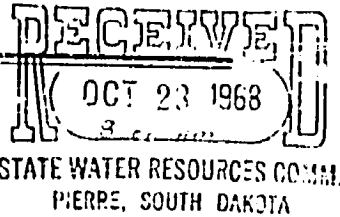


851-1

1. Considered 12-4, 1968
2. Name of Applicant LEO F. GRUBL
3. Post Office Address STURGIS
4. Amount of water claimed 4.2
5. Source of water supply HOUSEMAN DRAW
6. Water to be used for IRRIGATION
Acres to be irrigated 298
7. Water to be diverted and used in MEADE county
about 12E 2S miles 01 of STURGIS
8. Proof of Publication Received ✓
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:



No. 851-1
 Water Division No. 1 BELLE FOURCHE RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant LEO E. GRUEL
STURGIE, S.D. RERFORD RT. 57783
 Postoffice address _____, County MEADE, State SO. 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) _____
- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work THE GRUEL SPREADER PROJECT
3. Amount of water claimed 90 ± 2.145 MAXIMUM ALLOWABLE cubic feet per second 1890 GPM
JEFFREY
4. Source of water supply Spreader dams in Houseman Draw
Between a point N. 61° E. 860 ft. from the SW Cor. 28, T. 5N. R. 7 E. BHM
5. Location of point of diversion and a point N. 42° 1320' from the S 1/4 Cor.,
Sec. 2, T. 5 N., R. 7 E. BHM on both bank of road County _____
6. Annual period or periods during which water is to be used March 15th to Oct. 15th
7. To be used for: Gravity by spreaders

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____
- (a) Number of acres to be irrigated 165 acres.

- (b) Legal divisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here as soon as

SW-27-10 ac., NE-SW-5 ac., SW-SW-28 ac., SE-SW-28 ac., NW-SE-28 ac.,
NE-SE-32 ac., SW-SE-15 ac., SE-SE-35 ac. Sec. 28, T. 5 N., R. 7 E. - 177 ac.
NW-NW-32 ac., NE-NW-33 ac., NW-NE-38 ac., NE-NE-16 ac. Sec. 34, T. 5 N.,
R. 7 E. - 119 ac.
 Total 119 ac.
 Grand Total 296 ac.

- (b) Amount of power to be generated None horse power.
- Amount claimed for engine cooling None
- (c) Location of plant None
- (d) Method of developing power None
- (e) Point where water will be returned to stream X X X X

MAP NO 710-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$.....250.00 (d) Canal-earth, \$.....200.00 Rock, \$.....
 (e) Other structures earth work.....\$1000.00 Total, \$.....1450.00

9. Description of diversion works:

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

Spreader dams or dikes (est. \$1000.00), flumes \$250.00

II. Dimensions of works. To be done under the Great Plains supervision.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....
 material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
 Material.....
 (d) Canal: Total length.....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.....5 years.....years.
 11. Time required for complete application of water to the proposed beneficial use.....5.....years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....
 THE STURGIS TRIBUNE, STURGIS, WEADE CO., S.D.

STATE OF SOUTH DAKOTA
 County of.....WEADE.....} ss.

I, LEO E. CRUEL, 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.....Leo E. Cruel

Subscribed and sworn to before me this.....2nd.....day.....October, 1968.....19.....

Carl H. Cornell

Notary Public (OK JOHN W. HARRIS)

Each person must have a separate copy of this form. 57720

PLAT OF
-THE GRUBL SPREADER PROJECT-
Sections 23 and 34, T.5 N., R.7 E.-N.M. in Meade County, South Dakota

Scale 1 inch = 660 feet
8 inches = 1 mile.

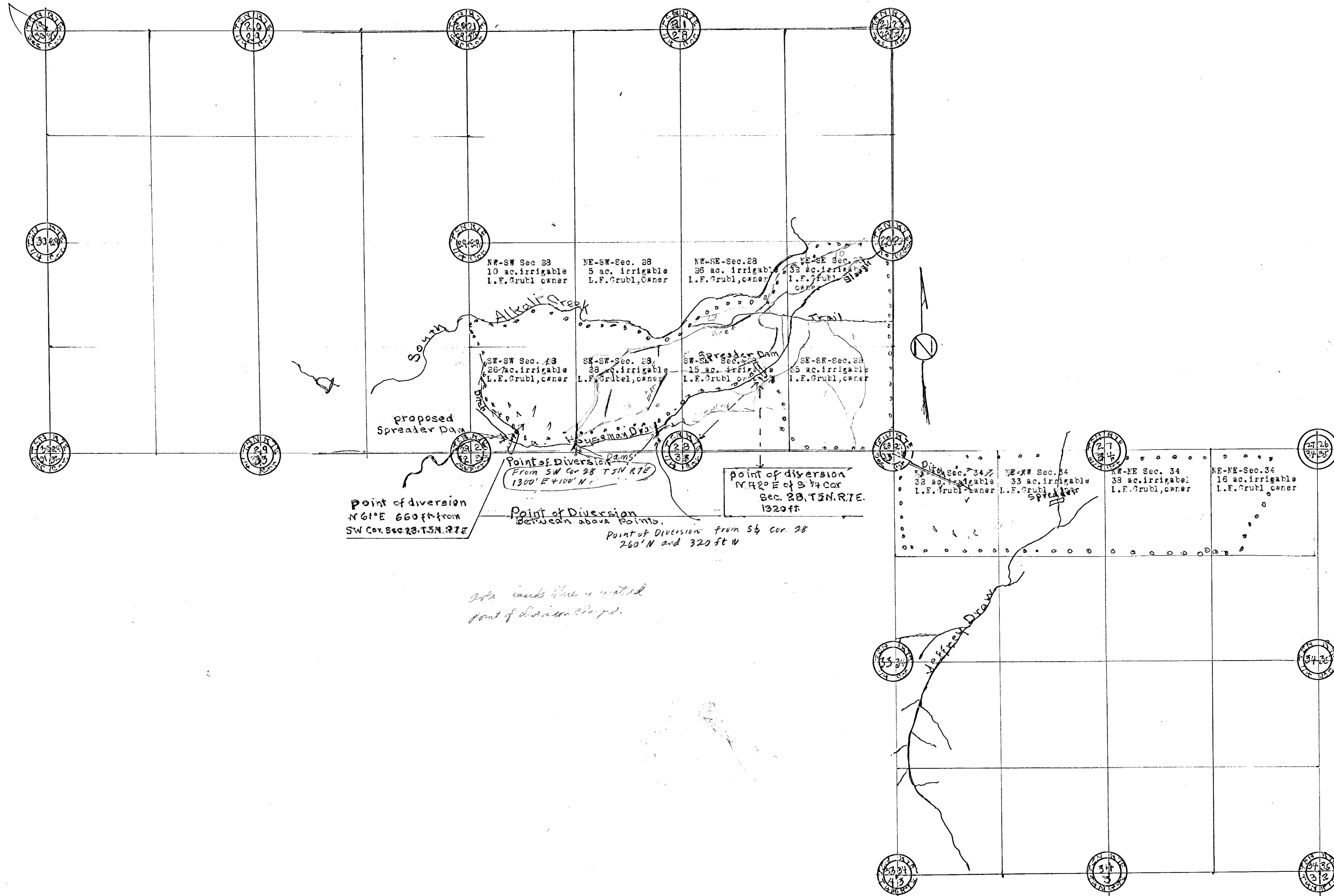
SURVEYOR'S CERTIFICATE
I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that, at the request of Leo E. Grubl, of Sturgis, Meade County, South Dakota I have made a survey and prepared this plat of the several tracts embraced in the herein described irrigation project for the purpose of furnishing the required map as part of his Application for Permit to Appropriate Water for irrigation purposes. I further certify that the lengths and bearings of all line shown and their location with reference to the Government Land Corners shown are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 6th day of October, 1968

Carl M. Cornell
Carl M. Cornell, Licensed Surveyor # 144
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 6th day of October 1968.

M. R. Hanna
Notary Public (SEAL)



Map No 110-1 (App. No 351-1)
Leo E. Grubl
R. E. Sturges

Remarks by State Water Resources Commission:

THIS WATER RIGHT APPLICATION NO 851-1 IS APPROVED,
AUTHORIZING CONSTRUCTION OF SPREADER DAMS IN
THE S¹/₂ OF SECTION 28, T5N, R7E, AND AUTHORIZING
SPREADER TYPE IRRIGATION ON APPROXIMATELY 35 ACRES
IN THE SW⁴ OF SECTION 28, T5N, R7E, AND ON 67 ACRES IN
THE SE⁴ OF SECTION 28, T5N, R7E.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 22, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
am upon the 28TH day of OCTOBER, 1968

State Water Resources Commission

By: Burton Lane

for Chief Engineer, Executive Officer

Number of permit 851-1

Date of first receipt of application OCTOBER 28, 1968

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

Date of receipt of corrected application _____, 19____

Date from which appl. may claim right OCTOBER 28, 1968

Approved JULY 16, 1969, Recorded in Book 11 Page 23

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 _____

JANUARY 16, 1972

2nd. The whole of said work is to be completed on or before JULY 16, 1974

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

JULY 16, 1974

4th. The water appropriated shall be used for the purpose of IRRIGATION

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 1.45 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

and beneficially applied for irrigation on or before JULY 16, 1974; said water to be used during the following described annual period:

MARCH 15 THRU OCTOBER 15

Witness my hand this 22ND day of JULY, 1969

State Water Resources Commission

By: William

Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 9, 1977

Water License Issued SEPTEMBER 9, 1977

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 851-1.

(1) WHEREAS, On the 28th day of October A. D. 19 68
Leo E. Grubl

made Water Right Application No. 851-1 for a permit to use 1.45 cubic feet per second of the waters
of Housman Draw

County of Heade, State of South Dakota, for irrigation

— purposes; and

(2) WHEREAS, On the 16th day of July A. D. 19 69

Permit No. 851-1, with a date of priority of October 28, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 16th day of July A. D. 19 74 and for the
application to beneficial use of said water on or before the 16th day of July A. D. 19 74

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .90 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,
for irrigating the following land in Section 28, T9, R7E

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 17.0 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0 "

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.0 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 10.0 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 22.0 "

TOTAL 65.0 acres

(5) 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 Leo E. Grubel

_____ of Sturgis

the holder _____ and owner _____ of said permit No. 851-1 a water right, dating from October 20, 1968

_____ to use of .90 cubic feet per second of the waters

of Houseman draw

In the County of Meade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1300' E & 100' N of the SW corner,

Section 28, T5N, R7E

and conduct to and upon portions of Section 28, T5N, R7E,

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 851-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 9th day of September A. D.

Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer John Hatch

Form 16.

Permit No. 851-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leo E. Grubl

_____ the holder _____ of
Permit No. 851-1, issued upon Application No. 851-1, bearing date of priority of October 24,
1968 authorizing the diversion of 1.45 cu. ft. per second of the water of _____
Houseman draw County of Heade, State of South Dakota at _____
a point 1300' E & 100' N of the SW corner, Section 28, T5N, R7E

_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use up to 13.0 cu. ft. per second of water.

Date September 9, 1977

WATER RESOURCES COMMISSION

By:

John Hatch
JOHN HATCH, Chief Engineer

Permit No. 857-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Leo F. Grubel of Hereford Rt, Sturgis, S.Dak. 57753 holder of Permit No. 857-1, bearing date of priority of October 28, 1965 authorizing the diversion of 1.45 cu. ft. per second of the waters of Housenick Draw for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Diversion DamHeight, 15 ft.Surface, 4.0 AcresStorage, 13.0 Ac. Ft.Length, 43 ft.Draw down tube 15 inches dia.

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

Diversion Ditches

C. Works used to apply water to beneficial use.

spreader dikes and ditchesThe system is in the following condition: GoodThe point of diversion is located from the SW corner Section 28, T 5N, R 7E,
1300 ft East and 100 ft North.The works are capable of diverting and conveying to the place of use 13.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Section 28, T 5N, R 7E

<u>NE 1/4 SW 1/4</u>	<u>1.0 Ac</u>	<u>SW 1/4 SE 1/4</u>	<u>10.0 Ac</u>
<u>SE 1/4 SW 1/4</u>	<u>17.0 Ac</u>	<u>SE 1/4 SE 1/4</u>	<u>22.0 Ac</u>
<u>NW 1/4 SE 1/4</u>	<u>7.0 Ac</u>		
<u>NE 1/4 SE 1/4</u>	<u>8.0 Ac</u>		

comprising a total of 65.0 acres of land.

Date:

June 7, 1976LeRoy J. McLaughlin
(Signature)

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County YeadoRECEIVED
NOV 23 1968STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Morris G. Hallack being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Sturgis 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 County of

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

November 6

November 13

November 20

October 30

in each and every issue of the full number thereof, the first publication being made on the 30 day of Oct.

1968 and the last publication on the 20 day of

November 19 68, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was the printer and publisher of the said newspaper.

Morris G. Hallack

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak., October 25, 1968

Notice is hereby given that Leo E. Gould, whose postoffice address is Sturgis, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 420 cubic feet of water per second of time from Poussaman Draw through the Grass Spreader System, the point of diversion of which is to be located on either bank of said stream between points in the SW1/4SW1/4 and in the SW1/4 of the SE1/4 of Section 28, Twp. 2S, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW1/4 and NE1/4, Section 28, NE1/4, Section 29, T28N, R7E. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Burton P. Jones
Barton P. Jones
Water Rights Specialist
Trib Oct 30 - Nov 6-13-20

Subscribed and sworn to before me this 21 day of November A. D. 1968

B. P. Jones

Notary Public Yeado County, S. D.

on or before
(First Publication November 7 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 28, 1968.

Notice is hereby given that Leo E. Grubl whose postoffice address is Sturgis S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.20 cubic feet of water per second of time from the ~~xx~~ Houseman Draw through the Grubl Spreader System, the point of diversion of which is to be located on the ~~xxx~~ either between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28 Twp. 5N Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 28, N $\frac{1}{2}$ N $\frac{1}{2}$, Section 34, T5N, R7E

~~and xxx~~ xxxxxx xxxxxx

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of December, 1968, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc: Leo E. Grubl, Sturgis, S.D.

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~

Burton F. Jones
Water Rights Specialist

TO: STATE WATER RESOURCES COMMISSION

RE: Appropriation of Water - Application No. 851-1
LEO E. GRUBL

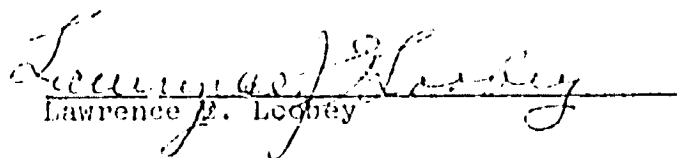
STATE OF SOUTH DAKOTA)
COUNTY OF MEADE) ss.

LAWRENCE E. LOOBEY, being first duly sworn upon his oath,
deposes and states:

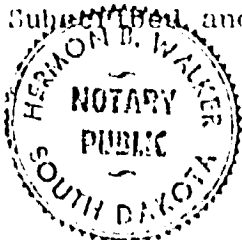
That he is the owner of the real property as exhibited in the plat attached hereto as Exhibit 'A' and by reference made a part hereof; that said land lies immediately adjacent to the property from which the proposed diversion of water is to be made pursuant to the above numbered permit; that Affiant resists said application for the reason that said diversion would affect stock dams owned by Affiant which are fed from the draw from which the applicant proposes to divert; that the livestock water herein referred to is the only available source of water for said purpose and the only time water is diverted into said livestock water sources is in the spring of the year during the time of run-off; that said run-off would be impeded and may, in fact, become non-existent if the Commission allows the diversion as requested in the application; that said diversion would also affect farm land owned by Affiant in that Affiant's property lying immediately adjacent to the proposed diversion is sub-irrigated from the draw in which the proposed diversion is to take place; that in addition to your Affiant being adversely affected by said proposed diversion, a number of other land owners would be similarly affected especially with regard to the adverse effect of the proposed diversion upon livestock water availability.

That Affiant respectfully requests that the Board defer action upon the proposed diversion and application until such time as a more complete study may be made of the area and of water availability for the proposed diversion.

WALL Mc Donald


Lawrence E. Loobey

Subscribed and sworn to before me this 3rd day of December, 1968.



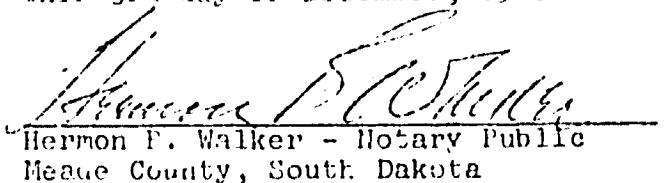

Hermon F. Walker - Notary Public
Meade County, South Dakota

Exhibit "A"

Form No. 58.0102C

BROWN & JAEGER, PRINTERS, SIOUX FALLS, S. D.

Meade

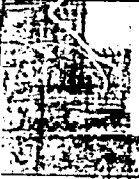
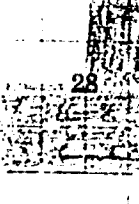
COUNTY, SOUTH DAKOTA

TOWNSHIP No. Five

RANGE No.

Seven

(With surrounding tier of sections of adjacent townships)

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
15	18	17	16	15	14	13	18
24	19	20		22	23	24	19
25	30	29		26	25	30	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

Looby-----Red

Grubl-----Blue

At its December 1968 meeting, the Commission considered Water Right Application 851-1 of Leo E. Grubl to irrigate 298 acres of land by construction of spreader dams on Houseman Draw. Mr. Lawrence E. Louby who owned land immediately downstream, appeared in protest, stating the proposed irrigation would adversely affect his livestock water supply and sub-irrigated land. The Commission deferred further consideration, pending investigation by the Commission Staff.

The location of the proposed project is about 10 miles east and 3 miles south of Sturgis. The original application and map proposed irrigation of 298 acres of land and showed diversion of water from one watercourse, Houseman Draw, to another watercourse, Jeffrey Draw. The proposed project is to be under the Great Plains Program, but the original application and map were submitted before the Soil Conservation Service had prepared any preliminary plans for the project.

Mr. Grubl recently wrote that the Elk Creek Soil Conservation District had worked out an irrigation plan for his project. After the Commission Staff had checked this plan with Mr. Grubl, he indicated that the actual project would irrigate a maximum of 102 acres and there would be no diversion of water from Houseman Draw to Jeffrey Draw.

The drainage area above the proposed project covers about 2000 acres of land. A Missouri Basin Inter-Agency Committee runoff map shows a generalized estimate of average annual runoff for this area of 0.9 inches. The 2000 acre drainage area, on this basis would produce an average annual water runoff of 150 acre-feet. The Commission Staff would not expect the proposed 102 acre spreader system to have an average annual water use of more than 60 acre-feet.

Based on the estimates of average annual runoff and water use, there is unappropriated water available for Water Right Application 851-1 and the Commission Staff recommends approval with the following qualifications;

"This Water Right Application No. 851-1 is approved, authorizing construction of spreader dams in the S $\frac{1}{2}$ of Section 28, T5N, R7E, and authorizing spreader type irrigation on approximately 35 acres in the SW $\frac{1}{4}$ of Section 28, T5N, R7E, and on 67 acres in the SE $\frac{1}{4}$ of Section 28, T5N, R7E."