

Considered: _____

Vested
WATER PERMIT NO. 2099-2

HAP No. same 433-5302

Name of Applicant Daniel Kruse

Post Office Address Box 11C, Route 2, Interior SD 57750

Amount of Water Claimed 2.10 Total Acres 147

Source of Water Supply Dry draw diversion dams (3)

Water to be used for irrigation - water spreading county Pennington

About 19 miles S of Quinn.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received August 11, 1989 Fee 10⁵⁰ Remarks _____

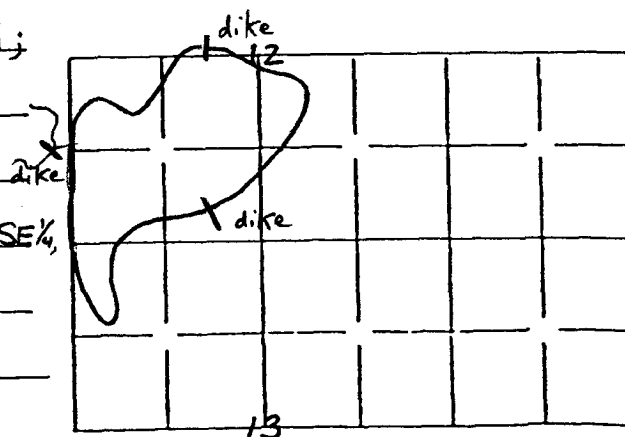
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED not needed APPROVED/CONDITIONAL (Circle one)

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

Diversion Point diversion dikes: E $\frac{1}{2}$ SE $\frac{1}{4}$ sec 11;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 12; all in T4S-R16E 

Land to be irrigated W $\frac{1}{2}$ NW $\frac{1}{4}$ sec 13; SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 12; all in T4S-R16E



Well Log: Driller N/A Licensed YES NO

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Jean Sterling Reviewed and the Number 11

Signed on September 7, 1989 By Ron J. Small

(See instructions)

No. _____	Hydrologic Unit _____
Basin _____	
Newspaper _____	

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

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

1. Name of Applicant _____ Phone No. _____

Post Office Address _____ State _____ Zip Code _____
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 2.16 Total acres irrigated 151

3. Source of Water supply Dry Draws

4. Location of point of diversion E $\frac{1}{2}$ SE $\frac{1}{4}$ sec 11; SW $\frac{1}{4}$ sec 12: both in T4S-R16E; SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 12-
T4S-R16E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used Jan 1 - Dec 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ sec 13-T4S-R16E	10
SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 12-T4S-R16E	35
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	28
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	38

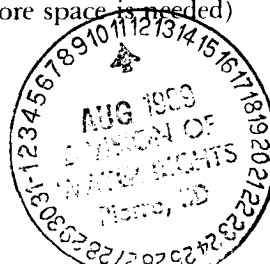
Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 12-T4S-R16E	20
NW $\frac{1}{4}$ SE $\frac{1}{4}$ "	13
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	3
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	4

Attach sheet if more space is needed

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

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)
Water Spreading System.



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

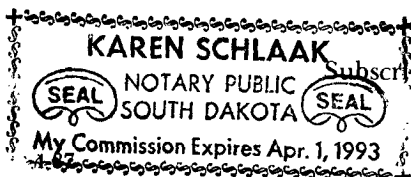
STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

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

Signed Daniel Kruse

11th day of August 19 89

Karen Schlaak
Notary Public



Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Daniel KrusePost Office Address Box 11 C, Route 2, Interior SD 57750
(Street, RR or Box) (State) (Zip Code)☒ Notice of Appropriation _____ Date of Posting _____Date of recording _____ Recording date _____
Where Book PageB. Date of start of construction of water supply system 1940'sC. Date that water was first applied to beneficial use 1940'sD. Name of owner of original water supply system Frank WalkerE. Amount of water originally applied to beneficial use 2.10F. Present Use of Water - Amount of water now being used 2.10Date that this water was first used 1940's

G. Chronological History of Water Use

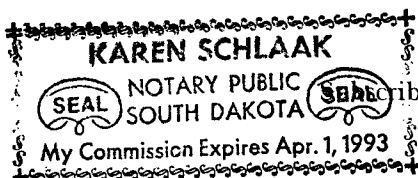
Water spreading system was constructed by Frank Walker and has been in use since that date. Land was purchased by Aerol Gruwell on June 6, 1979.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Hughes)
SS

I, Daniel the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed Daniel KruseSubscribed and sworn to before me August 11, 1989
Karen Schlaak
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

no additional signers are available.

_____, 19____
(Print name)_____, 19____
(Print name)

VESTED WATER RIGHT NO. 2099-2 FOR IRRIGATION

Date of Validation March 4, 1992.

1. Vested Water Right No. 2099-2 appropriates 2.16 cubic feet of water per second from dry draws to irrigate 151 acres. The 3 diversion dams are located in the E 1/2 SE 1/4 Section 11; SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 12; all in T4S-R16E and the irrigated acreage is located in the W 1/2 NW 1/4 Section 13; SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4 Section 12; all in T4S-R16E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is December 30, 1949.
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.

By: Jasmit Singh
Chief Engineer

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2099-2 FOR IRRIGATION

(1) Daniel Kruse of RR 2, Box 11C, Interior, SD 57750 made Application No. 2099-2, August 11, 1989 for validation of a vested right claim to appropriate 2.16 cubic feet of water per second from dry draws, Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2099-2 was validated March 4, 1992 with a priority date of December 30, 1949. 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.

(2) The applicant is entitled to divert 2.16 cubic feet of water per second for beneficial use. The location of the diversion points are (three diversion dams) E 1/2 SE 1/4 Section 11, SE 1/4 NW 1/4 and SE 1/4 SW 1/4 Section 12, T4S, R16E.

The location of the irrigated acreage is:

T4S, R16E Section 13	W 1/2 NW 1/4	10 Acres
Section 12	SW 1/4 SW 1/4	35 Acres
	SE 1/4 SW 1/4	28 Acres
	NE 1/4 SW 1/4	38 Acres
	NW 1/4 SW 1/4	20 Acres
	SE 1/4 NW 1/4	3 Acres
	NW 1/4 SE 1/4	13 Acres
	SW 1/4 SE 1/4	4 Acres
	Total-----	151 Acres

(3) Pursuant to Section 46-5-30.1 Daniel Kruse of Box 11C, RR 2, Interior, SD 57750 the holder(s) and/or owner(s) of Vested Water Right No. 2099-2 is issued a license to appropriate 2.16 cubic feet of water per second from dry draws with a priority date of December 30, 1949 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. 2099-2 and subject to South Dakota State Law.



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

AUG 7 1992

RECEIPT

Division of Water Rights

No 4 10147 -

South Dakota Department of Water and Natural Resources

Pierre, August 6, 1935

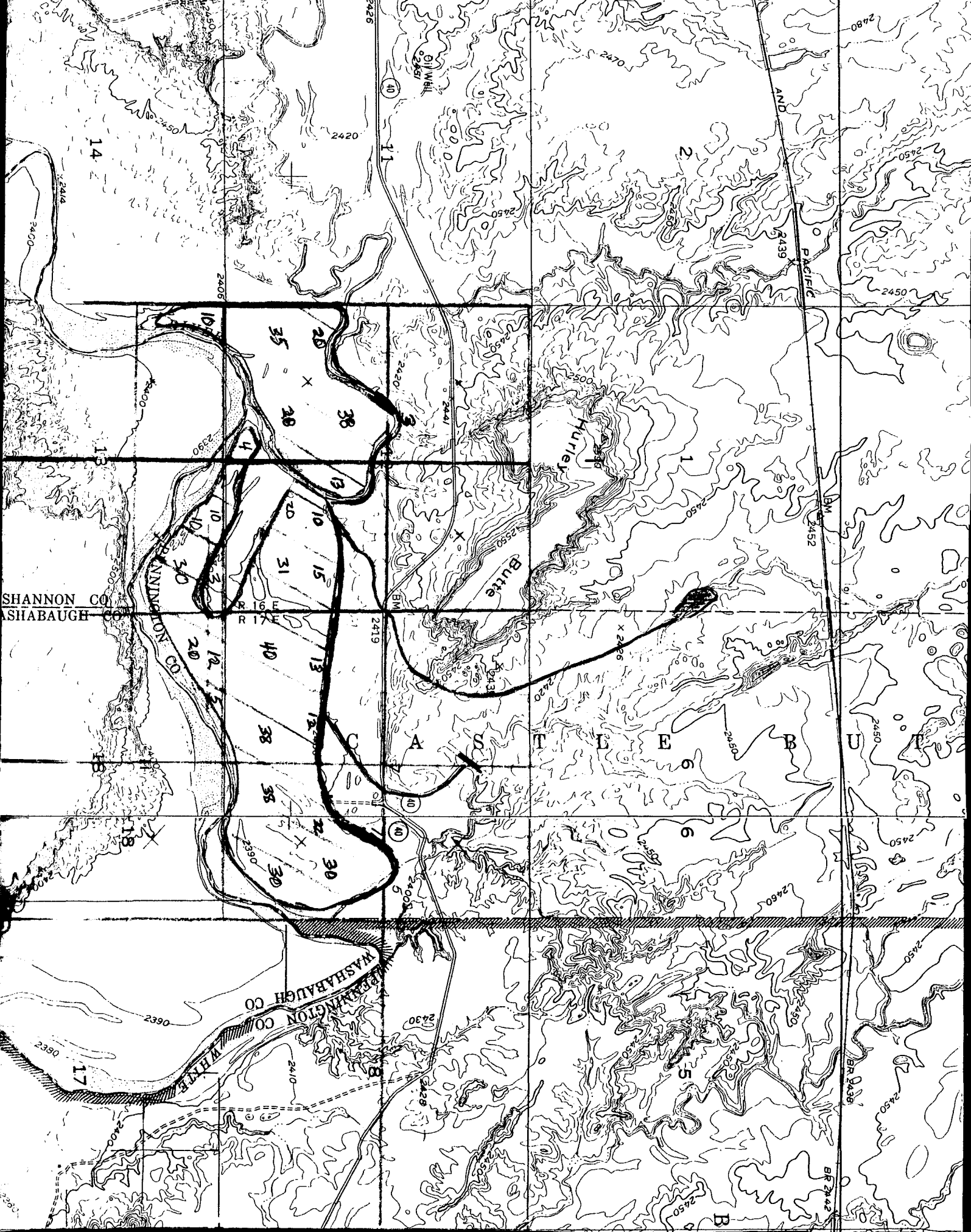
RECEIVED OF Aerol Gruwell, SR#1, Box 9, Interior, SD 57750

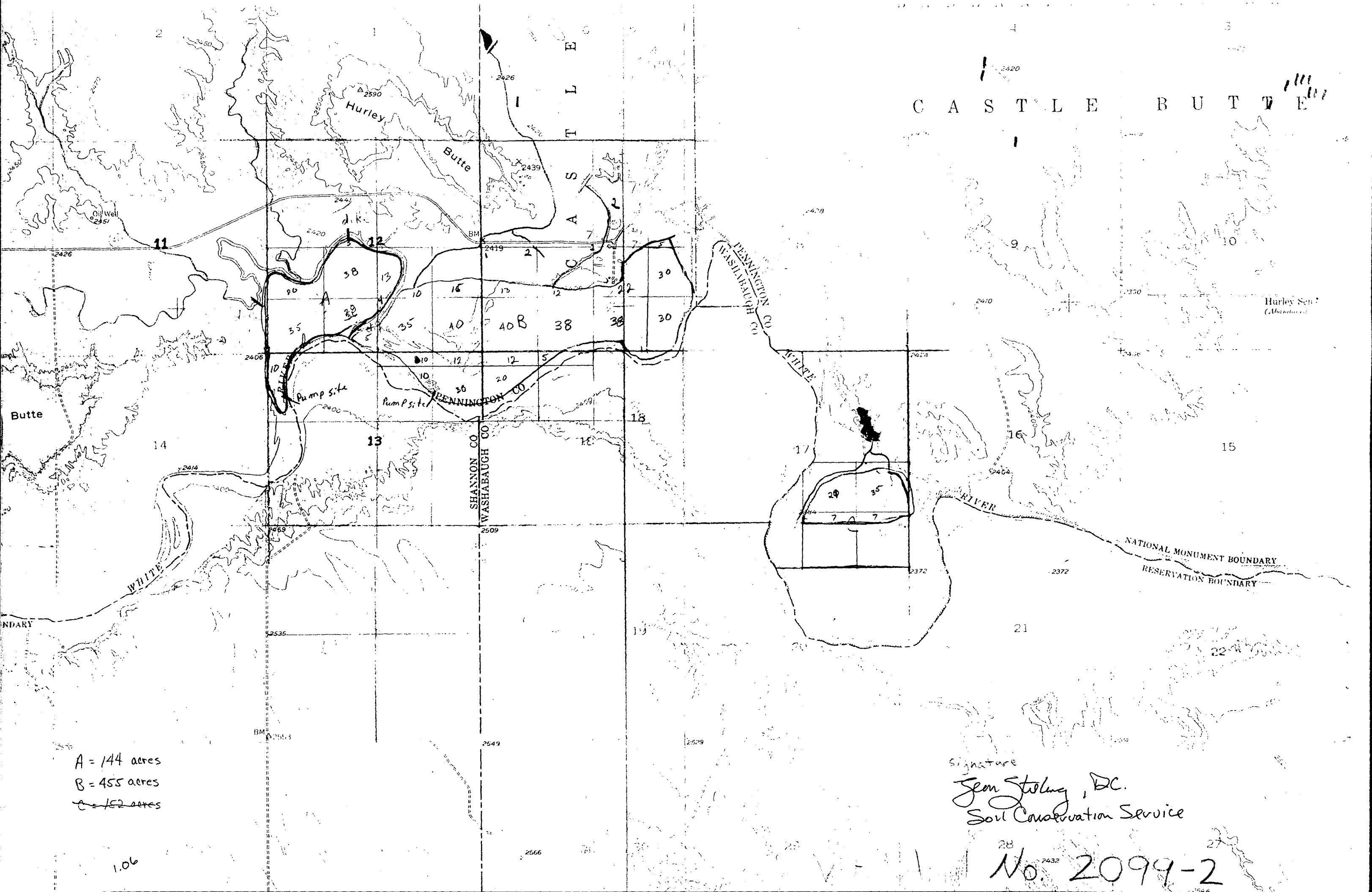
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2099-2</u> to Appropriate Water, to construct works and to put water to beneficial use	8	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. _____	2	50
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	10 50

By

John Hatch
Chief Engineer JOHN HATCH/ms





CASTLE BUTTE

A = 144 acres
B = 455 acres
~~C = 152 acres~~

Signature
Gene Stelling, DC.
Soil Conservation Service

No. 2099-2

WATER RIGHTS DIVISION
(605) 773-3352

October 17, 1984

SR-1 Bot 9

Aerol Gruwell
RR
Interior, South Dakota 57750

Dear Mr. Gruwell:

Enclosed please find a map I prepared of your spreader systems. The irrigated land is outlined in green, the major waterways and dams are in blue and any other dikes etc. are in red. I have also calculated the acreage for each of the three areas. Please look this over, make any corrections you feel are needed and return to me. I will then fill out the Vested Rights forms. If you have any questions, please contact me.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

A is a little Larger
B is a little Smaller (right hand corner)
C is Smaller (South 1/2)

ditch No. 1 has Three 36' culverts
under old road

ditch No. 2 has Two 36' Culverts
under old road

That is all I could see to change

Thank you
Aeral Shuwell





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

December 12, 1984

Aerol Gruwell
SR-1, Box 9
Interior SD 57750

Mr. Gruwell:

Enclosed please find the necessary forms to file vested rights on your land. I have divided the irrigated land into three parcels therefore there are three sets of forms. You will also need to complete an affidavit of water use for the three applications. You will need to sign and notarize the application forms, complete the affidavits and return to this office with a filing fee of \$31.50. I have also included a map for your records. If you have any changes to the map please note them and return it to me. If you have any further questions, please contact me.

Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures

WATER RIGHTS DIVISION
(605) 773-3352

January 12, 1987

Aerol Gruwell
Star Route 1, Box 9
Interior, South Dakota 57750

Dear Mr. Gruwell:

This letter is in response to three Vested Right Applications received from you on August 6, 1985. Kevin Larson is no longer employed with the Division of Water Rights, and upon review of Mr. Larson's files I located your Vested Right Applications.

The applications are complete except for the two spreader systems which have dry draw dams. The enclosed Form 2A's (Supplemental Information) need to have the water storage dam portion completed. The information is needed to ensure that you are entitled to store a certain number of acre feet of water each year. The local SCS office can perhaps help you in completing the needed information. Enclosed is a map of the area with the two dams circled in red. Please contact us if you have any questions.

Sincerely,

Ron Duval
Natural Resources Engineer

RD:ms
Enc.

SOUTH Dakota Department of
Water & Natural Resources

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

February 12, 1988

Aerol Gruwell
Star Route 1, Box 9
Interior, South Dakota 57750

Dear Mr. Gruwell:

I am writing to follow-up on the enclosed letter dated January 12, 1987 regarding three Vested Right Applications received from you on August 6, 1985.

The requested Form 2A's for the two dams shown on the enclosed map have not been returned. The Form 2A's (one for each dam) need to be completed before two of the vested right claims are complete. The third vested right claim for the area outlined in blue is complete and will be processed for consideration by the Water Management Board in May of 1988.

The two Form 2A's need to be returned within 90 days pursuant to SDCL 46-5-49 in order to complete the vested right claims. Failure to comply will result in forfeiture of the vested right claims for the areas in red and green on the enclosed maps. If the Form 2A's are not returned in 90 days, then the claims that have been submitted will be considered "new applications", receive new priority dates and the application fees will increase to \$225.00 (green area) and \$375.00 (red area).

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

SOUTH Dakota Department of
Water & Natural Resources

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

February 25, 1988

Kruse Partnership
PO Box 10
Scenic SD 57780

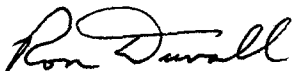
Dear Mr. Kruse:

This letter is in response to 3 Vested Right Claims filed by Aerol Gruwell for irrigation of lands which are now held by Kruse Partnership. Enclosed are copies of all 3 applications and a map showing the irrigated acreages. Please examine the enclosed information to determine if all the land is held by Kruse Partnership and if the land continues to be irrigated.

Two of the three applications claiming vested rights are incomplete and the information needed to complete the applications is specified in the letter dated February 12, 1988 (Attachment). The applications can be processed for consideration by the Water Management Board after the applications are complete. The Form 2A's need to be returned within 90 days pursuant to SDCL 46-5-49. Mr. Gruwell has submitted the application fees for these two applications (\$21.00). If the Form 2A's are not returned within 90 days, then the fees will increase to the amount specified in the letter dated February 12, 1988.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
enc.



Department of Water & Natural Resources

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

March 23, 1988

Daniel Kruse
Box 11C, Route 2
Interior SD 57750

Dear Mr. Kruse:

This letter is in response to our phone conversation on March 22, 1988. Instead of completing a new application form in your name, I have decided to transfer the vested right claims to your name and to your brother with the enclosed transfer of ownership forms.

Enclosed are 3 transfer forms with the legal descriptions of the lands on the vested right claims. You and your brother need to sign the transfers which pertain to you individually and also have the transfers notarized. The transfers can then be returned with the required fee of \$2.50 each along with the Form 2A's.

The vested right claims will be advertised for a public hearing upon receipt of the Form 2A's and the transfer forms. Notice will be given of the time and place of hearing. The vested right claims will be advertised as formerly being owned by Aerol Gruwell and now being owned by you and your brother.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ron Duvall". The signature is written in a cursive style with a large, looped "R" and a trailing flourish.

Ron Duvall
Natural Resources Engineer
605 773-3352
enc.



Department of Water & Natural Resources

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

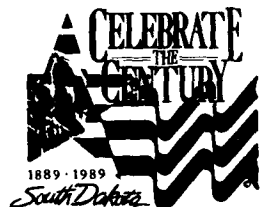
May 25, 1988

Daniel Kruse
Box 11C, Route 2
Interior SD 57750

Dear Mr. Kruse:

This letter is in response to receipt of the signed map, Form 2A for Dam No. 1 and the transfers of ownership for two of the water spreading systems on April 28, 1988. I noted the following items:

- 1) A Form 2A was received for Dam No. 1; however, no Form 2A was received for Dam No. 2. The location of Dam Nos. 1 and 2 are shown on the enclosed map. Enclosed is another blank Form 2A for Dam No. 2
- 2) The map returned with the application shows two pump sites on the White River. The three applications submitted earlier by Aerol Gruwell are all vested right claims constructed prior to March 18, 1957 for dry draw water spreading systems. Applications for new water permits with new priority dates will be required to add the White River as a diversion point.
- 3) Only two transfer of ownership forms were returned with the map; however, there are three separate irrigation systems as shown on the enclosed map. I also believe a portion of the acreage irrigated in the W1/2 section 12 and the NW1/4 section 13 was omitted from the transfer of ownership form and should have been included.



May 25, 1988
Daniel Kruse
Page 2

I think the following course of action will be the easiest to clear up the above mentioned items.

Enclosed are partially completed application forms for vested right claims from dry draws and new permit application forms for the same acreages for irrigation from the White River (Areas A, B & C). The applications are labeled as either vested right claims or as new applications. The enclosed map outlines the acreage covered by each application.

Please review the acreages specified on each application to be sure you are the owner of all the acreages and make any needed corrections or additions. Then sign and notarize each vested right application (Form 2A for Dam No. 2 is attached the applicable application). The new applications need to be completed only if you do intend to begin irrigating from the White River. Follow directions on the attached instruction sheet if you intend to irrigate from the White River.

Completion of the enclosed vested right claims will eliminate the need for the transfer of ownership forms and will hopefully clarify exactly what lands are being irrigated from the dry draws. If you do not own all the land specified on the vested right applications or do not intend to irrigate from the White River, please return a note indicating your intentions. Otherwise, I have no idea if you overlooked an application or if you did not intend to return the application.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Report on Application Nos. 2099-2 and 2100-2
Daniel Kruse
October 2, 1989

Application Nos. 2099-2 and 2100-2 for Daniel Kruse requests the validation of vested right claims. Application No. 2099-2 appropriates 2.1 cubic feet of water per second (cfs) from dry draws to irrigate 147 acres with a claimed priority date in the 1940's. The three diversion dams are located in the E1/2SE1/4 of section 11; SE1/4NW1/4 and SE1/4SW1/4 of section 12; all in T04S-R16E. The irrigated acreage is located in the W1/2NW1/4 of section 13; SW1/4, NW1/4SE1/4, and SE1/4NW1/4 of section 12; all in T04S-R16E.

Application No. 2100-2 appropriates 6.17 cfs from a dry draw to irrigate 432 acres with a claimed priority date in the 1940's. The two diversion dams are located in the NW1/4 SW1/4 of section 6, and NE1/4NW1/4 of section 7; both in T04S-R17E. The irrigated acreage is located in the SE1/4 and SE1/4SW1/4 of section 12, and the NE1/4 of section 13, all in T04S-R16E; the W1/2NW1/4 and NE1/4NW1/4 of section 18, SW1/4, SE1/4, and SE1/4NE1/4 of section 7, all in T04S-R17E.

DISCUSSION

According to the Affidavit of Water Use submitted with the application, Daniel Kruse states that the water systems were constructed by Frank Walker in the 1940's and have been in use since that date.

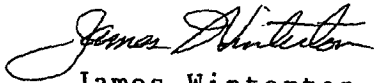
Since the specific priority date is not specified, in order to establish a priority date no earlier than it should be, the date should arbitrarily be set as December 31, 1949. The applicant only specifies the 1940's as the date of construction and the date first put to beneficial use.

The Division of Water Rights has no record of a field inspection conducted on this water right. The number of years that the system has been in operation with no complaints should be some indication that no problems should result by the validation of this vested right claim. The location of the water spreading systems are on the lower end of dry draws with no prior existing water rights downstream on these draws. The dry draws are tributary to the White River. We have received no complaints downstream on the White River regarding the diversions by these vested right claims.

CONCLUSIONS

Application Nos. 2099-2 and 2100-2 request validation of vested right claims to continue the use of water for water spreading

purposes from dry draws. Water has been used since the 1940's. An inspection by the Division of Water Rights has not been completed. Therefore, it is recommended that Application Nos. 2099-2 and 2100-2 be deferred until an inspection of the works is completed by the Division of Water Rights.

A handwritten signature in cursive script, appearing to read "James Winterton".

James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NOS. 2099-2 and 2100-2, Daniel Kruse

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application Nos. 2099-2 and 2100-2, Daniel Kruse, Box 11C, Route 2, Interior SD.

The Chief Engineer is recommending DEFERRAL of Application Nos. 2099-2 and 2100-2 until inspections of the Water Right Claims are completed by the Water Rights Division.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 3, 1989



Department of Water & Natural Resources

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

October 31, 1989

Pennington County Courant
Box 435
Wall SD 57790

Attention: Legal Department

Enclosed is Notice of Hearings to Validate Vested Right Application Nos. 2099-2 and 2100-2 to be published twice. Please publish the notice on or before November 9, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Daniel Kruse, Box 11C, Route 2, Interior SD 57750.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Ron Duvall
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearings to Validate Vested Right Applications which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Department of Water & Natural Resources

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

October 31, 1989

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

Daniel Kruse
Box 11C, Route 2
Interior SD 57750

Dear Mr. Kruse:

Your Application Nos. 2099-2 and 2100-2 for vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notice of your claims has been sent to the Publisher of the Pennington County Courant printed at Wall SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the applications are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate vested rights and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large loop at the end.

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before November 9, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS To Validate
Vested Water Right Application Nos. 2099-2 and 2100-2 to Appropriate Water

Notice is given that Daniel Kruse, Box 11C, Route 2, Interior SD 57750 has filed applications to validate vested water right claims. Application No. 2099-2 appropriates 2.10 cubic feet of water per second from dry draws to irrigate 147 acres with the claimed priority date in the 1940's. The 3 diversion dams are located in the E 1/2 SE 1/4 Section 11; SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 12; all in T4S-R16E and the irrigated acreage is located in the W 1/2 NW 1/4 Section 13; SW 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4 Section 12; all in T4S-R16E.

Application No. 2100-2 appropriates 6.17 cubic feet of water per second from a dry draw to irrigate 432 acres with the claimed priority date in the 1940's. The 2 diversion dams are located in the NW 1/4 SW 1/4 Section 6; NE 1/4 NW 1/4 Section 7; both in T4S-R17E and the irrigated acreage is located in the SE 1/4, SE 1/4 SW 1/4 Section 12; NE 1/4 Section 13; all in T4S-R16E: W 1/2 NW 1/4, NE 1/4 NW 1/4 Section 18; SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 7; all in T4S-R17E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Vested Water Right Application Nos. 2099-2 and 2100-2 until inspections of the Water Right Claims are completed by the Water Rights Division. These applications will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve validations, 2) approve the validations with qualifications, 3) defer or 4) deny validation of the applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearings before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearings will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.



Department of Water & Natural Resources

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

November 30, 1989

Daniel Kruse
Box 11C, Route 2
Interior SD 57750

Dear Mr. Kruse:

I am writing to advise you that the legal notice of hearing for Vested Right Claim Nos. 2099-2 and 2100-2 published in the Pennington County Courant, Wall SD is incomplete. The second publication of the legal notice was not published due to an oversight by the newspaper. Claim Nos. 2099-2 and 2100-2 can not be considered at the December 1989 Board meeting because of improper public notice of hearing.

As a result of the publication error, the legal notice will need to be readvertised for the March 7 & 8, 1990 Water Management Board meeting. The readvertisement is needed to meet the statutory requirement to publish for 2 successive weeks with the second publication at least 20 days before the scheduled hearing. The information needed to readvertise the notice will be sent to you and the newspaper at a later date.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

cc: Pennington County Courant
Box 435
Wall SD 57790

**South Dakota Department of
Water & Natural Resources**

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

January 10, 1990

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

Daniel Kruse
Box 11C, Route 2
Interior SD 57750

Dear Mr. Kruse:

Your Application Nos. 2099-2 and 2100-2 for vested water right claims have been examined and found to comply with the South Dakota Water Laws and applicable rules. Notice of your claims has been sent to the Publisher of the Pennington County Courant printed at Wall SD. Please review the notice and notify this office, if you have any corrections or questions.

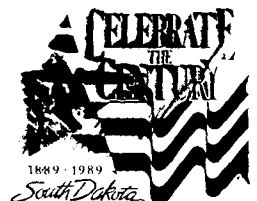
Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate vested rights and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



**SOUTH Dakota Department of
Water & Natural Resources**

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

January 10, 1990

Pennington County Courant
Box 435
Wall SD 57790

Attention: Legal Department

Enclosed is Notice of Hearings to Validate Vested Right Application Nos. 2099-2 and 2100-2 to be published twice. Please publish the notice on or before January 18, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. This notice is a readvertisement of the notice published in your paper in November, 1989. Due to an oversight by the newspaper, the notice did not get published the second week.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Ron Duvall
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearings to Validate Vested Right Applications which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before January 18, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARINGS To Validate
Vested Water Right Application Nos. 2099-2 and 2100-2 to Appropriate Water

Notice is given that Daniel Kruse, Box 11C, Route 2, Interior SD 57750 has filed applications to validate vested water right claims. Application No. 2099-2 appropriates 2.10 cubic feet of water per second from dry draws to irrigate 147 acres with the claimed priority date in the 1940's. The 3 diversion dams are located in the E 1/2 SE 1/4 Section 11; SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 12; all in T4S-R16E and the irrigated acreage is located in the W 1/2 NW 1/4 Section 13; SW 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4 Section 12; all in T4S-R16E.

Application No. 2100-2 appropriates 6.17 cubic feet of water per second from a dry draw to irrigate 432 acres with the claimed priority date in the 1940's. The 2 diversion dams are located in the NW 1/4 SW 1/4 Section 6; NE 1/4 NW 1/4 Section 7; both in T4S-R17E and the irrigated acreage is located in the SE 1/4, SE 1/4 SW 1/4 Section 12; NE 1/4 Section 13; all in T4S-R16E: W 1/2 NW 1/4, NE 1/4 NW 1/4 Section 18; SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 7; all in T4S-R17E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Vested Water Right Application Nos. 2099-2 and 2100-2 until inspections of the Water Right Claims are completed by the Water Rights Division. These applications will be considered by the Water Management Board in Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve validations, 2) approve the validations with qualifications, 3) defer or 4) deny validation of the applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearings before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearings will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Pennington)

I, Belle Ravallatte

certify that the attached printed Notice was taken
 from the Pennington County Courant

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 Wall

State of South Dakota

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

January 18, 1990

January 25, 1990

Belle Ravallatte
 (Signature)

Secretary
 (Title)

January 31, 1990
 (Date Signed)

Cost of Printing: \$42.03

NOTICE OF HEARING

NOTICE OF HEARINGS

To Validate

Vested Water Right Application Nos.
 2099-2 and 2100-2 to Appropriate Water

Notice is given that Daniel Kruse, Box 11C, Route 2, Interior SD 57750 has filed applications to validate vested water right claims. Application No. 2099-2 appropriates 2.10 cubic feet of water per second from dry draws to irrigate 147 acres with the claimed priority date in the 1940's. The 3 diversion dams are located in the E 1/4 SE 1/4 Section 11; SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 12; all in T4S-R16E and the irrigated acreage is located in the W 1/2 NW 1/4 Section 13; SW 1/4, NW 1/4 SE 1/4, SE 1/4 NW 1/4 Section 12; all in T4S-R16E.

Application No. 2100-2 appropriates 6.17 cubic feet of water per second from a dry draw to irrigate 432 acres with the claimed priority date in the 1940's. The 2 diversion dams are located in the NW 1/4 SW 1/4 Section 6; NE 1/4 NW 1/4 Section 7; both in T4S-R17E and the irrigated acreage is located in the SE 1/4, SE 1/4 SW 1/4 Section 12; NE 1/4 Section 13; all in T4S-R16E; W 1/2 NW 1/4 NE 1/4 NW 1/4 Section 18; SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 7; all in T4S-R17E.

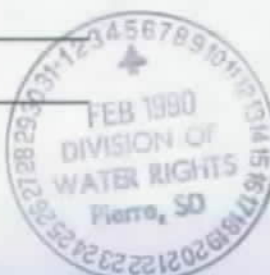
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Vested Water Right Application Nos. 2099-2 and 2100-2 until inspections of the Water Right Claims are completed by the Water Rights Division. These applications will be considered by the Water Management Board in Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve validations, 2) approve the validations with qualifications, 3) defer or 4) deny validation of the applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearings before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearings will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

publish January 18 and 25)



SOUTH Dakota Department of
Water & Natural Resources

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

March 12, 1990

NOTICE

TO: Daniel Kruse
Box 11C, Route 2
Interior SD 57750

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



SUBJECT: Deferral of Vested Water Right Application No. 2099-2

On March 7, 1990, the Water Management Board deferred consideration of Application No. 2099-2 until an on-site inspection of the irrigation site is made by the Division of Water Rights. You will be contacted to arrange a time to complete the inspection. Following the inspection, Application No. 2099-2 will be rescheduled for consideration by the Board. Notice will be given of the time and place of hearing.

cc: John Haak, Assistant Attorney General

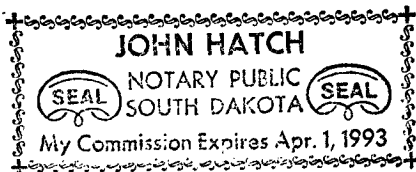
CERTIFICATION

I hereby certify that on March 12, 1900 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing on Deferral of Vested Water Right Application No. 2099-2, Daniel Kruse addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of March, 1990.



John Hatch
Notary Public

Report On Vested Water Right Claim No. 2099-2
Daniel Kruse
October 15, 1991

Vested Water Right Claim No. 2099-2, Daniel Kruse, requests the validation of a vested right claim. This application claims the appropriation of 2.16 cubic feet of water per second (cfs) with a priority date of the 1940's to irrigate 151 acres. The three diversion dikes are located in the E1/2 SE1/4 of Section 11; SE1/4 NW1/4 and SE1/4 SW1/4 of Section 12; all in T04S-R16E. The irrigated acreage is located in the W1/2 NW1/4 of Section 13; SW1/4, NW1/4 SE1/4, SW1/4 SE1/4 and SE1/4 NW1/4 of Section 12; all in T04S-R16E. An inspection of the project on July 23, 1991 found the irrigation system was developed as claimed

Water Source

The source of water for the vested right claim is from dry draws which are tributaries to the White River in southeast Pennington County. The watersheds which supply the dams from surface runoff have a total of several thousand acres.

Review of Existing Water Rights

The applicant does not specify a priority date, but gives the priority date as being in the 1940's. There are 110 water rights/permits, which appropriate 277.35 cfs from the White River, located below the diversion point for the vested right claim. Of these, 3 water rights appropriating 9.57 cfs have priority dates senior to January 1, 1940. There are 17 water rights/permits appropriating 47.35 cfs that have priority dates senior to December 30, 1949. The priority date for this vested water right claim should be December 30, 1949, unless the applicant brings in additional evidence to support an earlier priority date.

Conclusions

1. Vested Water Right Claim No. 2099-2 claims an appropriation of 2.16 cfs to irrigate 151 acres with a priority date of the 1940's. A July 23, 1991 inspection found that the system was developed as claimed.
2. The dry draws on which the dikes are located is a tributary to the White River. There are 110 water rights/permits which appropriate 277.35 cfs located on the White River below the diversion point. Of these, 3 water rights appropriating 9.57 cfs have priority dates senior to January 1, 1940; 17 water rights/permits appropriating 47.35 cfs have priority dates senior to December 30, 1949.

3. If approved, the priority date for the vested water right should be December 30, 1949, unless the applicant provides additional evidence supporting an earlier priority date.



Mark D. Rath
Natural Resources Engineer II

Approved by,



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2099-2, Daniel Kruse

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2099-2, Daniel Kruse, Box 11C, Route 2, Interior, SD 57750.

The Chief Engineer is recommending VALIDATION of Application No. 2099-2 for 2.16 cfs because 1) water has been appropriated as described for irrigation use with a priority date of December 30, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
October 25, 1991

Water Rights Division - DWNR
Conversation or File Documentation

File No. 2099-2
2100-2

NAME OF PERSON OR FILE: DANIEL KRUSE
ADDRESS: R2 Box 11 C INTERIOR, SD COUNTY PENNINGTON
DATE: 10/16/91 TELEPHONE 433-5302
RE: VESTED WATER RIGHT APPLICATION NO 2099-2

COMMENTS:

I CALLED MR KRUSE, TOLD THAT WHEN I WAS
WORKING ON THE APPLICATION REPORT I FOUND THAT
THERE WERE 4 ACRES LOCATED IN SW 1/4 SE 1/4 S12
T4S-R16E THAT WAS NOT INCLUDED ON THE APPLICATION.
HE TOLD ME TO INCLUDE IT. THIS WILL ALSO INCREASE
THE AMOUNT OF WATER TO BE CLAIMED
I ALSO TOLD HIM I DECREASED THE ALLENANCE
COVERED UNDER APPLICATION 2100-2 BY 34 ACRES BASED
ON MY INSPECTION HE SAID THAT WAS OK THAT
HE AGREED WITH THAT.

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: Phil Deth



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1992

Pennington County Courant
Box 435
Wall, SD 57750

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Vested Water Right No. 2099-2 to be published twice. Please publish the first notice on January 16, 1992, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 10, 1991

Daniel Kruse
Route 2 Box 11C
Interior, SD 57750

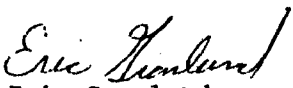
Dear Mr. Kruse:

Vested Water Right Claim No. 2099-2 for irrigation is being readvertised to include 4 additional acres. A notice of hearing has been sent to the Publisher of the Pennington County Courant printed at Wall, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on January 16, 1992 with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING To Validate
Vested Water Right Application No. 2099-2 to Appropriate Water

Notice is given that Daniel Kruse, Route 2, Box 11C, Interior, SD 57750 filed an application to validate a vested water right claim on August 11, 1989. This claim was advertised January 18 and 25, 1990 in the Pennington County Courant for an appropriation of 2.10 cubic feet of water per second (cfs) to irrigate 147 acres. Application No. 2099-2 was deferred by the Water Management Board on March 7, 1990 until an on-site inspection was completed. This inspection found 4 additional acres being irrigated that were not included on the original application. For this reason, Application No. 2099-2 needs to be readvertised.

Application No. 2099-2 appropriates 2.16 cfs from dry draws to irrigate 151 acres with the claimed priority date in the 1940's. The 3 diversion dams are located in the E1/2 SE1/4 Section 11; SE1/4 NW1/4, SE1/4 SW1/4 Section 12; all in T4S-R16E and the irrigated acreage is located in the W1/2 NW1/4 Section 13; SW1/4, W1/2 SE1/4, SE1/4 NW1/4, Section 12; all in T4S-R16E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of readvertised Vested Water Right Application No. 2099-2 for 2.16 cfs because 1) water has been appropriated as described for irrigation use with a priority date of December 30, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. This application will be considered by the Water Management Board in Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501 on March 4, 1992 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of this application based on the facts presented at the public hearing.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 21, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The applicant need not file a petition.

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

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County PENNINGTON)



I, Doris Buxcel
 certify that the attached printed Notice was taken
 from the Pennington County Courant

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 Wall _____

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

January 16, 1992

January 23, 1992

Doris Buxcel
 (Signature)

Legal Advertising Manager
 (Title)

January 23, 1992
 (Date Signed)

Cost of Printing: \$50.94

**Readvertisement of
 NOTICE OF HEARING
 To Validate Vested
 Water Right
 Application No. 2099-2
 to Appropriate Water**

Notice is given that Daniel Kruse,
Route 2, Box 11C, Interior, SD 57750
 filed an application to validate a vested
 water right claim on August 11,
 1989. This claim was advertised January
 18 and 25, 1990 in the Pennington
 County Courant for an appropriation
 of 2.10 cubic feet of water per second
 (cfs) to irrigate 147 acres. Application
 No. 2099-2 was deferred by the Water
 Management Board on March 7, 1990
 until an on-site inspection was completed.
 This inspection found 4 additional acres
 being irrigated that were not included
 on the original application. For this reason,
 Application No. 2099-2 needs to be readvertised.

Application No. 2099-2 appropriates
 2.16 cfs from dry draws to irrigate 151
 acres with the claimed priority date in
 the 1940's. The 3 diversion dams are
 located in the E 1/2 SE 1/4 Section 11;
 SE 1/4 NW 1/4, SE 1/4 SW 1/4 Section 12;
 all in T4S-R16E and the irrigated
 acreage is located in the W 1/2 NW 1/4
 Section 13; SW 1/4, W 1/2 SE 1/4,
 SE 1/4 NW 1/4, Section 12; all in T4S-
 R16E.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer recommends VALIDA-
 TION of readvertised Vested Water
 Right Application No. 2099-2 for 2.16
 cfs because 1) water has been appropri-
 ated as described for irrigation use
with a priority date of December 30,
1949. 2) the use has been developed
 without unlawful impairment of exist-
 ing rights, 3) it is a beneficial use of
 water, and 4) it is in the public inter-
 est. This application will be consid-
 ered by the Water Management
 Board in Floyd Matthew Training
 Center, Joe Foss Building, 523 E Cap-
 itol, Pierre, SD 57501 on March 4,
 1992 at 10:00 a.m. The Chief Engi-
 neer's recommendation is not final or
 binding upon the Board. The Board is
 authorized to 1) approve the valida-
 tion, 2) approve the validation with
 qualifications, 3) defer or 4) deny vali-
 dation of this application based on the
 facts presented at the public hearing.

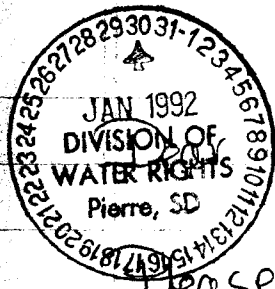
Any person interested in opposing
 or supporting this application must
 file a written petition with BOTH the
 applicant and Chief Engineer. The
 Chief Engineer's address is "Water
 Rights Division, Foss Building, 523 E
 Capitol, Pierre SD 57501 (605 773-
 3352)" and the applicant's mailing ad-
 dress is given above. A petition filed
 by either an interested person or the
 applicant must be filed by February
 21, 1992. The petition may be infor-
 mal, but must include a statement de-
 scribing the petitioner's interest in the
 application, the petitioner's reasons
 for opposing or supporting the applica-

tion, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The applicant need not file a petition.

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

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

Publish: January 16 and 23, 1992



Jan. 29, 1991

Mr. Gronlund:

Please find the publication affidavit & billing statement enclosed. When I spoke with you regarding this publication a couple weeks ago you said that you guys were picking up the tab on this one as you should have caught the error before.

When I spoke with personnel at Ravellette Publications they told me to send this on to you. I assume you have

already recieved your
affidavit, but am
sending mine along to
verify the billing.

Thank you.

Sincerely,
Mrs. Daniel Kruse



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1992

2099-2

Daniel Kruse
Box 11C, RR 2
Interior, SD 57750

Dear Mr. Kruse:

Enclosed are your Validated Vested Water Right and Water License No. 2099-2. As long as you use the water beneficially, as stated in the Water License, the 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

enclosures