

Considered: _____

WATER PERMIT NO. VR 2171-2

Phone: 433-5332

Name of Applicant: Charles A. Kruse

Post Office Address: Box 100, Interior SD 57750

Amount of Water Claimed: 1.00 Total Acres: 70

Source of Water Supply: Dry Draw Dam

Water to be used for: irrigation County: Pennington

About 22 miles SE of Wall

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-2-89 Fee: \$15.00 Remarks Priority date

of 1939 S/W permit denied on application from White River

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

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

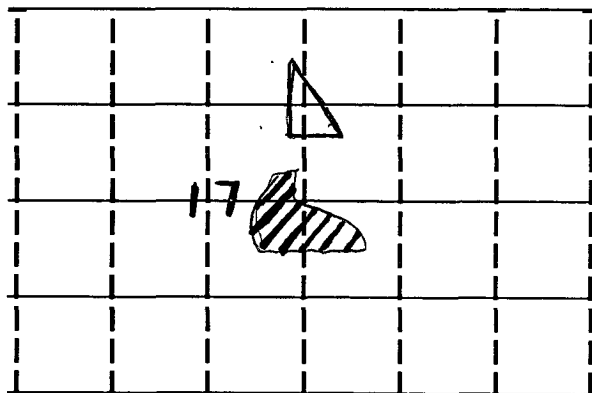
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: E 1/2 NE 1/4, Lot 1, Lot 2

Section 17-T4S-R17E

Land to be Irrigated: Lot 2, Lot 3, NE 1/4 SE 1/4

Section 17-T4S-R17E



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: jmi Tim Hendricks Reviewed and the Number

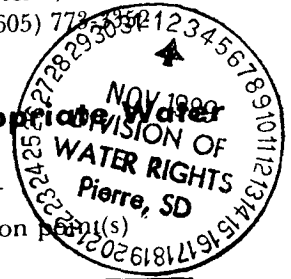
Assigned on 2-26-91 By Karen Schlaak

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

(See instructions)

No. _____ Hydrologic Unit 10140202
Basin White River
Newspaper Pennington Co Courant, Box 435, Wall, SD

(Thurs) 5790



Application For Soil/Water Compatibility Permit and Permit To Appropriately Use 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 CHARLES A. KRUSE Phone No. 933-5332

Post Office Address Box 100 INTERIOR State SD Zip Code 57750
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s) 1.0 Total acres irrigated 70

3. Source of Water supply White River

4. Location of point of diversion Along a point between Lot 2 and Lot 3
Sec 17, T4S, R17E

County Pennington

5. Counties where water will be used Pennington

6. Annual period during which water is to be used APR 1 - JUL 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.		Land Description	No. Acres Irr.
	NW1/4 sec 17-T4S-R17E	21			
Lot 2	SW1/4 "	7 11			
Lot 3	SE1/4 "	7 35			
	NE1/4 "	35 24			

Attach sheet if more space is needed

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

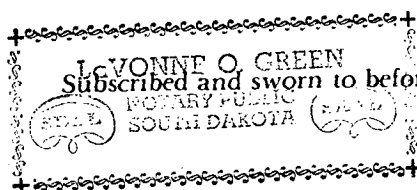
9. Crops to be Irrigated: Alfalfa small Grains

10. Give a description of proposed project. (Attach sheet if more space is needed)
water spreading system. Water pumped from white river

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

STATE OF SOUTH DAKOTA)
County of Pennington) ss

I, Charles A. 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 Charles A. Kruse

Vonne O. Green
Notary Public



SOUTH DAKOTA

VESTED WATER RIGHT NO. 2171-2 FOR IRRIGATION

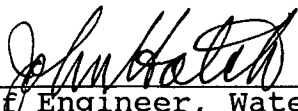
Date of Receipt of Claim November 2, 1989.

Date of Validation September 4, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2171-2 for irrigation purposes for Charles A. Kruse, Box 100, Interior SD 57750 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2171-2 authorizes diversion of 1.0 cubic feet of water per second from a Dry Draw Dam (20 acre feet storage capacity) to irrigate 70 acres. The dry draw dam impounds water in the E 1/2 NE 1/4, Lot 1, Lot 2 Section 17-T4S-R17E. The irrigated acreage is located in Lot 2, Lot 3, NE 1/4 SE 1/4 Section 17-T14S-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 January 1, 1940.
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, Water Right Division
Department of Environment and Natural Resources

FEB 17 1992

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2171-2 FOR IRRIGATION

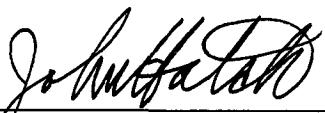
(1) Charles A. Kruse of Box 100, Interior, SD 57750 made Application No. 2171-2, November 2, 1989 for validation of a vested right claim to appropriate 1.0 cubic feet of water per second from a dry draw dam (20 acre-feet storage capacity), Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2171-2 was validated September 4, 1991 with a priority date of January 1, 1940. 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 1.0 cubic feet of water per second for beneficial use. The location of the diversion point (dry draw dam) is the NE 1/4 Section 17, T4S, R17E

The location of the irrigated acreage is:

T4S, R17E Section 17 Lot 2	11 Acres
Lot 3	35 Acres
NE 1/4 SE 1/4	24 Acres
Total-----	70 Acres

(3) Pursuant to Section 46-5-30.1 Charles A. Kruse of Box 100, Interior, SD 57750 the holder(s) and/or owner(s) of Vested Water Right No. 2171-2 is issued a license to appropriate 1.0 cubic feet of water per second and store 20 acre-feet of water in a dry draw dam with a priority date of January 1, 1940 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. 2171-2 and subject to South Dakota State Law.



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

FEB 17 1992

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 _____

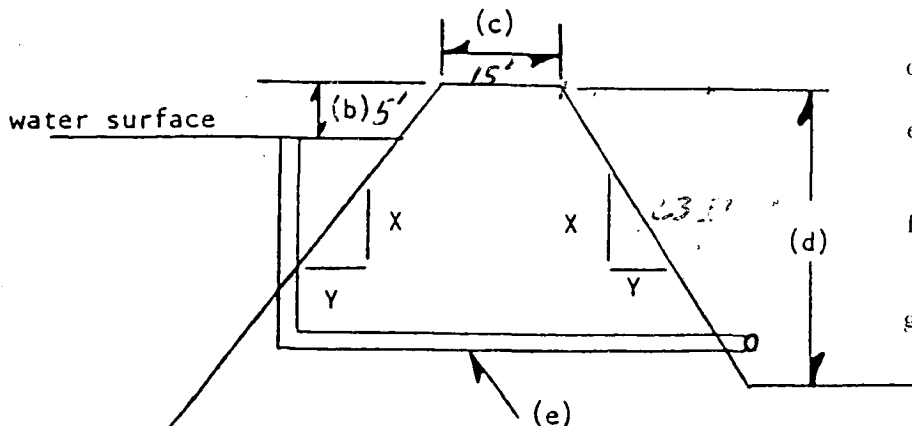
2. Dugout Information Estimates

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

3. Water Storage Dams Dam No. 2, Area C

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 5 FEET
- c) Crest Width 15 FEET
- Crest Length 900'
- d) Height 11 1/2'
- e) Primary Outlet Capacity 60 FEET
If Pipe, diameter 18 INCHES
- f) Secondary Spillway Capacity _____
Spillway width 30'
- g) X & Y Slope 4 to 1
Upstream _____
Downstream 2 to 1

Surface Area of Impoundment _____

Storage 20 acre feetDrainage area above dam 300 ACRES

Charles A. Jense
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) CHARLES A. KRUSE
 Post Office Address Box 100 SD 57750
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____

 B. Date of start of construction of water supply system Don Built by Gus Ulrich 1939 or 1940
Where Book Page
C. Date that water was first applied to beneficial use 1939 or 1940D. Name of owner of original water supply system GUS ULRICHE. Amount of water originally applied to beneficial use USED AS WATER WAS AVAILABLEF. Present Use of Water - Amount of water now being used USED AS AVAILABLE

Date that this water was first used _____

G. Chronological History of Water Use

Water has been used as water was available.

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 Pennington) ss
 I, CHARLES A. KRUSE the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.
Signed Charles A. KruseSubscribed and sworn to before me LaVonne O. Green, 19 91

LaVONNE O. GREEN

 SEAL NOTARY PUBLIC
 SOUTH DAKOTA

 SEAL
 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) 19_________
(Print name) 19____

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

1. - 13.9
2. 9.2
3. 7.4
4. 30.2
6. 6.8

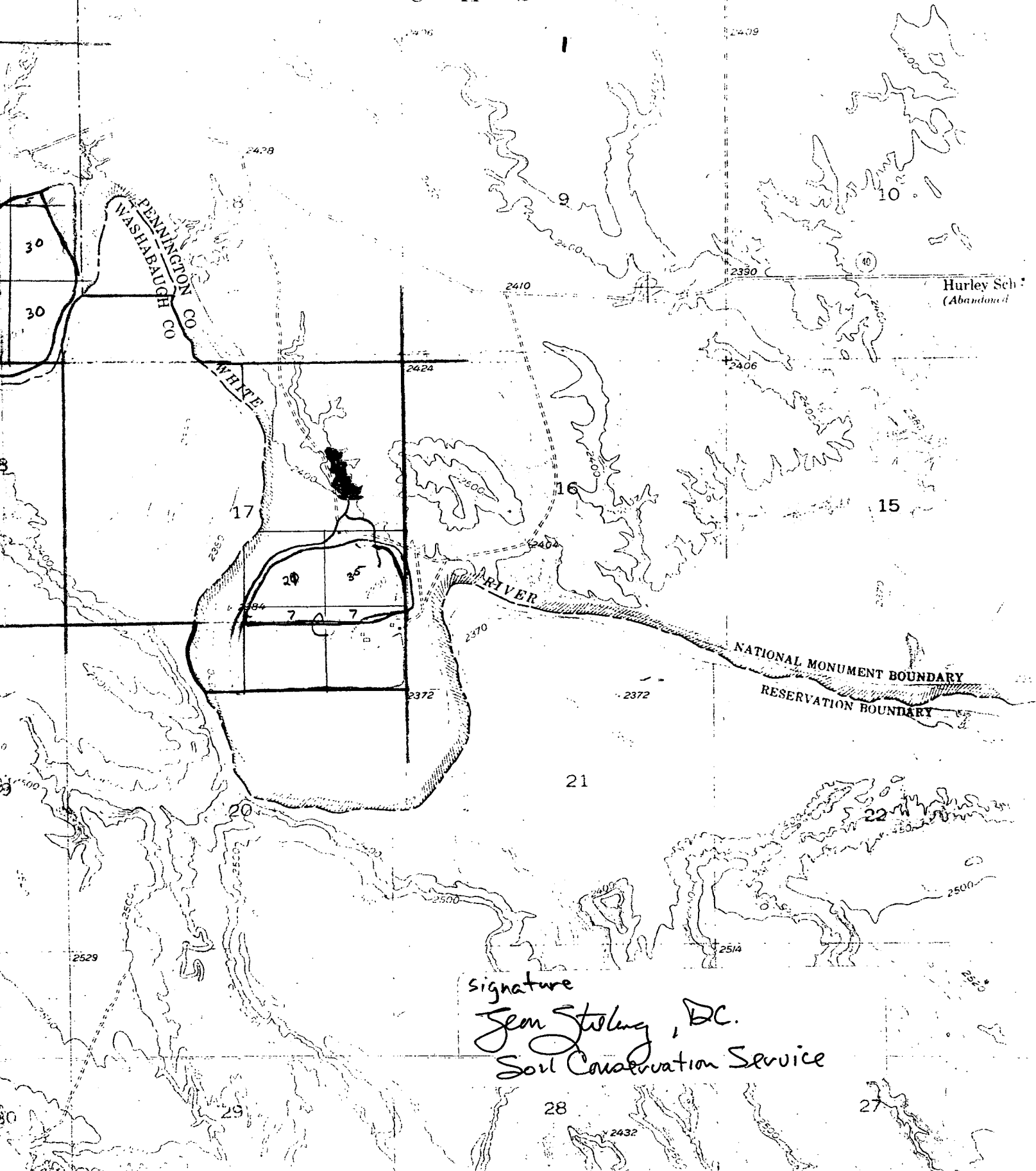
all fields identical
- may -

D. K. 20
H
Jing

9/14/8

ASCS

CASTLE BUTTE



T. 3 S.
T. 4 S.

BR 2438

BR 2442

BM
2428

CHICAGO

2430 MILW

B A D L A N D S N A T

C A S T L E B

SCENIC 24 MI.
CONATA 4.4 MI.

42°30'

PENNINGTON CO
WASHINGTON CO

17

70 ACRES

K 2984

RIVER

NATIONAL MON
RESERVATION

(CONATA)





Department of Water & Natural Resources

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

COPT

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 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.



Department of Water & Natural Resources

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

September 11, 1989

Charles Kruse
Box 100
Interior SD 57750

Dear Mr. Kruse:

This letter is in response to a conversation with Daniel Kruse regarding the ownership of land in section 17-T4S-R17E. Mr. Kruse indicated that you are the owner of the acreage in the S1/2 of section 17.

Enclosed are application forms to make a vested right claim for irrigation of 70 acres from a dry draw dam with a claimed priority date in the 1940's. Enclosed is a copy of the map outlining the 70 acres. The enclosed form 2A also needs to be completed concerning the dam information. The SCS may be able to assist you with completion of this portion of the application. The blank portions of the application need to be completed and then the application needs to be signed and notarized. The former landowner has already paid the application fee.

A second set of application forms are also enclosed to apply for a new permit if you intend to irrigate the 70 acres from the White River. If you do not intend to irrigate from the White River, then those application forms can be discarded.

Please contact me if you have any questions.

Sincerely,

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

December 18, 1989

Charles A Kruse
Box 100
Interior SD 57750

Dear Mr. Kruse:

This letter is in response to your vested right claim and water permit application received on November 2, 1989. The following information is needed to complete the claim and application:

- 1) The vested right claim for irrigation of the 70 acres from the dry draw dam needs to be submitted with an Affidavit of Water Use to document the date from which the vested right can be claimed. The project must date back to at least March 2, 1955, to qualify as a vested right claim. Complete the applicable portions of the enclosed Affidavit and be sure the Affidavit is signed in the presence of a notary public.
- 2) The application fee for the vested right claim is \$15.00 and the fee for the application to use water from the White River is \$225.00. The fee structures are outlined on the enclosed instruction sheets.

A copy of the application to use water from the White River will be forwarded to the Department of Agriculture for consideration of the soil/water compatibility application when the application is complete. The Water Management Board can not consider the water permit application until the soil/water application is approved.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "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

March 19, 1990

Charles Kruse
Box 100
Interior SD 57750

Dear Mr. Kruse:

This letter is in response to our phone conversation last week regarding the status of your vested right claim from the dry draw dam.

Enclosed is a topographical map dating back to the year 1948 showing the dam location. You indicated that the 70 acres shown on the original map does not outline the correct location of all the irrigated acreage. Therefore the following is needed to complete your vested right claim:

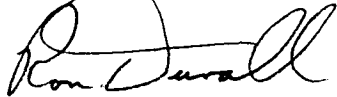
- 1) The enclosed map or an aerial photo from the ASCS office needs to be completed showing the revised location of the irrigated acreage. The map needs to be completed and signed by either a SD registered professional engineer, a SD licensed land surveyor or a government employee that prepares maps as part of his or her regular duties (ASCS or SCS offices may be able to assist you).
- 2) The enclosed Affidavit of Water Use form needs to be completed to claim a vested right. A priority date of 1948 may be claimed if the water spreading system was in place in 1948.
- 3) Enclosed are copies of the original applications submitted for both a vested right claim and for a new application to irrigate the same acreage from the White River. Attached to the copies are blank forms. The blank forms need to be completed showing the revised acreage divided into 40 acre parcels. The applications then need to be signed in the presence of a notary public.
- 4) The application fee for the vested right claim is \$15.00 and the fee to irrigate between 61 acres and 120 acres from the White River is \$225.00.

March 19, 1990
Charles Kruse
Page 2

The above information is needed before your claim and new permit application can be processed for consideration by the Water Management Board. The Department of Agriculture will also need to consider a soil/water compatibility application for the White River prior to the Water Management Board considering the water permit application. A copy of your application will be forwarded to the Department of Agriculture when the completed application is received.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

Rapid City S. Dak
Jan 29 - 91

Bear Dam

this dam was first built by
Gus Zlrich and later added on
by the contractor Les Needenwester
from Midland

Bill Walhen

Gus Zlrich built the first
dam in 1939 or 1940



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 31, 1951

RECEIVED OF Charles A Kruse, Box 100, Interior, SD 57750

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	15	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	15 00

By John L. Lohr
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, January 31, 1991

RECEIVED OF Charles A Kruse, Box 100, Interior, SD 57750

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	225 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	225 00

By

Chief Engineer

JOHN LATCH



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 5, 1991

Charles Kruse
Box 100
Interior SD 57750-0100

Dear Mr. Kruse:

Enclosed is a \$225.00 refund check which was the filing fee for your water permit application for irrigation from the White River. The Soil Water Compatibility Permit was disapproved by the Conservation Commission.

Action can not be taken on your permit to appropriate water unless the Conservation Commission approves a Soil Water Compatibility Permit for the lands described on the application. For this reason, your application fee is being refunded.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

(E) ☐ Expenditure Correction

(R) ☐ Revenue Correction

(P) ☐ Period Ending Adjustment

(A) ☐ Other Adjustment

AGENCY USE ONLY			APPROVAL OFFICE ONLY	
Application Area	Vendor Number	Invoice ID	Voucher Number	Date
Date	Purchase Order ID	Document ID	Delivery Date	Payment Due Date
STAPLE	TO: (Payee, Billed Agency)		FROM: (Department, Billing Agency)	

FUNDING INFORMATION										Debit/Credit		Dr.	Cr.	U C O D E R E
S E Q	Company	Account		Center		Project		Amount	Code	Invoices	1	6		
		Required	User	Required	User	Company	Number			Other	Dr.	Cr.		
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
								Total						

Description of Service, Product, or Transfer	

Total	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

Date _____

Date

Report on Vested Water Right Claim No. 2171-2
Charles A. Kruse
July 29, 1991

Vested Water Right Claim No. 2171-2, Charles Kruse, claims 1.0 cubic foot of water per second (cfs) from a dry draw dam with a 20 acre-feet (ac-ft) storage capacity for the purpose of irrigating 70 acres. The priority date associated with the vested water right claim is January 1, 1940. The dry draw dam impounds water in the E1/2 NE1/4, Lot 1, Lot 2 of Section 17-T4S-R17E. The irrigated acreage is located in Lot 2, Lot 3, NE1/4 SE1/4 Section 17-T4S-R17E. On July 23, 1991, an inspection of the vested right claim was made. The irrigation system was developed as claimed.

Water Source

The source of water for the vested right claim is from a dry draw which is a tributary of the White River in southeast Pennington County. The watershed which supplies the dam from surface runoff is approximately 300 acres.

Review of Existing Water Rights

There are 110 water rights/permits, which appropriate 277.35 cfs from the White River, located below the diversion point for the vested water right claim. Of these, 3 water rights appropriating 9.57 cfs have priority dates which would be senior to the January 1, 1940 priority date which is claimed.

Conclusions

1. Vested Water Right Claim No. 2171-2 claims an appropriation of 1.0 cfs from a dry draw dam for the purpose of irrigating 70 acres. The priority date claimed for the vested water right is January 1, 1940.
2. The dry draw 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 which appropriate 9.57 cfs have priority dates which are senior to the claimed January 1, 1940 priority date.
3. The irrigation system was inspected on July 23, 1991 and was found to be developed as claimed.



Mark D. Rath
Natural Resources Engineer II

Approved by,



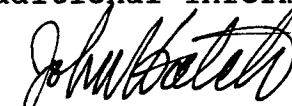
Delvin D. Brosz, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2171-2, Charles A. 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 Water Permit Application No. 2171-2, Charles A. Kruse, Box 100, Interior, SD 57750.

The Chief Engineer is recommending APPROVAL of Application No. 2171-2 for 1.0 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1940, 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", is written over the typed name.

JOHN HATCH, Chief Engineer
July 30, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 1, 1991

Charles A. Kruse
Box 100
Interior, SD 57750

Dear Mr. Kruse:

Vested Water Right Application No. 2171-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. 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.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. 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.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 1991

Pennington County Courant
Box 435
Wall, SD 57790

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2171-2 to be published twice. Please publish the first notice on August 8, 1991 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 Charles A. Kruse, Box 100, 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. No action may be taken on the permit application 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 Notice of Hearing to Appropriate Water by Application No. _____ 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 August 8, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2171-2 to Appropriate Water

Notice is given that Charles A. Kruse, Box 100, Interior, SD 57750 has filed an application to validate a vested water right claim to appropriate 1.0 cubic feet of water per second from a Dry Draw Dam (20 acre feet storage capacity) to irrigate 70 acres with a priority date of 1940. The draw dam impounds water in the E 1/2 NE 1/4, Lot 1, Lot 2 Section 17-T4S-R17E. The irrigated acreage is located in Lot 2, Lot 3, NE 1/4 SE 1/4 Section 17-T4S-R17E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2171-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1940, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. 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 August 26, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2171-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 4, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 4, 1991 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 4, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 26, 1991.

If a hearing is held, 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 the application based on the facts presented at the public hearing. Any 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)
 County Pennington) ss.



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 Pennington County Courant

of Wall, SD

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

August 8 and August 15, 1991

Doris Buxcel
 (Signature)

Legal Advertising Manager
 (Title)

September 5, 1991
 (Date Signed)

Cost of Printing: \$62.37

Notice Of Hearing

NOTICE OF HEARING TO VALIDATE VESTED WATER RIGHT APPLICATION NO. 2171-2 TO APPROPRIATE WATER

Notice is given that Charles A. Kruse, Box 100, Interior, SD 57750 has filed an application to validate a vested water right claim to appropriate 1.0 cubic feet of water per second from a Dry Draw Dam (20 acre feet storage capacity) to irrigate 70 acres with a priority date of 1940. The draw dam impounds water in the E 1/2 NE 1/4, Lot 1, Lot 2 Section 17-T4S-R17E. The irrigated acreage is located in Lot 2, Lot 3, NE 1/4 SE 1/4 Section 17-T4S-R17E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2171-2 because 1) water has been appropriated as described for irrigation with a claimed priority date of January 1, 1940, 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. 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 August 26, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2171-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 4, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 4, 1991 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First

Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 4, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 26, 1991.

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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: August 8 and August 15, 1991

Permit No. VR2171-2 Claim

Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Charles Kruse of Interior holder of Vested Right Claim No. 2171-2, bearing the priority of January 1, 1940 authorizing the diversion of 1 cu. ft. per second and/or the storage of 20 acre-feet of the waters of surface water for irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

A category 3 dam capable of impounding 20 ac-ft located in the NE1/4 of Section 17 T4S-R17E.

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

Several small ditches located along the perimeter of the fields irrigated.

C. Works used to apply water to beneficial use:

The fields are flood irrigated.

The system is in the following condition good. The point of diversion is located NE1/4 Section 17 T4S-R17E. The works are capable of diverting and conveying to the place of use 1 cu. ft. per second of water and/or storing 20 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

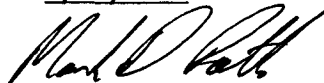
70 acres in Lot 2, Lot 3 and NE1/4 SE1/4 Section 17 T4S-R17E.

comprising a total of 70 acres of land and the license should be issued for 1 cfs and/or 20 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 7/24/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER VR2172-2

1. Dams and Structures NE1/4 Section 17-T4S-R17E

3. Distribution lines or canals

a) size 36 inches

b) type pulled ditch

c) length 3000 feet

4. Dam Information:

a) height to crest 12 feet

m) Outlet tubes:

b) height to primary spillway 7feet

1) diameter 18 inches

c) height to secondary spillway 8feet

2) type cmp

d) crest width 15feet

3) valved (Y/N) y

e) crest length 900feet

4) valve type gate

f) spillway length 60 feet

5) location on structure:

g) spillway width 30 feet

center

h) approx. storage 20 AC-FT

n) Category of Dam 3

i) approx. storage to crest AC-FT

j) date constructed 1939

k) inspection sheet completed? (Y/N)

l) name of contractor

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u>NA</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>NA</u>		2. Special qualifications to permit being abided by?
<u>Y</u>		3. All structures, wells and lands on map?
<u>NA</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>N</u>		5. Is chemigation used?
<u>NA</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 17 1992

2171-2

Charles A. Kruse
Box 100
Interior, SD 57750

Dear Mr. Kruse:

Enclosed are your Validated Vested Water Right and Water License No. 2171-2. 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,

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

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

enclosures