

WATER PERMIT NO. 5772-3

Phone: 845-2916

Name of Applicant: Krause Family Orchard and Nursery

Post Office Address: PO Drawer 490, Mobridge SD 57601

Amount of Water Claimed: 25 AF storage dam Total Acres: no add'l (97 acres)

Source of Water Supply: Missouri River and storage dam

Water to be used for: irrigation County: Walworth

About 5 miles SE of Mobridge

PRIORITY Date Received: 4-30-93 Fee: \$150.00 Remarks: changes the

location of the Missouri River diversion point and adds the storage dam

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

WATER QUALITY APPROVAL RECEIVED: 5-20-93 APPROVED/CONDITIONAL (Circle one)

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

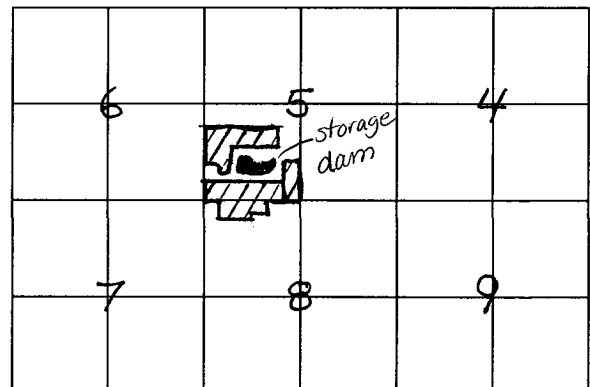
Diversion Point: a point between S 1/4 corner

Sec 7 and the NW corner of Sec 8; all in T123N-

R78W

Land to be Irrigated: SW 1/4 Sec 5 N 1/2 NW 1/4

Sec 8; all in T123N-R78W



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 5-24-93 By: Karen Schlaak

FORM 2: Application for Irrigation in South Dakota
(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5772-3 Hydrologic Unit 10130102
Basin Missouri River
Newspaper Mobridge Tribune, Box 250, Mobridge
(office use only)

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

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant Krause Family Orchard and Nursery Phone (605) 845-2916
(check one) X Owner Tenant/lessee
Mailing Address P.O. Drawer 490 Mobridge State SD 57601
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed no add'l CFS or 25 **GPM 25 ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable) (97Ac)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Any point between a
point 500' N of the S 1/4 corner Sec. 7-123-78 and the NW corner of
Sec. 8-123-78. County Walworth
- County of counties where water will be used Walworth
- Annual period during which water is to be used All year to fill storage dam. Jan 1-Dec 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres
Lands under Permit No. 2069-3:	
NW 1/4 SW 1/4 Sec. 5-123-78	14
NE 1/4 SW 1/4 "	7
SW 1/4 SW 1/4 "	30

Land Description	Acres
SE 1/4 SW 1/4 Sec. 5-123-78	32
NW 1/4 NW 1/4 Sec. 8-123-78	11
NE 1/4 NW 1/4 "	3

Land Description	Acres
SE 1/4 SW 1/4 Sec. 5-123-78	32
NW 1/4 NW 1/4 Sec. 8-123-78	11
NE 1/4 NW 1/4 "	3

Land Description	Acres
SE 1/4 SW 1/4 Sec. 5-123-78	32
NW 1/4 NW 1/4 Sec. 8-123-78	11
NE 1/4 NW 1/4 "	3

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify):
- Crops to be irrigated:
- Give a description of the project. (Attach sheet if more space is needed)

This application is to change the location of the diversion point at the Missouri River and to include an existing 25 acre-feet storage dam located in the S 1/2 SW 1/4 Sec. 5-T123N-R78W.

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

STATE OF SOUTH DAKOTA)

County of Walworth SS

I, Newell E. Krause, 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 representative of the water to be used, and that the matters stated in this application are true and correct.

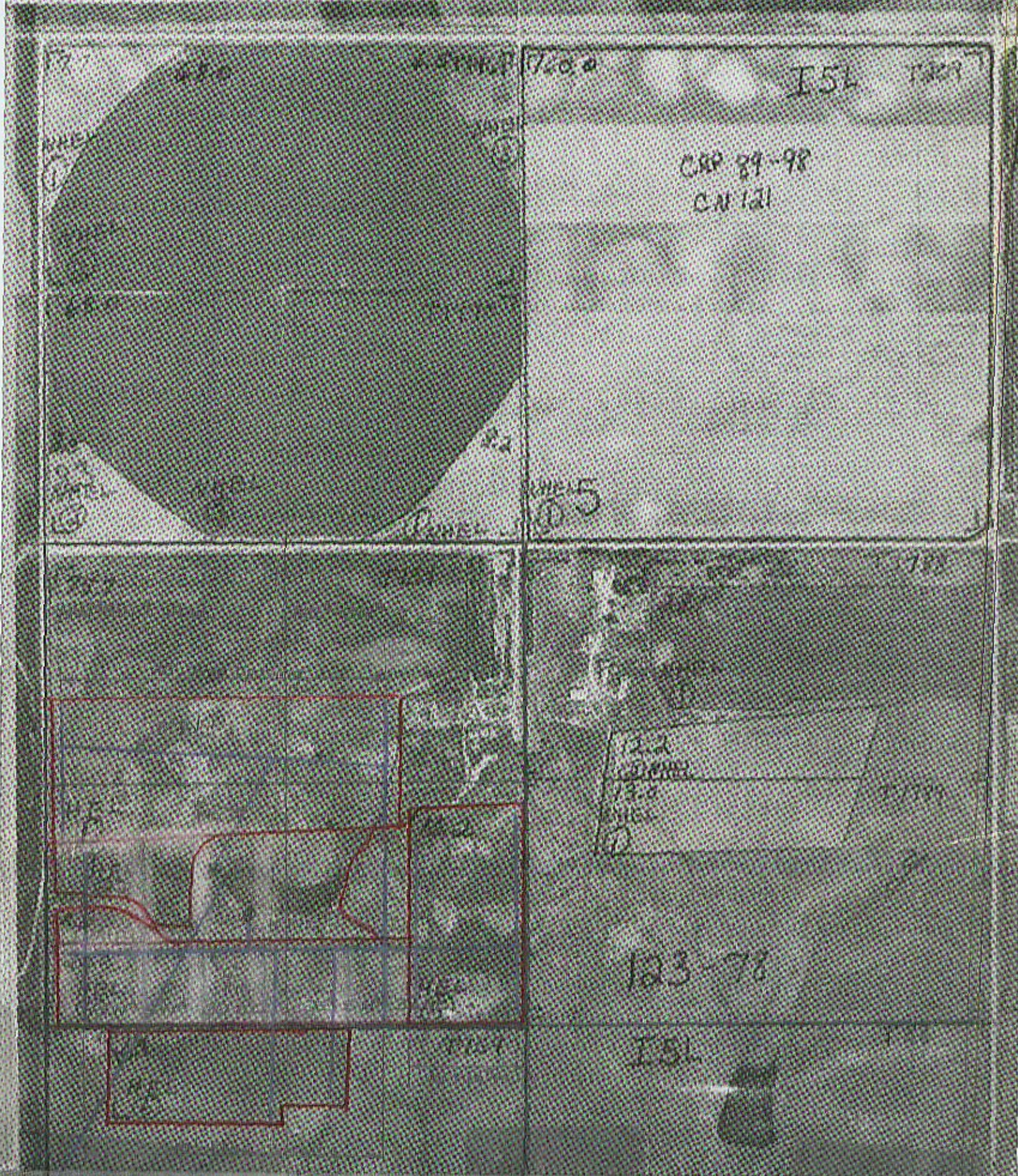
Signed Newell E. Krause

Subscribed and sworn to before me this 29 day of April 19 93

Ruth A. Cain

Notary Public
My Commission Expires 12-1-93

NOT TO SCALE



Prepared by

Lynn Beck

Lynn Beck

Natural Resources Engineer

DEAR, Water Rights Division

**SOUTH DAKOTA
WATER PERMIT NO. 5772-3**

Date of first receipt of application April 30, 1993.

Date Soil/Water Compatibility Permit received May 20, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5772-3 to Krause Family Orchard and Nursery, PO Drawer 490, Mobridge SD 57601 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5772-3 is for storage of 25 acre-feet of water from runoff and Missouri River water in an existing dam located in the S 1/2 SW 1/4 Section 5-T123N-R78W and to change the location of the point of diversion from the Missouri River. Water Permit No. 2069-3 appropriates 12.6 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 Section 8-T123N-R78W to irrigate 884 acres. An inspection found 97 acres located in the SW 1/4 Section 5 and the N 1/2 NW 1/4 Section 8-T123N-R78W developed for irrigation. The system is capable of diverting at a rate of 3.33 cfs from the Missouri River to the storage dam. The statutory application rate for irrigation of 97 acres is 1.39 cfs. This permit adds the existing 25 acre-feet storage dam to the irrigation system. The permit also proposes to change the location of the point of diversion to any point between the S 1/4 corner of Section 7 to the NW corner of Section 8; all in T123N-R78W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: January 1 - December 31.
3. The date from which applicant may claim right is April 30, 1993.
4. The date of approval of Permit No. 5772-3 is September 13, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Water Permit No. 5772-3 authorizes storage of up to 25 acre-feet of water.
2. The diversion rate from the dam to the irrigated acres shall not exceed 1.39 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 15 1993

date

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

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____

c) Crest Width 20'

Crest Length 120'

d) Height 20'

e) Primary Outlet Capacity _____

If pipe, diameter 4'

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

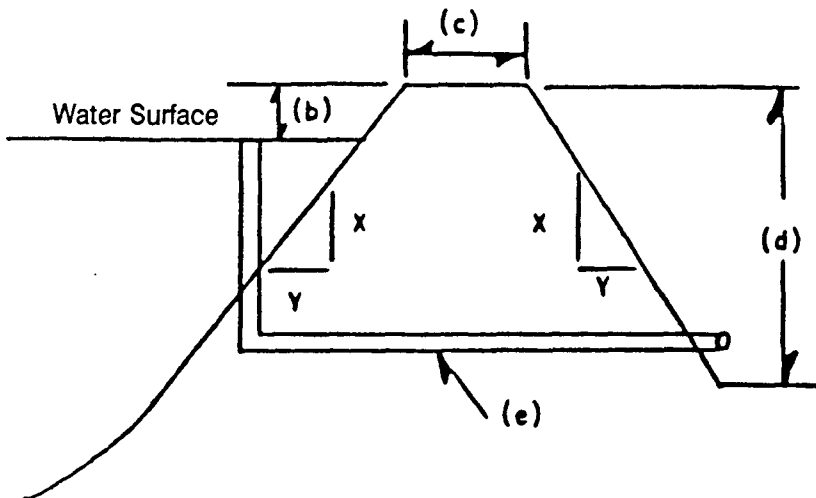
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage 25 Acre Feet

j) Drainage Area above Dam 460 Acres



File No. 2069-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: **Mrs. Newell E. Krause**

ADDRESS: **1114 W 10th Ave., Mobridge, SD 57601**

COUNTY: **Walworth**

DATE: **3-25-93**

TELEPHONE: **(605) 845-2113**

RE:

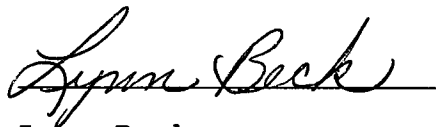
COMMENTS:

Mrs Krause said they have purchased the land that the orchard is on, which is the SW 1/4 Sec. 5 and the NW 1/4 Sec. 8. The permit lists SW 1/4 Sec. 5, W 1/2 Sec. 8, SE 1/4 Sec. 7, NE 1/4 Sec. 18 and N 1/2 Sec. 17. I will contact Mr. Krause to see if the transfer involved all the lands and the water right.

3-30-93

I found the deed in the file which states the lands that were purchased and that the water right was part of the transaction. Sent a transfer of ownership to the Krause Family Orchard and Nursery, P.O. Drawer 490, Mobridge, SD 57601.

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.



Lynn Beck

Natural Resources Engineer III

DENR, Water Rights Division

Conversation or File Documentation

NAME OF PERSON OR FILE: Jim StukelADDRESS: _____ COUNTY WalworthDATE: 4-12-93 TELEPHONE _____RE: Krause Family Orchard and Nursery Application

COMMENTS:

Mr. Stukel, after a field investigation of Permit No. 2069-3, found slopes to be in excess of that recommended for irrigation. A ruling from the Conservation Commission is needed.

Mr. Krause (father) indicated that once the water levels return, the div. pt. will be moved to its original location.

4-19-93 Newell Krause: 845-2916

Newell Krause called concerning his div. pt. at the Missouri River. Mr. Krause would like to be able to move his div. pt. depending on water levels in the reservoir. The original appli. states "anywhere along back up of reservoir where it abuts owners property in the NW 1/4 of Sect. 8, 123, 78". It is presently 500' N of the S 1/4 pt. Sec. 7, as stated on New Appli. "SW 1/4 SE 1/4 Sec. 7-123-78".

Ron Russell:

I spoke w/ Ron R., he said we could state the pt.

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: Lynn Beck

Water Rights Division - DWNR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: ~~4-9-93~~ 4-19-93 TELEPHONE _____

RE: _____

COMMENTS: anywhere between
of dir as being ~~from~~ a point to another point.

Change location of dir pt. to read: anywhere between
a point located 500' N. of S $\frac{1}{4}$ corner Sec. 7-123-78
and a point located at the NW corner Sec. 8-123-78.
Check w/ Mr. Krause to see if this is what he
had in mind.

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: _____



April 27, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Newell E. Krause
Krause Family Orchard and Nursery
P.O. Drawer 490
Mobridge, SD 57601-0490

Dear Mr. Krause:

Please find enclosed a partially completed application and instruction sheet. You will not have to include a map with your application, as I have already prepared one.

The application is for a change in the location of the diversion point and to include an existing 25 acre-feet storage dam. Permit No. 2069-3 lists the diversion point as being anywhere along the beach, next to the owner's property, in the NW 1/4, Section 8-T123N-T78W. It is now in the SW 1/4 SE 1/4, Section 7-T123N-R78W. The location on the application reads as "any point between a point 500'N of the S 1/4 corner, Section 7-T123N-R78W and the NW corner, Section 8-T123N-R78W".

The dam mentioned above was not mentioned on Permit No. 2069-3 or any other permit. South Dakota Law states that a water permit is required to construct a dam across a nonnavigable watercourse, except for storing 25 acre-feet or less of water for domestic use. The dam located in the S 1/2 SW 1/4, Section 5-T123N-R78W is approximately 25 acre-feet filled to the spillway and is used for irrigation purposes. Therefore, a permit is required. The fee for the above application is \$150.00.

The transfer of ownership form should be checked for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

After the application has been received by this office and approved by the Water Management Board, the permit will be licensed with Permit No. 2069-3 as per no. 9 on the instruction sheet.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 1993

Krause Family Orchard and Nursery
Newell Krause
PO Drawer 490
Mobridge SD 57601

Dear Mr. Krause:

Enclosed is the check for \$2.50 which you submitted with the application to change the location of the diversion point on Water Permit No. 2069-3. Our records indicate that the \$2.50 fee for filing the Notice of Transfer was received on April 6, 1993. Our records now show Krause Family Orchard and Nursery as the holder of this water permit.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

RECEIPT

413716

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, April 6, 19 93

RECEIVED OF Newell E. Krause, Atty, PO Box 490, Mobridge, SD 57601

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

Fee for Application for Permit No. <u>5772-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4772

WR#

OWNERS NAME: KRAUSE FAMILY ORCHARD & NURSERY OWNERS ADDRESS: PO DRAWER 490
MOBRIDGE SD 57601

COUNTY LAND LOCATED IN: WALWORTH PHONE: (605) 845-2916

LEGAL DESCRIPTION: ☐ Well ☒ MISSOURI RIVER Surface
1. LOCATION: Any point between a point 500' N of the S $\frac{1}{4}$ corner 7-T123N-R78W and the
Depth: NW Corner of 8-T123N-R78W

Legal Description	Acres	Legal Description	Acres
<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$ 5-T123N-R78W</u>	<u>14</u>	<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$ 5-T123N-R78W</u>	<u>32</u>
<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$ 5-T123N-R78W</u>	<u>7</u>	<u>NW$\frac{1}{4}$ NW$\frac{1}{4}$ 8-T123N-R78W</u>	<u>11</u>
<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$ 5-T123N-R78W</u>	<u>30</u>	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$ 8-T123N-R78W</u>	<u>3</u>

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) Risers
3. CROPS TO BE IRRIGATED: APPLES & FRUITS

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): _____ 8. PERCENT SODIUM: _____
6. SODIUM (SAR): _____

Requirements:

The project is located in an area of complex slopes; with slopes ranging from 6 to 15 percent slope. The ground vegetation shall be permanent and maintained to address the erosion potential. On the long-term, it may be advantageous to consider supplemental practices, which may also address the erosion potential of the area.



Russell J. Haire
Director, Division of Conservation

Date

XXX APPROVED
____ DISAPPROVED
____ WAIVER

XXX REQUIREMENTS

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

FROM: Stukel, James

TO: Schlaak, Karen

DATE: 05-24-93

TIME: 15:14

CC:

SUBJECT: Krause Family Orchard Application

PRIORITY:

ATTACHMENTS:

We felt that the dam was storage and did not contribute to the irrigation projects water through runoff. Also, it was permitted under the first water permit, I think. No Additional Action from this office required.

REPLY FROM: Stukel, James

FROM: Schlaak, Karen

TO: Stukel, James

DATE: 05-24-93

TIME: 13:23

CC:

SUBJECT: Krause Family Orchard Application

PRIORITY: R

ATTACHMENTS:

I was preparing the publication notice for the Krause Family Orchard application and noticed that the Soil/Water permit (# 4772) did not mention the 25 acre-feet storage dam which is located in the S 1/2 SW 1/4 Section 5-T123N-R78W. Should this be included on the Soil/Water permit? Let me know.

=====

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4770

WR#

KRAUSE FAMILY ORCHARD
AND NURSERY

PO DRAWER 490

OWNERS NAME:

OWNERS ADDRESS:

MOBRIDGE SD 57601

COUNTY LAND LOCATED IN: WALWORTH PHONE: 845-2916

MISSOURI RIVER

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7-T123N-R78W

Depth:

Legal Description	Acres	Legal Description	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T123N-R78W	14	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T123N-R78W	32
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T123N-R78W	7	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 8-T123N-R78W	11
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 5-T123N-R78W	30	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8-T123N-R78W	3

2. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER: (Specify) RISERS

3. CROPS TO BE IRRIGATED: APPLES & FRUIT

WATER QUALITY:

4. WATER SAMPLE NUMBER: MISSOURI RIVER

7. ADJUSTED (SAR):

5. SALINITY (EC X 10⁶):

8. PERCENT SODIUM:

6. SODIUM (SAR):

Requirements:

The project is located in an area of complex slopes; with slopes ranging from 6 to 15 percent slope. The ground vegetation shall be permanent and maintained to address the erosion potential. On the long-term, it may be advantageous to consider supplemental practices, which may also address the erosion potential of the area.



XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

Director, Division of Conservation

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

Date

Krause Family Orchard & Nursery
S1/2 SW1/4 Section 5 - T123N - R78W
Walworth Co., SD

ht. 20'
eff. ht. 16.5'
storage 25 ac.ft.
drainage area 460 ac.
drainage slope $\approx 3\%$

Category 3, small size dam:

$$16.5' \times 25 \text{ ac. ft.} = 412.5 \text{ ac. ft.}^2$$

$$412.5 < 3000 \therefore \text{sm. size dam}$$

Inflow from drainage area:

$$Q_{25} = 83.4 A^{0.60} S^{0.44} S_i^{-0.72}$$

$$Q_{25} = 257.3 \text{ cfs}$$

$$Q_{50} = 106 A^{0.63} S^{0.45} S_i^{-0.69}$$

$$Q_{50} = 353.7 \text{ cfs}$$

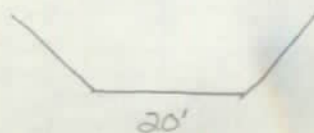
$$A = \text{area} = 460 \text{ ac} = 0.7188 \text{ mi}^2$$

$$S = \text{slope} \approx 3\% = 158.4' / \text{mi.}$$

$$S_i = \text{Soil Index} = 3.51$$

Spillway Capacity:

$$Q = CLK^{3/2}$$



$$C = \text{weir coef.} = 2.6$$

$$L = \text{width} = 20'$$

$$K = \text{ht.} = 3.5'$$

$$Q = 2.6(20')(3.5')^{3/2}$$

$$= 340.5 \text{ cfs}$$

Pipe Capacity:

$$\phi = 24''$$

$$L \approx 100'$$

$$H = 16.5' - 1' = 15.5'$$

$$g = 32.2 \text{ ft/s}^2$$

$$K_m = 1.0$$

$$K_p = .0356$$

$$a = \frac{\pi \phi^2}{4}$$

$$= \frac{\pi 24^2}{4} = 452.39 \text{ in}^2 = 3.14 \text{ ft}^2$$

$$Q = a \sqrt{\frac{2gH}{1 + K_m + K_p L}}$$

$$= 3.14 \text{ ft}^2 \sqrt{\frac{2 \times 32.2 \text{ ft/s}^2 \times 15.5'}{1 + 1 + .0356(100)}}$$

$$= 42.1 \text{ cfs}$$

**Report on Application No. 5772-3
Krause Family Orchard and Nursery
June 9, 1993**

This application is for storage of 25 acre-feet of runoff and Missouri River water in an existing dam and to change the location of the point of diversion. Water Permit No. 2069-3 appropriates 12.6 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 Section 8-T123N-R78W to irrigate 884 acres. An inspection of Permit No. 2069-3 found 97 acres located in the SW 1/4 Section 5 and the N 1/2 NW 1/4 Section 8, all in T123N-R78W, developed for irrigation. The system is capable of diverting at a rate of 3.33 cfs from the Missouri River to the storage dam. The statutory application rate for irrigation of 97 acres is 1.39 cfs. The dam is located in the S 1/2 SW 1/4 Section 5-T123N-R78W. This application is to add the existing 25 acre-feet storage dam to this irrigation project. This application also proposes to change the location of the point of diversion to any point between the S 1/4 corner of Section 7 to the NW corner of Section 8; all in T123N-R78W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

The dam impounds 25 acre-feet and has an effective height of 16.5 feet. This dam is classified as a category 3, small size dam. Although the dam was constructed prior to 1986, since it was not authorized by a Water Permit, it is not exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08. However, the spillway will pass more than a 25 year runoff event.

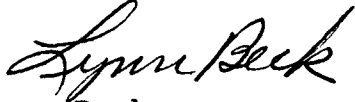
The dam is located on an unnamed drainage to the Missouri River, approximately 2.5 miles south and one mile west of Glenham, South Dakota. There are no other water rights downstream that will be affected by the storage dam.

The purpose of the variable diversion point is due to the fluctuating water level of the Missouri River above the Oahe Dam. There are no other permitted or licensed diversion points, from the Missouri River, within the area applied for.

Conclusions:

1. Water is available from the drainage and the Missouri River for storage.
2. Existing water rights will not be impaired.

3. The spillway will pass more than a 25 year runoff event.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

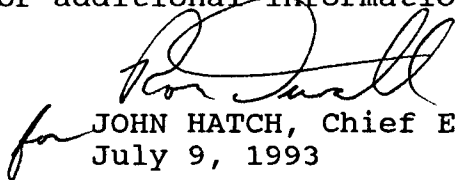
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5772-3, Krause Family Orchard and Nursery

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. 5772-3, Krause Family Orchard and Nursery, c/o Newell Krause, Secretary, PO Drawer 490, Mobridge, SD 57601.

The Chief Engineer is recommending APPROVAL of Application No. 5772-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Approval of Water Permit No. 5772-3 authorizes storage of up to 25 acre-feet of water.
2. The diversion rate from the dam to the irrigated acres shall not exceed 1.39 cfs.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
July 9, 1993



**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 13, 1993

Newell Krause, Secretary
Krause Family Orchard and Nursery
PO Drawer 490
Mobridge, SD 57601

Dear Mr. Krause:

Water Permit Application No. 5772-3 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 Mobridge Tribune printed at Mobridge, SD (Ph # 845-3646). 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 13, 1993

Mobridge Tribune
Box 250
Mobridge, SD 57601

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5772-3 to be published twice. Please publish the first notice on August 25, 1993, 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 Krause Family Orchard and Nursery, PO Drawer 490, Mobridge, SD 57601 (Ph # 845-2916).

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 25, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5772-3 to Appropriate Water

Notice is given that the Krause Family Orchard and Nursery, PO Drawer 490, Mobridge, SD 57601 has filed an application for a water permit for storage of 25 acre-feet of water from runoff and Missouri River water in an existing dam located in the S 1/2 SW 1/4 Section 5-T123N-R78W and to change the location of the point of diversion. Water Permit No. 2069-3 appropriates 12.6 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 Section 8-T123N-R78W to irrigate 884 acres. An inspection found 97 acres located in the SW 1/4 Section 5 and the N 1/2 NW 1/4 Section 8-T123N-R78W developed for irrigation. The system is capable of diverting at a rate of 3.33 cfs from the Missouri River to the storage dam. The statutory application rate for irrigation of 97 acres is 1.39 cfs. This application is to add the existing 25 acre-feet storage dam to this irrigation system. This application also proposes to change the location of the point of diversion to any point between the S 1/4 corner of Section 7 to the NW corner of Section 8; all in T123N-R78W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5772-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 September 13, 1993.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Cindi Volk, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Bridge City Publishing Co., Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

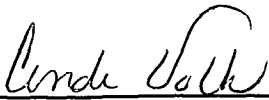
Notice of application

Newell Krause

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks upon the following dates, to-wit:

Aug. 25 & Sept. 1, 1993

that the full amount of the fees charged for publishing the same to-wit: the sum of 37.51 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Subscribed and sworn to before me this 2 day of Sept, 1993.



Seal expires 21st of July, 1997

(Seal)

Krause Family Orchard applies for water permit

NOTICE OF APPLICATION NO. 5772-3 to Appropriate Water

Notice is given that the Krause Family Orchard and Nursery, PO Drawer 490, Mobridge, SD 57601 has filed an application for a water permit for storage of 25 acre-feet of water from runoff and Missouri River water in an existing dam located in the S 1/2 SW 1/4 Section 5-T123N-R78W and to change the location of the point of diversion. Water Permit No. 2069-3 appropriates 12.6 cubic feet of water per second (cfs) from the Missouri River from a diversion point located in the NW 1/4 Section 8-T123N-R78W to irrigate 884 acres. An inspection found 97 acres located in the SW 1/4 Section 5 and the N 1/2 NW 1/4 Section 8-T123N-R78W developed for irrigation. The system is capable of diverting at a rate of 3.33 cfs from the Missouri River to the storage dam. The statutory application rate for irrigation of 97 acres is 1.39 cfs. This application is to add the existing 25 acre-foot storage dam to this irrigation system. This application also proposes to change the location of the point of diversion to any point between the S 1/4 corner of Section 7 to the NW corner of Section 8; all in T123N-R78W. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5772-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the

application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 September 13, 1993.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

825-91





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

Newell Krause, Secretary
Krause Family Orchard and Nursery
PO Drawer 490
Mobridge, SD 57601

Dear Mr. Krause:

Enclosed is Water Permit No. 5772-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413917

Pierre, _____ October 18 _____ 19 93

RECEIVED OF Krause Family Orchard, 210 Grand Crossing East, Mobridge, SD 5601

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. <u>5772-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2069-3 - 5772-3

Missouri River 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 Krause Family Orchard and Nursery of P.O. Drawer 490, Mobridge, SD 57601 holder of Permit No. 2069-3, bearing the priority of March 15, 1974 authorizing the diversion of 12.6 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Walworth County.

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

A. Works used to divert the water:

At the Missouri River: Deutz diesel motor, model no. F6L413, 135 hp. Cornell pump, model no. 5RBF8, 12 3/8", 1500 gpm capacity.

At the Storage Dam : Pump site #2 - 2 Baldor Electric motors, 30 hp and 15 hp.

2 Peerless pumps, 600 gpm and 300 gpm capacity.

Pump site #3 - Baldor Electric motor, 40 hp. Peerless pump, 750

gpm capacity.

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

7500' of 10" aluminum pipe, 1780' of 5" pvc pipe, 2450' of 6" pvc pipe and 890' of 8" pvc pipe.

C. Works used to apply water to beneficial use:

Solid set with 85,000' of pipe and 30' sprinkler spacing.

The system is in the following condition good. The point of diversion is located at the Missouri River - 500' N of the S 1/4 corner Sec. ⁷ T123N-R78W. The works are capable of diverting and conveying to the place of use at the Missouri River 3.33 cfs, through the system 3.67 cu. ft. per second of water and/or storing 25 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in T123N - R78W:

NW 1/4 SW 1/4 Sec. 5 14 acres NW 1/4 NW 1/4 Sec. 8 11

NE 1/4 " 7 " NE 1/4 " 3

SW 1/4 " 30 acres

SE 1/4 " 32 "

comprising a total of 97 acres of land and the license should be issued for 1.39 cfs
and/or 25 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: Date 9-22-92

As of 3-30-93, needs to apply for the 25 ac. ft. storage dam and a change in the location
of the diversion point at the Missouri River.



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 2069-3

DATE 9-22-92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: 500' N of the S 1/4 corner Sec. ¹9-123-78.

- | | | |
|---------------------------------------|----------------|---------------------------------|
| 1) Motor: | 1) Pump | 1) make <u>Cornell</u> |
| 1) make <u>Deutz diesel</u> | | 2) model <u>5RBF8</u> |
| 2) model No. <u>F6L413</u> | | 3) size <u>12 3/8</u> inches |
| 3) horsepower rating <u>135</u> hp | | 4) capacity <u>1500</u> GPM |
| | | 5) turbine pump - No. of stages |
| | | 6) operating pressure PSI |
| | 2) Pump | 1) make <u>2 - Peerless</u> |
| | | 2) model |
| 2) Motor: | | 3) size inches |
| 1) make <u>2 - Baldor Electric</u> | | 4) capacity <u>600, 300</u> GPM |
| 2) model No. <u>JPM3314T</u> | | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>30, 15</u> hp | | 6) operating pressure PSI |
| | 3) Pump | 1) make <u>Peerless</u> |
| | | 2) model |
| 3) Motor: | | 3) size inches |
| 1) make <u>Baldor Electric</u> | | 4) capacity <u>750</u> GPM |
| 2) model No. | | 5) turbine pump - No. of stages |
| 3) horsepower rating <u>40</u> hp | | 6) operating pressure PSI |

DISTRIBUTION LINES OR CANALS:

- | | | |
|-------------------------|--------------------------|----------------------------|
| a) type <u>Aluminum</u> | b) size <u>10</u> inches | c) length <u>7500</u> feet |
| a) type <u>PVC</u> | b) size <u>5</u> inches | c) length <u>1780</u> feet |
| a) type <u>PVC</u> | b) size <u>6</u> inches | c) length <u>2450</u> feet |
| a) type <u>PVC</u> | b) size <u>8</u> inches | c) length <u>890</u> feet |

SYSTEM TYPE:

- b) **Towline:** Solid Set
- 1) length 85,000 feet
 - 2) sprinkler spacing 30 feet

DAM INFORMATION:

- | | |
|--|-------------------------------------|
| a) height to crest <u>20</u> feet | k) outlet tubes: |
| b) height to primary spillway <u>16.5</u> feet | 1) diameter <u>24</u> inches |
| c) height to secondary spillway feet | 2) type <u>comp</u> |
| d) crest width <u>10</u> feet | 3) valved <u>N</u> (Y/N) |
| e) crest length <u>250</u> feet | 4) valve type |
| f) spillway length <u>200</u> feet | 5) location on structure |
| g) spillway width <u>20</u> feet | <u>Midway along crest.</u> |
| h) approximate storage <u>25</u> ac-ft | |
| i) approximate storage to crest ac-ft | |
| j) date constructed | l) category of dam (I,II,III) |
| | m) inspection sheet completed (Y/N) |
| | n) name of contractor: |

CHEMIGATION EQUIPMENT:

- a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

Needs a change of diversion point.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5772-3 FOR IRRIGATION

(1) Krause Family Orchard and Nursery of PO Drawer 490, Mobridge SD 57601 made Application No. 5772-3, April 30, 1993 for a water permit to store 25 acre-feet of water from the Missouri River, Walworth County, South Dakota for irrigation purposes. Permit No. 5772-3, with a priority date of April 30, 1993 was approved September 13, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 5772-3 changed the location of the diversion point authorized by Water Permit No. 2069-3 and authorized the storage of 25 acre-feet of water. The applicable portions of Water Permit No. 2069-3 have been incorporated into this Water License No. 5772-3. The Missouri River diversion point has a priority date of March 15, 1974. The storage dam diversion point has a priority date of April 30, 1993.

On April 6, 1993, Water Permit No. 2069-3 was transferred to Krause Family Orchard and Nursery.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.33 cubic feet of water per second from the Missouri River to fill the 25 acre-feet storage dam. A maximum diversion rate of 1.39 cubic feet of water per second is authorized for irrigation of the acreage listed below. The location of the Missouri River diversion point is 500 feet N of the S 1/4 corner Section 7-T123N-R78W. The location of the storage dam is the S 1/2 SW 1/4 Section 5-T123N-R78W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T123N-R78W	Section 5	NW 1/4 SW 1/4	14 acres
		NE 1/4 SW 1/4	7 acres
		SW 1/4 SW 1/4	30 acres
		SE 1/4 SW 1/4	32 acres
	Section 8	NW 1/4 NW 1/4	11 acres
		NE 1/4 NW 1/4	3 acres
	Total		97 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Krause Family Orchard and Nursery of PO Drawer 490, Mobridge SD 57601 the holders and/or owners of Incorporated Water Permit No. 5772-3 is issued a license to appropriate water, the right to use 1.39 cubic feet of water per second and 25 acre-feet of storage from the Missouri River with priority dates of March 15, 1974 and April 30, 1993 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5772-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

5772-3

Newell Krause, Secretary
Krause Family Orchard and Nursery
P.O. Drawer 490
Mobridge, SD 57601

Dear Mr. Krause:

Enclosed is Water License No. 5772-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413917 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5772-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 2069-3 have been incorporated into this Water License No. 5772-3.



5772-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: KRAUSE FAMILY ORCHARD & NURSERY, CHRISTOPHER KRAUSE, V.P., 29349
ORCHARD RD, GLENHAM, SD 57631

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5772-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5772-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5772-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

5772-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 6999
Status: **Delivered**

Your item was delivered at 12:18 PM on January 24, 2009 in GLENHAM, SD 57631. The item was signed for by C KRAUSE.

Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 6999

KRAUSE FAMILY ORCHARD & NURSERY
CHRISTOPHER KRAUSE, V.P.
29349 ORCHARD RD
GLENHAM SD 57631

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 4, 2009

5772-3

Christopher Krause
Krause Family Orchard & Nursery
29349 Orchard Rd
Glenham SD 57631

Dear Mr. Krause:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 5772-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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 Program
(605) 773-3352
email: genny.mcmath@state.sd.us

RECEIVED

5772-3

JAN - 6 2014

WATER RIGHTS
PROGRAM

Dec 31, 2013

Enclosed is our questionnaire
to kWh used.

Note that our two pumps
are a 15hp 300 gpm & 40hp
250 gpm pump.

I've tried in the past to
take time ran for each time/day
& I would like to know how
kWh can be utilized
for both if the totals
known of kWh.

Is it possible to have a
break down from the total of
kWh used for each by how demand is set
I called our energy supplier ^{Camp Wal Elec} ~~and~~
to see if that is possible & they'd have
to get back on it.

The only other route is to
go the route of what I have
utilized for the past times roughly.

Thanks

Christopher Krause



5772-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: KRAUSE FAMILY ORCHARD & NURSERY, CHRISTOPHER KRAUSE, V.P., 29349
ORCHARD RD, GLENHAM, SD 57631

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5772-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5772-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5772-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 27, 2015

5772-3

Christopher Krause
Krause Family Orchard & Nursery
29349 Orchard Rd
Glenham SD 57631

Dear Mr. Krause:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 5772-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

5772-3

November 14
2022

Hello,

I ^{started} irrigating in July (15 ^{July} started date) and ran until August plus 2 days in September. I decided to use Kwh as to amount of how charges done with Coop + ~~those~~ billing overlaps into ^{next} month.

The month of Sept I irrigated 2-days 1st & 2nd and used that timeline only. NO Kwh.

I irrigated in Oct up to Oct 14 as I had to water trees in as no rain in Sept + eventually October.

Hopefully this explanation is sufficient.

Both pumps are either run @ same time or once at a time.

I filled our ~~irrigation~~ pond close to 3 times using diesel pump from Lake Reservoir. 10" pipe. Pump is rated @ 1575 gpm. Takes like 72 hours to fill pond + pond though

RECEIVED

NOV 18 2022

OFFICE OF
WATER

may take 100 hrs to really
fill pond up to standpipe height
22 hours though is sufficient
& go with this rate.

Used around 800 gallons of
diesel fuel. More than usual.

In 2019 I didn't use our
diesel pump as season was it
dry like these last 3 seasons.

I usually run electrics at night
nowadays as I have special rate & can't
wait to not irrigate & so the
times are not closely monitored
as maybe I should do because
pump shuts off @ 1pm - 2pm
due to temperatures hitting
90°+ and the coop (electric coop)
has a load demand signal
that turns pumps off so then
when day time temperature become
moderate I will pump 24 hours in day
stretches. 2-3 days and depending
on apple crop load & soil types.

~~1~~