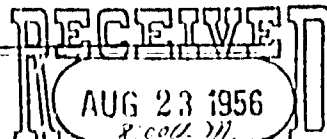


1. Considered October 17, 1956 744.3
2. Name of Applicant Fluoride, Grubbs
3. Post Office Address Missoula, Montana
4. Amount of water claimed 2.25 cfs
5. Source of water supply Well
6. Water to be used for irrigation
7. Acres to be irrigated 160
- NEW 200 2015 N. 12 W.
8. Water to be diverted and used in Bozeman County about
14 miles Northwest of Bozeman
8. Proof of Publication Received ✓
Not Received ✓
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 74-3Water Division No. 3 District 1
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant

ELMER GRUHN

Postoffice address

157 S. 3rd St.
Missoula, County Missoula, State Montana

I. If a corporation

P.O. Box 284, Huron SD 57350

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

GRUHN

3. Amount of water claimed

2 1/4 cubic feet per second

4. Source of water supply

Well

5. Location of point of diversion

1088' S and 960' W OF THENE Corner Sect. 27, 113, 62 on bank County Missoula

6. Annual period or periods during which water is to be used

May thru Oct

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?(a) Number of acres to be irrigated 100 acres.

(b) Legal subdivisions to be irrigated

NE 1/4 27, 113, 62, SPM

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom feet; length at top feet; thickness at bottomfeet; thickness at top feet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work³..... years.

11. Time required for complete application of water to the proposed beneficial use years.

12. Choice of newspaper for publication of notice of intention to appropriate

Daily Plainsman, Huron, S. D.

STATE OF SOUTH DAKOTA

County of *Beadle* } ss.

I, *Ernest E. Grabin*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

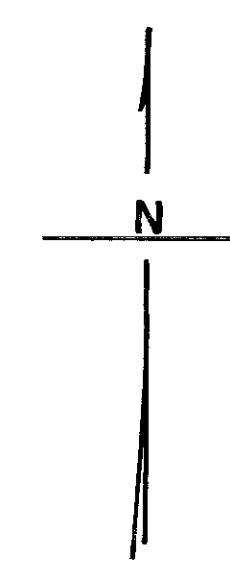
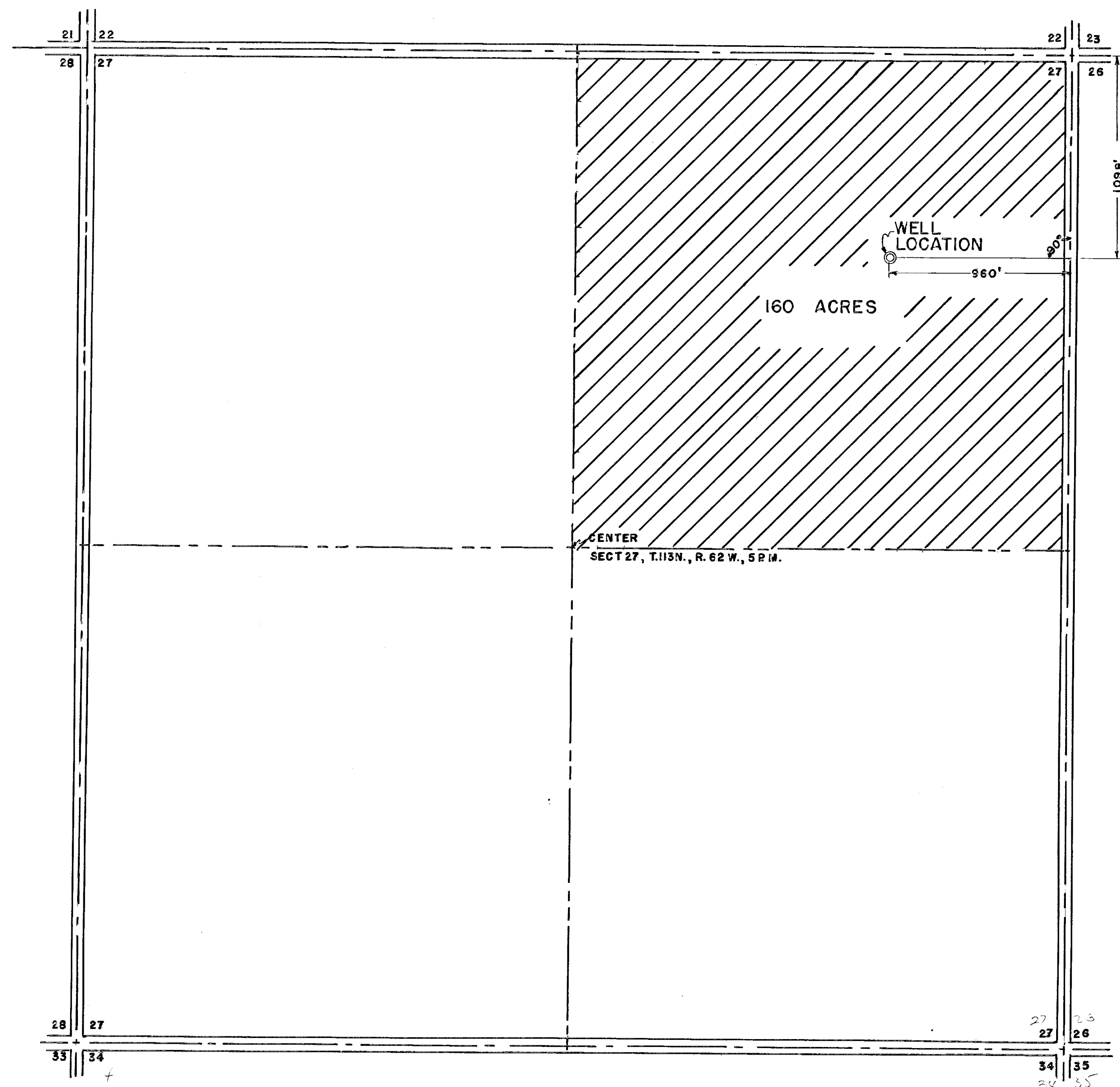
Ernest E. Grabin

Subscribed and sworn to before me this *13th* day of *July*, 19*56*

Herman H. Dander

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SCALE 1" = 400'

AREAS BY LEGAL SUBDIVISION

N.E. 1/4 - 160 ACRES

SECT. 27, T113N., R.62W., 5PM.

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE) ss

I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF ELMER GRUHN, SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED WITHIN HIS OWNERSHIP BOUNDARIES ON JULY 10, '56 FOR WHICH APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP IS A TRUE REPRESENTATION THERE OF.

WITNESS MY HAND AND SEAL THIS 18TH DAY OF JULY 1956

Harlan W. Meyer
REGISTERED LAND SURVEYOR

STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE) ss

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYORS CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND NOTARY SEAL THIS 18TH DAY OF JULY 1956

Sherman A. Gaudin
NOTARY PUBLIC

MY COMMISSION EXPIRES *June 13*, 1957.

MAP
SHOWING AREA AND WELL LOCATION WHERE WATERS
WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

ELMER GRUHN - OWNER
HARLAN W. MEYER, - SURVEYOR

JULY 1956

Map No. 196-3
(Appl. No. 246-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

FS.

Pierre, South Dakota,

August 23, 1956

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

9 m. upon the 23 day of August, 1956

State Water Resources Commission

By:

Jeff Hinner

Chief Engineer, Executive Officer

Number of permit 246-3

Date of first receipt of application August 23, 1956

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right August 23, 1956

Approved September 17, 1956, Recorded in Book 13 Page 200

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

March 17, 1958

2nd. The whole of said work is to be completed on or before September 17, 1959

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

September 17, 1963 EXTENSION APPUD 3-11-64

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.25 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before September 17, 1961; said water to be used during the following described annual period:

May to October inclusive

Witness my hand this

25

day of

October, 1956

State Water Resources Commission

By:

Jeff Hinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

March 16, 1964

Water License Issued

March 16, 1964

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32", DepthType of casing Steel
(wood, concrete, steel, etc.)Size of casing 16", Thickness of casing 10 ga

Length of casing If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 3/16"Size of perforated screen 16" (diameter), 40' (length)Thickness of gravel pack 8", length of gravel pack continuous

(c) Water Bearing Materials

Distance to water 78', Character of water bearing materials0'-6' clay-boulders, Broken rock, 16'-21' sandstone, rock
21'-54' med sand, Broken rock-lower, 54'-102' fine
sand, some lignite-lower, 102' shale.Thickness of water bearing material 81'

(d) Pump and Motor

Type of pump Turbine - ~~type~~ Barker
(centrifugal, propeller, mixed flow, etc.)Name of pump ~~Propeller~~ Barker, size 6" diameterKind of motor Propane
(gasoline, electric, diesel, etc.)Horsepower 55, Name of Motor Oldsmobile

(e) Complete well

Capacity 600 at drawdown of 71', Estimated cost \$4750.00(f) Owner of land upon which well is located E. Merv. Gruber, Name152-5 North 6th West, Address Muskogee, Mont.

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 250 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No... 246-3

WHEREAS, On the 23rd day of August A. D. 1956
Elmer E. Gruhn
of Missoula County of Missoula and State of
Montana duly made application (No. 246-3) to us for a permit to use 2.25
cubic feet per second of the waters of ground water
County of Beadle, State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 24th day of October A. D. 1956
Permit No. 246-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 17th day of
September A. D. 1959 and for the application to beneficial use of said
water on or before the 17th day of September A. D. 1963
and,

WHEREAS, On the 10th day of February A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.33
cubic feet per second of said waters, as evidenced by our Certificate No. 246-3
dated March 16, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.33 cubic feet per second of water, with date of
priority of August 23, 1956 and,

WHEREAS, On the 10th day of February A. D. 1964
proof was duly made of the application to beneficial use of 1.33 cubic feet per second of said water;
for irrigating the NE 1/4, Section 27, T 113N, R 62W.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to Elmer E. Gruhn

of Missoula, Montana the holder and owner of said permit No. 246-3

a water right, dating from August 23, 1956 to the use of 1.33

cubic feet per second of the waters of ground water

In the County of Beadle and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point 1098' S and 960' W of

the NE Corner Section 27, T113N, R62W

and conducted to and upon the NE 1/4, Section 27, T113N, R 62W

for the purpose of Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of March A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 246-3Water Division No. 3 JAMES RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Elmer E. Gruhnof Missoula, County of Missoula, and State of Montanathe holder of Permit No. 246-3, issued upon Application No. 246-3, bearing date of priority of August 23, 1956, authorizing the diversion of2.25 cu. ft. per second of the waters of ground waterCounty of Beadle, State of South Dakota, at a point 1098' S and 960' W of the NE Corner, Section 27, T113N, R62Wfor irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof ofcompletion of the works of diversion set out and described in said Permit, that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.33 cu. ft.per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE 1/4, Section 27, T113N, R62WWitness my hand this 16th day of March, A. D. 1964

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

(First Publication August 25, 1956)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 23, 1956

Notice is hereby given that Elmer E. Gruhn whose postoffice address is 1525 S. Sixth St., Missoula, Mont. ~~XXXX~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.25 cubic feet of water per second of time from ~~the~~ ground water through the Gruhn #1 Project, the point of diversion of which is to be located on the NE 1/4 of the NE 1/4 of Section 27 ~~XXXX~~ in the NE 1/4 of the NE 1/4 of Section 27 Twp. 113N Range 62W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, Sec. 27, T 113N, R 62W~~XXXX~~ For XXXX ~~XXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of September, 1956, at 2:00 P.M. All interested persons may appear and be heard.

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

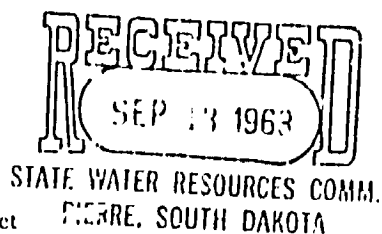
State Water Resources Commission

By:

J. W. Griner,

Chief Engineer, Executive Officer

cc: Robert D. Lusk, Publisher
The Daily Plainsman
Huron, South Dakota

Permit No. 246-3

Water Division No. _____ Water District _____

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

_____ Missoula, Montana
(P. O.) _____

(Date) Sept. 9, 1963

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the July First day of July
1957, at Union County of Beadle State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)
of 2.25 cubic feet per second of the waters of Gruhn # 1
_____ in accordance with the terms and conditions of Permit No. 246-3
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____
Elmer E. Gruhn, 1525 S. 6th. St. W., Missoula, Montana

2. The use to which said water has been applied is Irrigation of 160 acres

3. The amount applied to beneficial use is 2.25 cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
The North East Quarter of section Twenty Seven, Township One
hundred Thirteen North, Range Sixty-two West of the 5th. 1. N.
located in Pleasantview Township, Beadle County, South Dakota.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Gruhn Well # 1

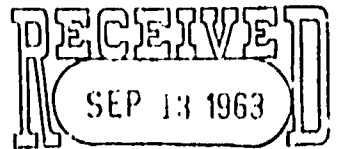
6. The right to take the water from such works is based upon permit No. 246-3

7. The source of supply from which such water is diverted is Ground water

8. The date of priority which said user is prepared to establish is July 1, 1957

(Sign) _____

Elmer E. Gruhn


 Permit No. 246-3

 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Water Division No. _____ Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

 (P. O.) Missoula, Montana

 (Date) Sept. 9, 1963

 TO THE STATE WATER RESOURCES COMMISSION
 OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____

2.25 cu. ft. per second of the waters of the state from ground
 through the Gruhn Well # 1
 for Irrigation purposes

_____ in accordance with the terms and con-
 ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

 1. The name of the person or corporation holding said permit is Elmer E. Gruhn

 2. The postoffice address of such person or the place of business of such corporation is Missoula
Missoula Montana
 County of _____ State of _____

 3. The number of such permit is 246-3 and the date set for the completion of such work is
July 1, 1957

 4. Said water to be used for Irrigation purposes.

 5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.25 cubic feet per second.

 6. The amount of land for which said water is available is 160 acres.
 particularly described as follows: NE 1/4 Sec 27, Township 113
north, Range 62 W.
Pleasantview Township, Beadle County, South Dakota

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Permit No. 246-3Water Division No. 3 James B. Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

_____, I have this day made a thorough examination of the diversion works constructed by _____
Elmer E. Gruba, of _____
Assault, Montana County, South Dakota, holder of Permit No. 246-3, issued
upon Application No. 246-3, bearing date of priority of Aug. 23, 1956, authorizing the
diversion of 225 cu. ft. per second of the waters of Circumlocution for Irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One well 102' deep w/16" casing w/6 1/2" 40' long perforated screen @ bottom. Iron take-off pump 6" pump approx. 600 G.P.M. [no Mod #] run by an Oldsmobile 1956 V8 engine. 1440' of 6" mainline pipe. One sprinkler boom. 1800' of 1/2" 7/8" nipples
and the system is in the following condition: Fair

The point of diversion is located 1098' S & 960' W of the NE Corner of Sec. 27 T113 R62

The works are capable of diverting and conveying to the place of use 1633 cu. ft. per second of water, which is to be used for Irrigation

The legal subdivisions to be irrigated are: NE 1/4 Sec. 27 T113 R62

comprising a total of 162 acres of land.
The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 16th day of February, A. D. 1961.

—SEAL—

William M. Allen
Examining Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County Beadle

Robert D. Lusk being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Huronite & Daily Plainsman a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the city of Huron County of Beadle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 24, 1956August 31, 1956September 7, 1956September 14, 1956

in each and every issue of the full number thereof, the first publication being made on the 24 day of August 1956 and the last publication on the 14 day of September 1956, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was president the printer and publisher of the said newspaper. Amount \$76.50

RECEIVED
SEP 17 1956
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

F. P. 8-21-56 L. P. 9-14-56
APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.
August 23, 1956
Notice is hereby given that Elmer E. Gruhn whose post office address is 1925 S. Sixth St., Missoula, Mont., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.24 cubic feet of water per second of time from ground water through the Gruhn No. 14 Project, the point of diversion of which is to be located in the NE 1/4 of the NE 1/4 of Section 17, Twp. 112N, Range 62W. Said water to be used for the purpose of providing irrigation on the following described land: NE 1/4 Sec. 20, T. 112N, R. 62W. This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 17th day of September, 1956, at 2:00 P.M. All interested persons may appear and be heard at that time.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: J. W. Grimes,
Chief Engineer, Executive Officer
10-30 No. 383 (adv)

Subscribed and sworn to before me this 24th day of August A. D. 1956

A. J. Zaporich
Notary Public Beadle County, S. D.

July 6, 1959

Mr. Elmer E. Gruhn
1525 S. Sixth Street
Missoula, Montana

Dear Mr. Gruhn:

This office received a complaint from George Gross, Hitchcock, South Dakota that irrigation pumping had reduced the water level in his domestic well to the point that it was pumping air.

During the subsequent investigation, it was learned that this occurs only during the periods your irrigation well (Water Right #246-3) is being pumped. At the time of the investigation, Mr. Mortimer (approximately 1 mile north) and other irrigators in the area were pumping and no drawdown was noted at the Gross well. Your well, only about 1/3 mile away is close enough so your drawdown cone extends to the Gross well.

The South Dakota Water Laws state, in effect, that if irrigation pumping interferes with domestic water supplies, the irrigation pumping shall be reduced to the point that domestic supplies are assured.

In talking with Mr. Gross we settled on a solution satisfactory to him subject to your approval, of deepening the domestic well about 20 feet. Cost of this project would probably not exceed \$25.00, with these costs being paid by you. The other alternatives are for you to reduce the amount of water pumped, or the number or hours pumped. The same action has been taken in similar

Elmer E. Gruhn

2

July 6, 1959

cases by the Water Resources Commission and has proven satisfactory. We also talked to Mr. Watson and he feels that in this instance you would rather pay those costs than to reduce pumping. If this meets with your approval, we suggest you contact Mr. Watson and he so inform Mr. Gross.

We would also appreciate it if you would notify this office of your decision.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:BJ:ls
cc George E. Gross
Leo R. Watson

July 6, 1959

Mr. George Gross
Hitchcock, South Dakota

Dear Mr. Gross:

Enclosed you will find a carbon copy of the letter we sent to Mr. Gruhn.

May we suggest that you contact Mr. Watson when you plan on doing the work, to see if he has received Mr. Gruhn's permission?

With best regards, I remain

Sincerely,

J. W. GRIMES
Chief Engineer

BJ:ln
enc.

July 6, 1959

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1525 S. Sixth Street
Missoula, Montana

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During the subsequent investigation, it was learned that this occurs only during the periods your irrigation well (Water Right #246-3) is being pumped. At the time of the investigation, Mr. Mortimer (approximately 1 mile north) and other irrigators in the area were pumping and no drawdown was noted at the Gross well. Your well, only about 1/3 mile away is close enough so your drawdown cone extends to the Gross well.

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Elmer E. Gruhn

2

July 6, 1959

cases by the Water Resources Commission and has proven satisfactory. We also talked to Mr. Watson and he feels that in this instance you would rather pay these costs than to reduce pumping. If this meets with your approval, we suggest you contact Mr. Watson and he so inform Mr. Gross.

We would also appreciate it if you would notify this office of your decision.

Sincerely,

J. W. GRIMES
Chief Engineer

JWC:BJ:ls
cc George E. Gross
Leo R. Watson

July 14, 1959

Mr. Elmer E. Gruhn
1525 S. 6th Street, W.
Missoula, Montana

Dear Mr. Gruhn:

Thank you very much for your letter of July 9 concerning the complaint of Mr. Gross about your irrigation well adversely affecting his domestic well.

Before writing to you we checked into the matter carefully. We discussed our findings with your man Mr. Watson and with Mr. Gross. We found that the drawdown from your irrigation well extends to Mr. Gross' well. We realize that this affect would not be adverse to Mr. Gross' water supply if his well were a few feet deeper. However, our South Dakota water laws require that domestic water supplies be given preference over irrigation use and in case of interference the irrigation is to be restricted to the extent necessary to eliminate the adverse effect on the domestic water supply. As a practical matter we thought that you would wish to consider the deepening of Mr. Gross' well instead of limiting the capacity of your pumping. Consequently, my letter to you of July 6.

I suggest that you advise your Mr. Watson of your decision. He will then be in a position to represent you when making arrangements with Mr. Gross. I suggest also that your agreement with Mr. Gross be in such terms as to settle the matter as permanently as possible. I would appreciate a copy of the agreement if it is in written form to file with your irrigation water right record and thereby provide a further basis for administration of our water rights law as it may affect you and Mr. Gross in the future.

Sincerely,

J. W. GRIMES
Chief Engineer

JWG:lt

1525 S. 6th. St. W.
Missoula, Montana
July 9, 1959

J.W.Grimes
Water Resources Commission
Pierre, S.D.

Dear Mr. Grimes:

I received your letter of July 6, 1959 regarding the complaint of George Gross of Hitchcock, S. D. concerning the effect my irrigation well was having on his domestic well.

I would be willing to pay the \$25.00 to have his well lowered as you suggest in your letter providing you have checked his well while my well is in operation, and further providing my well does affect his well to the extent that he claims.

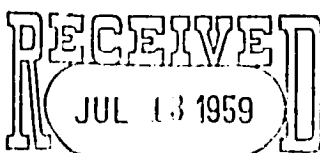
The reason I would like this assurance from you is that I was ^{Told} by Harvey Gepp and John Mortimer that Mr Gross was complaining ^{t&H} about the Mortimer well before I had my well put down, and that I could expect him to complain about my well. You state in your letter that the Mortimer well was not causing any trouble so you ^{see} his earlier complaints were groundless.

If, after making a thorough investigation while my well is in operation, you find that my well is causing the trouble that Mr. Gross claims, then you can use this letter for authorization to have Mr. Gross lower his well and I will reimburse him the cost up to the \$25.00 stated in your letter.

To not let Mr. Gross see this letter as I do not want to create hard feelings between him and Mr. Mortimer. Please advise me on your findings.

Respectfully;

Elmer E. Gruhn
Elmer E. Gruhn



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

October 9, 1959

Mr. Elmer E. Gruhn
1525 S. 6th Street W.
Missoula, Montana

Dear Mr. Gruhn:

I appreciate your letter of October 5, 1959 concerning your attempt to settle the complaint of Mr. George Gross. Your letter has been made a part of your water right record.

This matter will receive further attention during the 1960 irrigation season.

Sincerely,

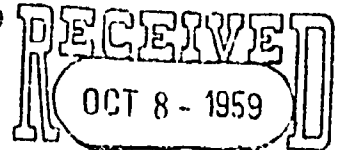
J. W. GRIMES
Chief Engineer

JWG:ls

1525 S. 6th St W.

Missoula, Mont.

Oct. 5, 1959



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

J.W. Grimes

Water Resources Commission

Pierre, S. Dak.

Dear Mr. Grimes;

In regard to your letter of July 6 & 14 regarding the complaint of George Gross of Hitchcock, S. Dak.

I was in Huron for about ten days in August. I called at the Gross farm three times while I was there, but was unable to find Mr. Gross at home. On one of these trips to his farm I had Harvey Gapp of Huron with me. Mrs. Gross gave us permission to look at the well at the barn. The well had water in it at the time within 16 feet from the surface. My irrigation well was pumping at the time and had been pumping steady for three days prior to that except for about 6 hours each night. There had been some rain in the area a few weeks before which could have had some effect on the water level. Because I was unable to contact Mr. Gross, I sent him a letter with a check, (I will enclose a copy of the letter) for \$25.00 as you suggested. His reply was quote " I said that by lowering my well one length of pipe might do it and it might not and five can not take this offer." unquote.

I do not want to take anyone else's water, but I would like the right to use my own. Rain water from the surrounding area runs into my meadow and sinks into the aquifer quite rapidly. I feel I should be entitled to some of this as there is about 101 feet of water bearing sand under my place.

w Would it be possible for your office to put a test pipe down on my east boundary in a direct line between my well and Mr. Gross's well, and then have me pay to have Mr. Gross's well lowered the number of feet that my well lowers the water level, according to the draw down at this point.

Respectfully Yours;

Elmer E. Gruhn
Elmer E. Gruhn

- Copy -

George G. Cross.

Hitchcock, S. Dak.

Dear Sir;

In regard to the condition of your well, I was over to your place three times while I was in Huron this summer but was unable to find you at home. It might be a long time until we have another summer as dry as the past one in S. Dak.

In a letter I received from J.W. Grimes of the Water Resources Board He stated that by lowering your well one length of pipe the cost of \$25.00 it would correct the trouble you were having with your well. He also stated you agreed to accept the \$25.00 as payment to cover the cost of correcting this trouble and that I should get a receipt from you, which I should forward to them.

Therefore I am enclosing a check for the \$25.00 and two copies of the receipt for you to sign and return to me.

The Geological Survey stated it would take them a period of at least a year to determine just how much my well was affecting your well if any. Instead of putting you to all this bother I decided to pay the sum stated provided you sign the enclosed receipt.

Respectfully Yours;

Elmer E. Gruhn

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

2-10-1964
(date)

Dear Sirs:

I hereby request that an extension of time from Sept. 17, 1959
to Sept. 17, 1961 be granted me for the completion of works to be done under Permit No.
246-3 and that the time for proof of beneficial use of water be extended to Sept. 9, 1963

Said works are located in Beadle County and are described
as follows:

Location of headworks: In the NE $\frac{1}{4}$ of the
of Section 27 Township 113 N Range 62
E., B.H.M.

The water is to be used for the purpose of Irrigation

The extension of time for the completion of these works is requested for the following reasons:

Bringing date into conformance with date of
retification of completion.

APPROVED:

March 11, 1964

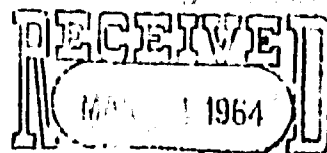
* Chris E. Graham

State Water Resources Commission

Holder of Permit No. 246-3

By:

Burton J. Jones
for Chief Engineer, Executive Officer



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



246-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 1995

Terry M Wieting
HC 75 Box 121
Hitchcock, SD 57348

246-3

Dear Mr. Wieting:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 246-3. The form is being sent to you in response to the 1994 irrigation questionnaire you submitted for Mr. Gruhn on which you indicated you would be purchasing the land April 1, 1995.

Please review the form and complete where necessary. Upon completion, please sign the form in the presence of a notary public and then return the form to our office with a required filing fee of \$2.50.

SD Water Law 46-5-30.3 requires that any sale, grant, lease conveyance or other transfer of a permit or license to appropriate water be filed with the Chief Engineer within 90 days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosure

2116-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

May 11, 1995

Ordean Eddy
Farm Credit Services
Box 1248
Mitchell, SD 57301

Dear Mr. Eddy:

Enclosed, as you requested, is a copy of Water Right No. 246-3, currently listed in the name of Elmer Gruhn. I also included a copy of the map for your review.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 1995

246-3

Terry M Wieting
HC 75 Box 121
Hitchcock, SD 57348

Dear Mr. Wieting:

This will acknowledge receipt of the "Notice of Transfer of Ownership" form you submitted for use in filing an ownership change on Water Right No. 246-3.

The form was completed properly, however it can not be processed without the required filing fee of \$2.50. Please remit the filing fee as soon as possible.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 246-3

Date: 6/27/95

I/We request that Water Right No. 246-3

formerly owned by: Elmer E Gruhn, PO Box 2633, Hemet, CA 92343

be transferred to: (name & address) Terry M. Wieting ; HC 75 Box 121
Hitchcock, SD 57348 (Telephone No) (605) 266-2889

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

NE 1/4 Section 27, T113N, R62W

I/We understand that the validity of Water Right No. 246-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Beadle)

I/We Terry M. Wieting being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Terry Wieting
(Signed)

Subscribed and sworn to before me this 27th day of June, 19 95.

Robert E. Hinz
(Notary Public)
my commission expires 5/17/99

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

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

RECEIPT

414538

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 3, 1995

RECEIVED OF Terry M. Wieting, HC 75 Box 121, Hitchcock, SD 57348

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form _____ Water Right No. 246-5		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____

Chief Engineer

246-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1995

No. 246-3

Terry M. Wieting
HC 75, Box 121
Hitchcock, SD 57348

Dear Mr. Wieting:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 246-3.

Our records now show you as the owner of Water Right No. 246-3.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

Duvall, Ron

From: Terry Wieting [twieting@venturecomm.net]
Sent: Wednesday, April 29, 2009 11:12 AM
To: Duvall, Ron
Subject: RE: Terry Wieting

No more water, actually I may be a little less. We only dug a 8 inch hole cause Stretch thought I could get enough. So it is what it is. The old well had a 14 inch hole and got around 600 and I am hoping for 600-500 with a 8 inch.

Terry

From: Ron.Duvall@state.sd.us [mailto:Ron.Duvall@state.sd.us]
Sent: Wednesday, April 29, 2009 10:46 AM
To: twieting@venturecomm.net
Subject: RE: Terry Wieting

Terry,

Hello! If the replacement well is in the same aquifer and the amount of water to be used will not exceed your permitted diversion rate or be used to irrigate additional acres, then a new permit is not needed unless the change increases the potential for interference with other existing diversions. The old well should be plugged in accordance with the SD Well Construction Standards -- Stretch's well service should be familiar with those requirements. If you or Stretch have any questions regarding the well plugging, please contact Ken Buhler at 605 773-3352. If you have any other questions, please let me know at the same number.

Thank you,

Ron Duvall
Dept of Environment & Natural Resources

phone: 605 773-3352
e-mail: ron.duvall@state.sd.us
web: <http://denr.sd.gov>

-----Original Message-----

From: Terry Wieting [mailto:twieting@venturecomm.net]
Sent: Wednesday, April 29, 2009 7:49 AM
To: Duvall, Ron
Subject: Terry Wieting

Ron,

I have a irrigation permit in the Hitchcock aquifer in Section 27 113-62. The well went bad last year and Strectes well Service came dug a new one. I am going to have them cap off the old well when they finish the new one. What procedure do we need to do. The new well is probably about 80 feet from the old one. The old one caved in, and was about 35 years old.

Terry Wieting