, the new owner, certify that the above information is true and correct.

David D. Ruff

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/26, 20 12

RECEIVED OF David D Ruff 3040 Ridge Rd Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>610B-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 05423

By *Isabel Erbe*
Chief Engineer

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

AUG 1 0 2012

610B-1

David D Ruff
3040 Ridge Rd
Spearfish SD 57783

Dear Mr. Ruff:

Enclosed is your Reissued Vested Right Water License No. 610B-1. Vested Right Water License No. 610-1 has been divided and reissued based on the ownership change you filed on April 26, 2012.

Also enclosed with your water license is Receipt No. 05423 in the amount of \$50.00. The receipt is for the filing fee you paid for filing the ownership change.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. 610B-1
DIVISION OF NO. 610-1 INTO 610A-1 AND 610B-1

(1) Lillie Holst was issued Vested Right Water License No. 610-1, December 24, 1992 for a right to divert 0.60 cubic feet of water per second (cfs) from Cottonwood Creek, Meade County, South Dakota for irrigation purposes. Vested Water Right No. 610-1 with a priority date of January 1, 1947 was validated September 30, 1992. Construction of the described water supply system and the application to beneficial use of water was completed and complied with applicable provisions of South Dakota State Law.

The vested water right authorizes irrigation of 42 acres in the NE ¼ Section 1, T7N, R5E. On April 26, 2012, an ownership change was filed with the vested water right transferring a portion of the land authorized for irrigation. Vested Water Right No. 610-1 is being divided and reissued to reflect separate ownership.

Vested Water Right No. 610B-1 is being issued to David D Ruff, 3040 Ridge Rd, Spearfish SD 57783 for the S ½ NE ¼ Section 1, T7N, R5E with a prorated diversion authority of 0.44 cfs. The remaining 11 acres in the NE ¼ NE ¼ Section 1, T7N, R5E and prorated diversion authority of 0.16 cfs will be issued under Vested Water Right No. 610A-1.

(2) It is certified that the vested right holder has complied with the provisions of South Dakota State Law and is entitled to divert 0.44 cubic feet of water per second for beneficial use.

The location of the diversion point is in the SW ¼ NE ¼ Section 1, T7N, R5E.

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

T7N, R5E Section 1	SE ¼ NE ¼	30 acres
	SW ¼ NE ¼	1 acre
	Total	31 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 David D Ruff, 3040 Ridge Rd, Spearfish SD 57783 the holder and/or owner of Vested Water Right No. 610B-1 is issued a license to appropriate water, the right to use 0.44 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 for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Vested Water Right No. 610-1.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 10 2012
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DAVID D RUFF, 3040 RIDGE RD, SPEARFISH, SD 57783

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 610B-1. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 610B-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 610B-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PAGLLN**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 4, 2025

610B-1

David Ruff
3040 Ridge Rd
Spearfish SD 57783

Dear Ms. Schriever:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 610B-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us