

Considered: _____

Vested
WATER PERMIT NO. 2100-2

HAP No. same 433-5302

Name of Applicant Daniel Kruse

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

Amount of Water Claimed 6.17 cfs Total Acres 432

Source of Water Supply dry draw

Water to be used for irrigation 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 \$10.50 Remarks _____

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

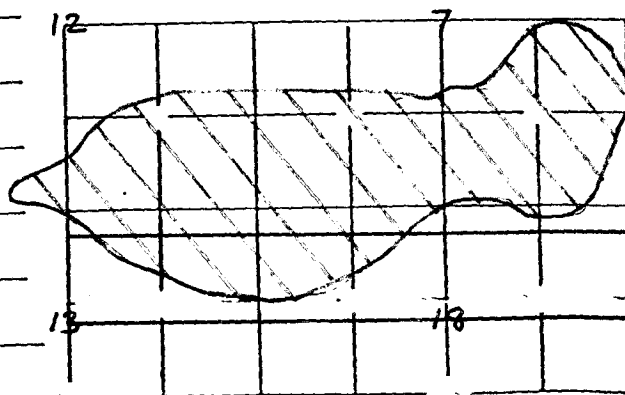
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point diversion dam: NW 1/4 SW 1/4

section 6-T4S-R17E

Land to be Irrigated see attachment in file



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

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

assigned on September 8, 1989 By R. S. Small

(See instructions)

No. 2100-2 Hydrologic Unit 10140202
Basin White River
Newspaper Pennington Co. Courant, Box 435 (Hwy)
57790

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 Daniel Kruse Phone No. _____

Post Office Address Box 11 C, Route 2, Interior State SD 57750
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) ~~5.67~~ 5.69 Total acres irrigated ~~398~~ 398

3. Source of Water supply Dry Draw & Dams

4. Location of point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$ section 6-T4S-R17E and 2nd diversion dam in
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7-T4S-R17E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used January 1 - December 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.
SEE ATTACHMENT	

Land Description	No. Acres Irr.

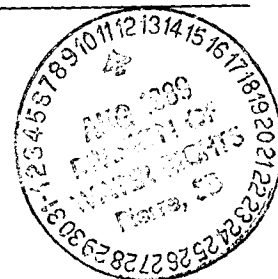
Attach sheet if more space is needed

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 project, water diverted from dam to spreader ditches.



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

STATE OF SOUTH DAKOTA)
County of 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 1989

Karen Schlaak
Notary Public



Aerol Gruwell

Attachment A

SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 12 T4S R16E	5 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12 T4S R16E	35 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12 T4S R16E	40 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12 T4S R16E	10 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 12 T4S R16E	15 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 13 T4S R16E	10 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 13 T4S R16E	10 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 13 T4S R16E	12 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 13 T4S R16E	30 Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 18 T4S R17E	12 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 18 T4S R17E	20 Acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	Section 18 T4S R17E	5 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 7 T4S R17E	13 Acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Section 7 T4S R17E	40 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 7 T4S R17E	12 Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	Section 7 T4S R17E	38 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 7 T4S R17E	22 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Section 7 T4S R17E	38 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 7 T4S R17E	30 Acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	Section 7 T4S R17E	30 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	Section 7 T4S R17E	5 Acres

432 TOTAL ACRES



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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

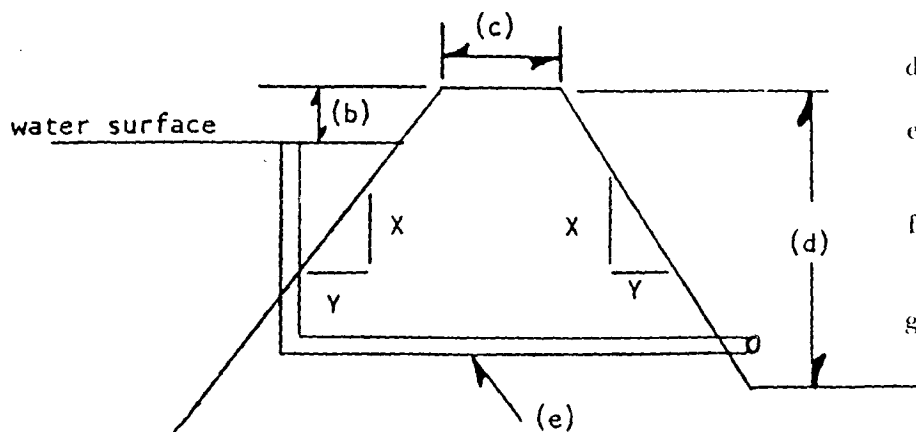
2. Dugout Information Estimates

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

3. Water Storage Dams Dam No. 1

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

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



- b) Freeboard 1 yard
- c) Crest Width 2 yards
- Crest Length 120 yards
- d) Height 7 yards
- e) Primary Outlet Capacity _____
If Pipe, diameter 20"
- f) Secondary Spillway Capacity _____
Spillway width _____
- g) X & Y Slope 3 to 1 est
Upstream 2 to 1 est
Downstream

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

Daniel Kruse
Signature of Applicant

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 Kruse
 Post Office Address Box 11C, Route 2, Interior SD 57750
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

 Date of recording _____ Recording date _____
Where Book Page
B. 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 6.17 cfsF. Present Use of Water - Amount of water now being used 6.17 cfsDate that this water was first used 1940's

G. Chronological History of Water Use

Waterspreading system was constructed by Frank Walker and has been in use since then.
Land was purchased by Aerol Gruwell June 6, 1979.

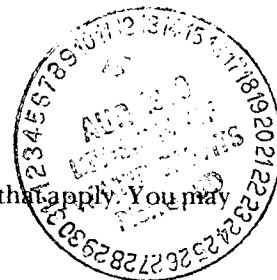
Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

ss

County of Hughes)

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

Signed Daniel Kruse

August 11, 1989

 KAREN SCHLAAK
 NOTARY PUBLIC
 SOUTH DAKOTA

My Commission Expires Apr. 1, 1993

Subscribed and sworn to before me _____, 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.

(Print name)_____
(Print name)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2100-2 FOR IRRIGATION

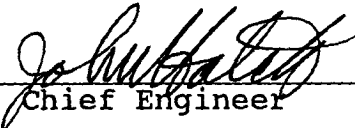
Date of Receipt of Claim August 11, 1989.

Date of Validation March 4, 1992.

The Water Management Board validated Vested Water Right Claim No. 2100-2 for irrigation purposes for Daniel Kruse, Box 11C, Rt 2, Interior SD 57750 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2100-2 appropriates 5.69 cubic feet of water per second from dry draws to irrigate 398 acres. 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.
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 31, 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.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

AUG 12 1992
date

Division of Water Rights
Dept. of Environment and Natural Resources

ACREAGES BY QUARTER-QUARTER FOR VESTED RIGHT NO. 2100-2
(based on Mark Rath's inspection)

SE1/4 SW1/4	Section 12 T4S R16E	4
SW1/4 SE1/4		20
SE1/4 SE1/4		31
NW1/4 SE1/4		10
NE1/4 SE1/4		15
NW1/4 NE1/4	Section 13 T4S R16E	10
SW1/4 NE1/4		10
NE1/4 NE1/4		3
SE1/4 NE1/4		30
NW1/4 NW1/4	Section 18 T4S R17E	12
SW1/4 NW1/4		20
NE1/4 NW1/4		5
NW1/4 SW1/4	Section 7 T4S R17E	13
SW1/4 SW1/4		40
NE1/4 SW1/4		12
SE1/4 SW1/4		38
NW1/4 SE1/4		22
SW1/4 SE1/4		38
NE1/4 SE1/4		30
SE1/4 SE1/4		30
SE1/4 NE1/4		5

398 TOTAL ACRES

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2100-2 FOR IRRIGATION

(1) Daniel Kruse of Box 11C, Rt 2, Interior, SD 57750 made Application No. 2100-2, August 11, 1989 for validation of a vested right claim to appropriate 5.69 cubic feet of water per second from dry draws, Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2100-2 was validated March 4, 1992 with a priority date of December 31, 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.

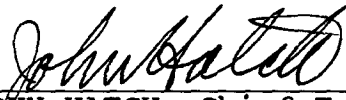
(2) The applicant is entitled to divert 5.69 cubic feet of water per second for beneficial use. The location of the two diversion dams are in the NW 1/4 SW 1/4 Section 6 and the NE 1/4 NW 1/4 Section 7, T4S, R17E.

The location of the irrigated acreage is:

SE 1/4 SW 1/4	Section 12 T4S R16E	4
SW 1/4 SE 1/4		20
SE 1/4 SE 1/4		31
NW 1/4 SE 1/4		10
NE 1/4 SE 1/4		15
NW 1/4 NE 1/4	Section 13 T4S R16E	10
SW 1/4 NE 1/4		10
NE 1/4 NE 1/4		3
SE 1/4 NE 1/4		30
NW 1/4 NW 1/4	Section 18 T4S R17E	12
SW 1/4 NW 1/4		20
NE 1/4 NW 1/4		5
NW 1/4 SW 1/4	Section 7 T4S R17E	13
SW 1/4 SW 1/4		40
NE 1/4 SW 1/4		12
SE 1/4 SW 1/4		38
NW 1/4 SE 1/4		22
SW 1/4 SE 1/4		38
NE 1/4 SE 1/4		30
SE 1/4 SE 1/4		30
SE 1/4 NE 1/4		5

398 Total Acres

(3) Pursuant to Section 46-5-30.1 Daniel Kruse of Box 11C, Rt 2, Interior, SD 57750 the holder(s) and/or owner(s) of Vested Water Right No. 2100-2 is issued a license to appropriate 5.69 cubic feet of water per second from dry draws with a priority date of December 31, 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. 2100-2 and subject to South Dakota State Law.


AUG 12 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

RECEIPT

Division of Water Rights

No 4 10148

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF Aerol Gruwell, SR#1, Box 2, Interior, SD 57755

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

Fee for Application for Permit No. <u>2100-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	6	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	6	00

By _____
Chief Engineer

No. 14571-2 Div. No. 2 Dist. _____ County _____

Name of Applicant Alvin Thompson

Location of Dam 6517-2 SE 1/4 SEC. 11-46-17N

Date of Filing 8-4-51 Date of Completion _____

Date of Expiration _____

Land to be Irrigated _____

Remarks _____

DRY DRAW FILING

FERRISBURGH COUNTY

EAST CHATHAM RIVER

No. 6520-2 Div. No. 2 Dist. Ferrisburgh County _____

Name of Applicant Walter W. Eruse

Location of Dam 6520-2 SE 1/4 SEC. 11-46-17N

Date of Filing 10-8-52

Estimated Surface Area 0.5

Estimated Drainage Area 50

Remarks _____

A. E. 10. 10-54

DRY DRAW FILING

FERRISBURGH

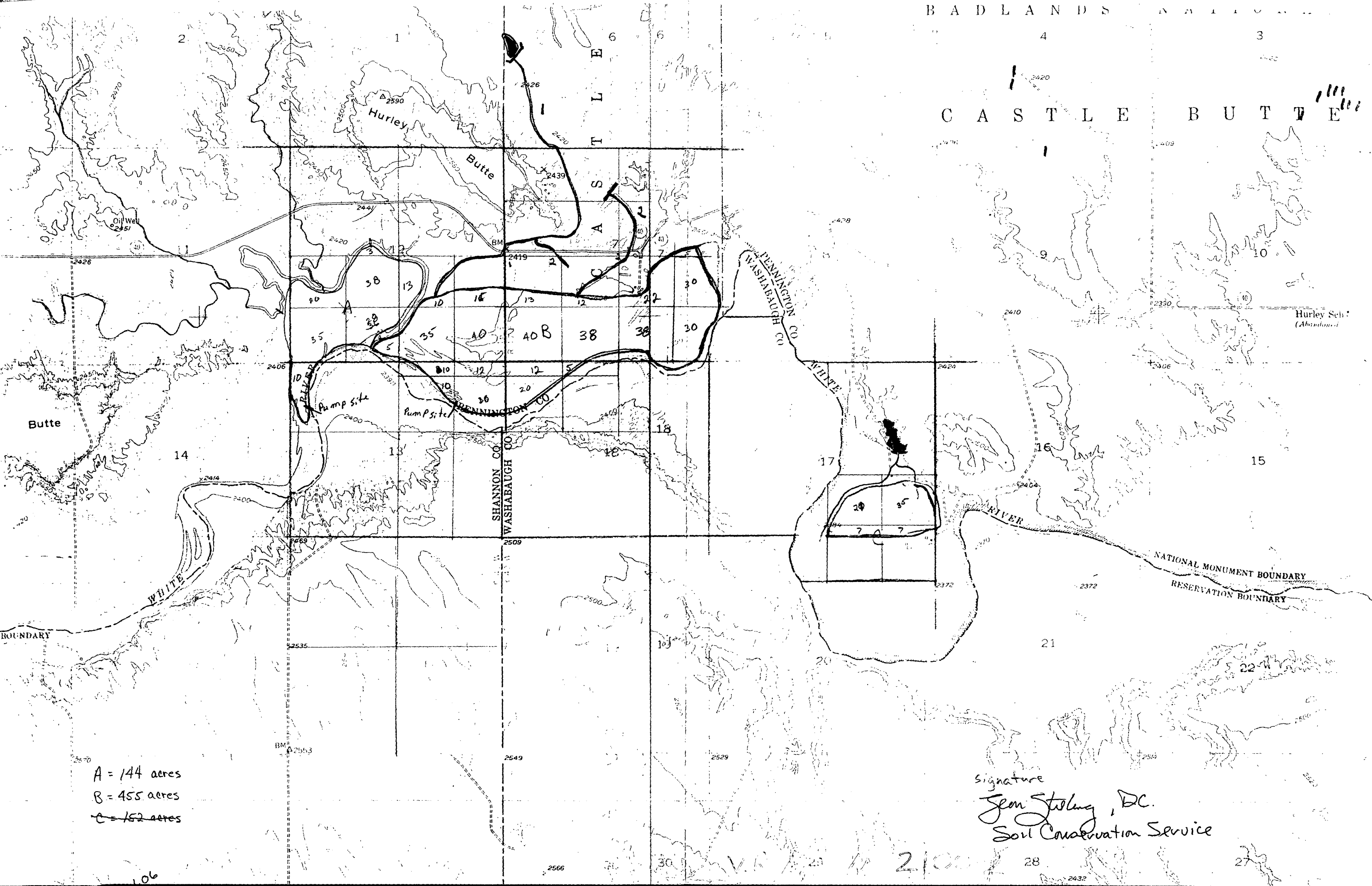
CHATHAM RIVER

No. 656 Div. No. 2 Dist. _____ County _____

Name of Applicant HENRY DUNLAP

Location of Dam 656-2 SE 1/4 SEC. 11-46-17N

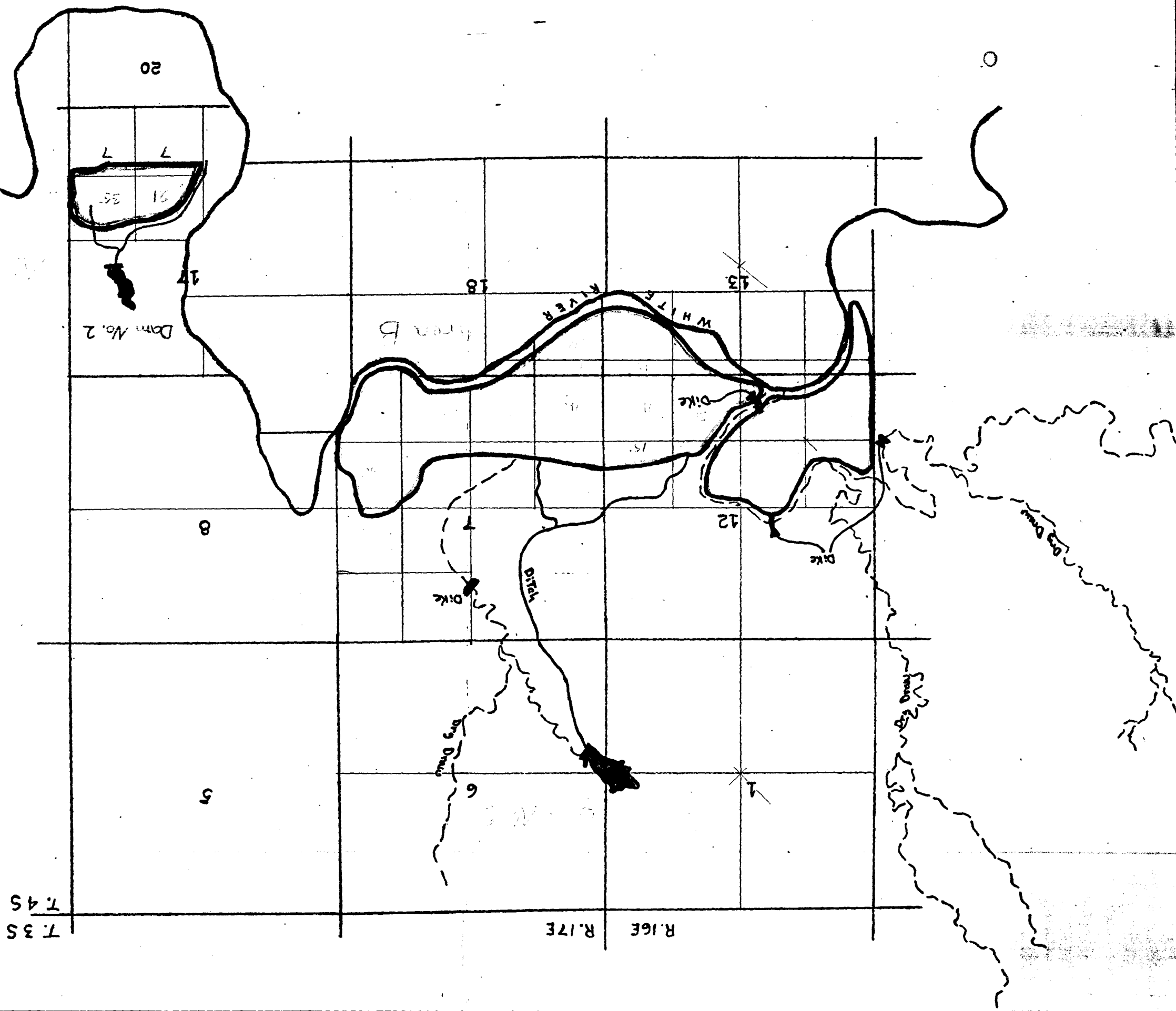
CASTLE BUTTE



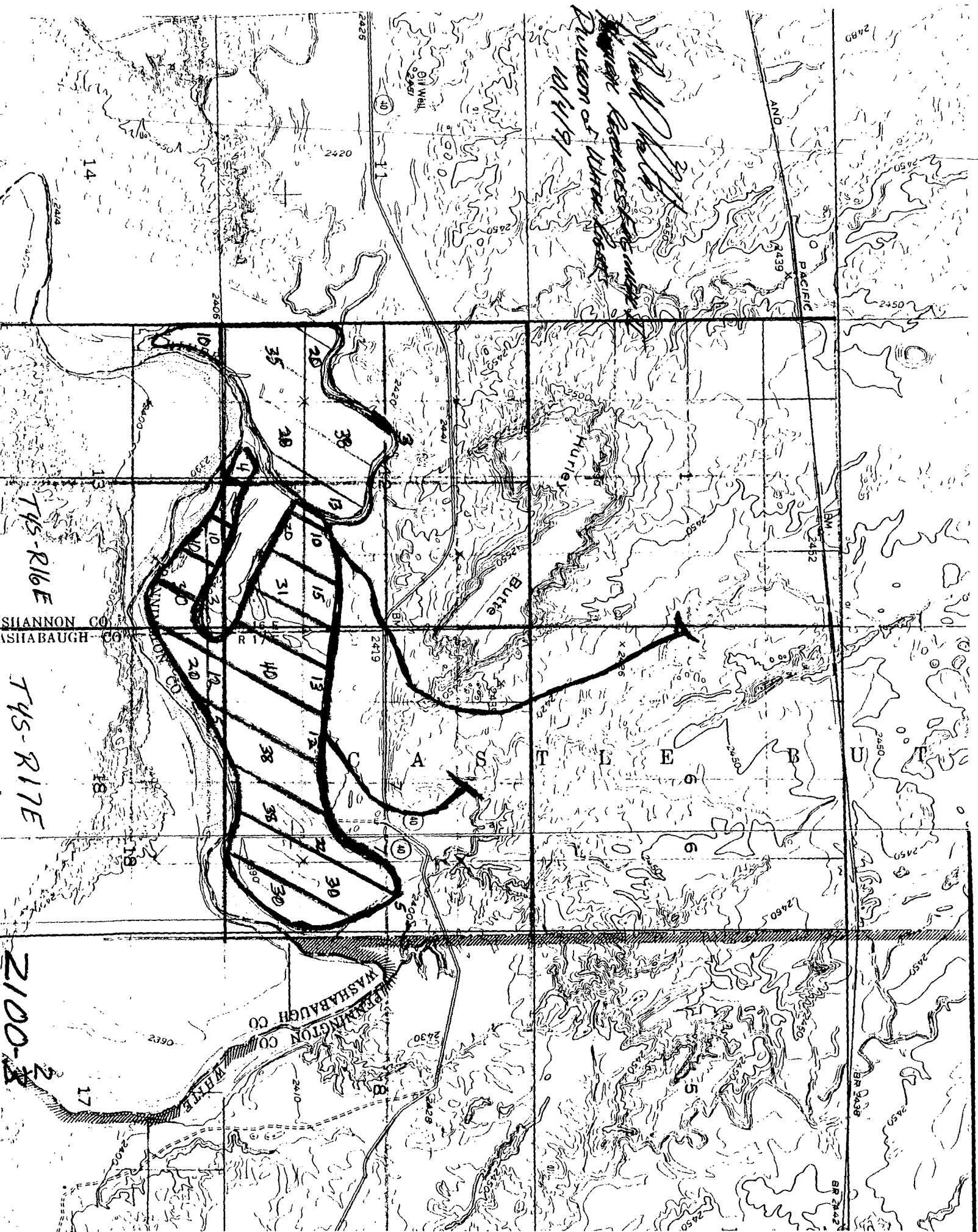
A = 144 acres
B = 455 acres
C = 152 acres

Signature
Gene Stirling, DC.
Soil Conservation Service

2/100



Wash Butte
Huron
10/14/91



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 Duvall
Natural Resources Engineer

RD:ms
Enc.



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,

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

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.



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,

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

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 cursive script that reads "Ron Duvall".

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

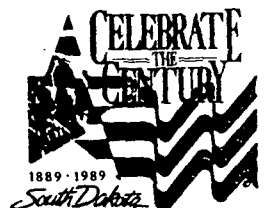
May 25, 1988

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.

Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Daniel Kruse

ADDRESS: Box 11 C, Route 2, Interior COUNTY Pennington

DATE: August 11, 1989 TELEPHONE _____

RE: Office conversation with Daniel Kruse about Dam No. 1

COMMENTS:

Daniel Kruse stated that the dam impounds only 1
or 2 feet of water until water is diverted via the
spillway. The dam contains a large amount of silt.

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.

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.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
October 3, 1989

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.

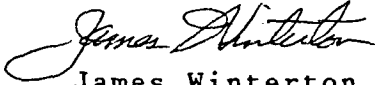
Since the specific priority date is not specified, in order to establish a priority date no earlier than it should be, the date should arbitrarily be set as December 31, 1949. The applicant only specifies the 1940's as the date of construction and the date first put to beneficial use.

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

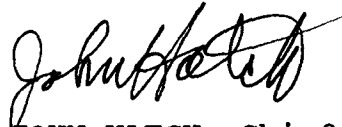
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

~~RIGHT APPLICATION NO. 2100-2, 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. 2100-2, Daniel Kruse, Box 11C, Route 2, Interior, SD 57750.

The Chief Engineer is recommending VALIDATION of Application No. 2100-2 for 5.69 cfs because 1) water has been appropriated as described for irrigation use with a priority date of December 31, 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 dark ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
October 25, 1991

Report On Vested Water Right Claim No. 2100-2
Daniel Kruse
October 15, 1991

Vested Water Right Claim No. 2100-2, Daniel Kruse, requests the validation of a vested right claim. This application claims the appropriation of 6.17 cubic feet of water per second (cfs) to irrigate 432 acres with a priority date of the 1940's. An inspection of the project on July 23, 1991 found the irrigation system is capable of irrigating 398 acres located in SE1/4, SE1/4 SW1/4 Section 12; NE1/4 Section 13; all in T4S-R16E: W1/2 NW1/4, NE1/4 NW1/4 Section 18; SW1/4, SE1/4, SE1/4 NE1/4 Section 7; all in T4S-R17E, Pennington County. The diversion rate associated with irrigating 398 acres is 5.69 cfs.

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 area of approximately 3900 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 31, 1949. The priority date for this vested water right claim should be December 31, 1949, unless the applicant brings in additional evidence to support an earlier priority date.

Conclusions

1. Vested Water Right Claim No. 2100-2 claims an appropriation of 6.17 cfs to irrigate 432 acres with a priority date of the 1940's. A July 23, 1991 inspection found an irrigation system capable of irrigating 398 acres. The associated diversion rate for 398 acres is 5.69 cfs.
2. The dry draws on which the dam is 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 31, 1949.
3. If validated, the priority date for the vested water right should be December 31, 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



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

SOUTH Dakota 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.

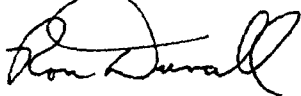
Daniel Kruse
Box 11C, Route 2
Interior SD 57750

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,



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 dark ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352

cc: Pennington County Courant
Box 435
Wall SD 57790

 **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

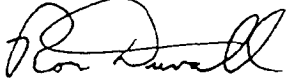
Enclosed is Notice of Hearings to Validate Vested Right Application Nos. 2099-2 and 2100-2 to be published twice. Please publish the notice on or before January 18, 1990 with the second publication 7 days later.

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

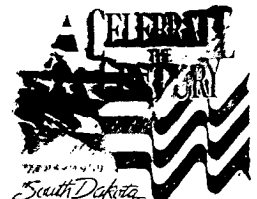
enclosures

-----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.





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



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.



Department of Water & Natural Resources

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

February 6, 1990

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 Claim No. 2100-2 published in the Pennington County Courant on January 18 and 25, 1990 is not correct.

A portion of the legal notice describing the irrigated acreage for Claim No. 2100-2 was published incorrectly by the newspaper after a correction was requested by the Division of Water Rights. The newspaper was informed of the error after the first publication; however, the error was not properly corrected in the second publication. As a result of the publication error, the legal notice for Claim No. 2100-2 will need to be readvertised for hearing at the May 1990 Board meeting. Readvertisement of the notice is needed to ensure that the claim is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice will be sent to you and the newspaper at a later date.

Claim No. 2099-2 was published with no errors and is still scheduled for consideration at the March 7, 1990 Water Management Board meeting. 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: Les Ravellette, Publisher
Pennington County Courant
Box 435
Wall SD 57790



Department of Water & Natural Resources

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

April 12, 1990

Pennington County Courant
Box 435
Wall SD 57790

Attention: Legal Department

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2100-2 to be published twice. Please publish the notice on or before April 19, 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.

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: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate Vested Right Application No. 2100-2 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

April 12, 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:

Notice of your Vested Water Right Claim No. 2100-2 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later.

NOTICE OF HEARINGS To Validate
Vested Water Right Application No. 2100-2 to Appropriate Water

Notice is given that Daniel Kruse, Box 11C, Route 2, Interior SD 57750 has filed an application to validate vested water right claim. 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 No. 2100-3 until an inspection of the Water Right Claim is completed by the Water Rights Division. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing 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 May 11, 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 application, the petitioner's reasons for opposing or supporting the application 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.

This hearing is an adversary proceeding. 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 hearing 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 May 11, 1990.

This application is 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, Les Ravellette
 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:

April 19, 1990

April 26, 1990

Doris Buechel
 (Signature)

Legal Advertising Manager
 (Title)

May 3, 1990
 (Date Signed)

Cost of Printing: \$ 37.69

PUBLIC NOTICE

NOTICE OF HEARINGS To Validate Vested Water Right Appli- cation No. 2100-2 to Appropriate Water

Notice is given that Daniel Kruse, Box 11C, Route 2, Interior SD 57750 has filed an application to validate vested water right claim. 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 No. 2100-3 until an inspection of the Water Right Claim is completed by the Water Rights Division. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown SD on May 23, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing 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 May 11, 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 application, the petitioner's reasons for opposing or supporting the application 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.

This hearing is an adversary proceeding. 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 hearing 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 May 11, 1990.

This application is 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, 46-5-31, 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: April 19 and 26, 1990

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 SW¹/₄ SE¹/₄ S12
T4S-R16E THAT WAS NOT INCLUDED ON THE APPLICATION.
HE TOLD ME TO INCLUDE IT.

I ALSO TOLD HIM I DECREASED THE ACREAGE
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 DeH



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1992

NOTICE

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

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

SUBJECT: Hearing to Consider Vested Water Right Claim No. 2100-2,
Daniel Kruse

Vested Water Right Claim No. 2100-2 was DEFERRED by the Water Management Board on May 11, 1990. The deferral of Claim No. 2100-2 was for the purposes of completing an on-site inspection of the claim. The inspection of the claim was completed on July 23, 1991, by Mark Rath, staff engineer. A copy of the recommendation of the Chief Engineer and report on the claim is enclosed.

The Water Management Board will consider validation of Claim No. 2100-2 at 10:00 am on March 4, 1992 in the conference room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. The agenda time is an estimate.

Pursuant to the finding of the on-site inspection, validation of Claim No. 2100-2 is recommended for a diversion rate of 5.69 cubic feet of water per second to irrigate 398 acres from a dry draw tributary to the White River with a priority claim date of December 31, 1949.

Following the hearing, the Board is authorized to 1) validate Claim No. 2100-2 as recommended, 2) validate Claim as advertised, 3) Validate Claim No. 2100-2 based on evidence presented at the public hearing, or 4) defer validation of Claim No. 2100-2. Applicable provisions of the notice of hearing published April 19 and 26, 1990 will still apply at this hearing.

If you have any questions, please contact Eric Gronlund at 773-3352

enclosure

cc: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on January 6, 1992 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Hearing to Consider Vested Water Right Claim No. 2100-2, Daniel Kruse, along with a copy of the recommendation of the Chief Engineer and report on the claim addressed as stated below:

Daniel Kruse, Box 11C, Route 2, Interior, SD 57750.

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of January, 1992.



John Hatch
Notary Public



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 12 1992

2100-2

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

Dear Mr. Kruse:

Enclosed are your Validated Vested Water Right and Water License No. 2100-2. 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