

WATER PERMIT NO. 611A-1

Name of Applicant: Neil & Faith Shuck

Address: 19269 Shuck Rd, Vale SD 57788 Phone: 605 456-2540

Amount of Water Claimed: 2.6 cfs Total Acres: 182

Source of Water Supply: Whitewood Creek

Water to be used for: irriation County: Butte

Type of Waste Disposal System:

Location: 4 miles east of Vale

PRIORITY Date Received: 3-3-14 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: April 1 – September 30

Remarks: change of acres request

Diversion Point: NE 1/4 NW 1/4 Sec 35-T8N-R5E

Land to be Irrigated: SE 1/4 NW 1/4, S 1/2 NE 1/4,
E 1/2 SW 1/4, W 1/2 SE 1/4 Sec 35-T8N-R5E

Depth of Well: NA

Well Driller:

Remarks:

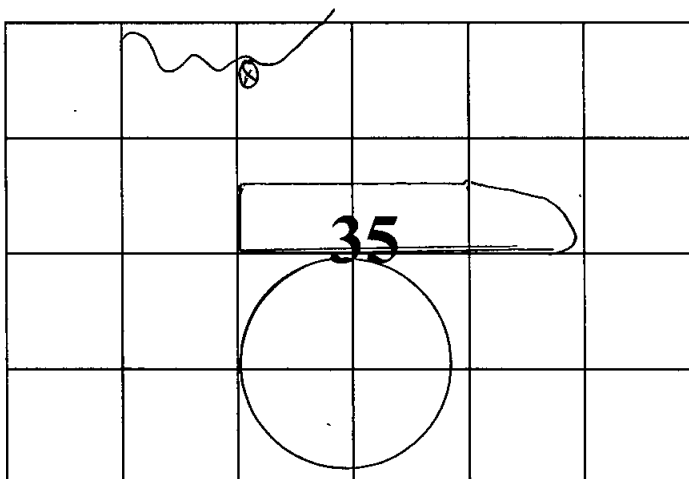
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-4-14

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 611A-1 (office use only)
Hydrologic Unit 10120202
Basin Belle Fourche 605-892-2528
Newspaper Butte Co. Post 614 State St. Belle Fourche 57717
Black Hills Pioneer, Box 7 Spearfish 57785 605-642-2761

RECEIVED

MAR 03 2014

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 611-1
(Use predates Mar 2, 1955)

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

I would like to substitute some smaller units of land for one large unit of land. It would be the same CFS and total acreage.

1. Name to Appear on Irrigation Permit Neil & Faith Shuck

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 19269 Shuck RD Vale SD 57788
(Address) (City) (State) (Zip Code)

Home Phone 605-456-2540 Cell _____ Email _____

2. Amount of water claimed 2.6 *CFS or _____ **GPM _____ ***AF Total Acreage 182
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply White wood creek

4. Location of point of diversion 35-8N-5E NE 1/4 NW 1/4
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Butte

5. County or counties where water will be used Butte

6. Annual period during which water is to be used April through September

7. List below each forty acre division, 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	Land Description	Acres
35-T008N-R05E SE 1/4 NW 1/4	28	35-T008-R05E NE 1/4 SW 1/4	31
35-T008N-R05E SW 1/4 NE 1/4	20	35-T008-R05E SE 1/4 SW 1/4	31
35-T008N-R05E SE 1/4 NE 1/4	10	35-T008-R05E NW 1/4 SE 1/4	31
		35-T008-R05E SW 1/4 SE 1/4	31

8. Give a description of the project. (Attach sheet if more space is needed)

I would like to switch from some smaller portions of land, to a larger piece of land. Then I could get more efficient use of the water through a center pivot. (see land map)

I, Neil Shuck, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 611A-1**

Date of first receipt of application March 3, 2014.

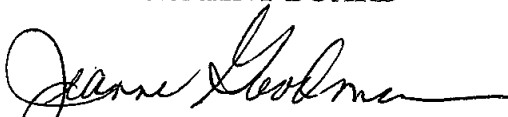
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 611A-1 to Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 611A-1 amends Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land. Water Right No. 611-1 appropriates 2.60 cubic feet of water per second from Whitewood Creek located in the N 1/2 NW 1/4 Section 35 for irrigation of 182 acres located in the W 1/2 SW 1/4 Section 25, E 1/2 SE 1/4 Section 26 and SE 1/4 NW 1/4, NE 1/4 NE 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. This permit authorizes the move of 124 acres approximately 1 mile southwest to the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35-T8N-R5E in order to accommodate a center pivot. The permit holder will continue irrigation of 58 acres located in portions of the SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. The existing Whitewood Creek diversion point will be utilized. No increase in the diversion rate or number of acres 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: April 1 – September 30.
3. The date from which applicant may claim right is August 18, 1961.
4. The date of approval of Permit No. 611A-1 is May 27, 2014.
5. One-fifth of the construction is to be completed on or before November 27, 2016.
6. All construction is to be completed on or before May 27, 2019.
7. Water is to be put to beneficial use on or before May 27, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 18 2014

date



NW Corner of
Section 35-T8-R5

POD-

Approximately 720 feet
South and 1240 feet
East of NW corner
of section 35-T8-R5.

35

11/13/2001 Darrell Vig, D.C.
NRCS
Sturgis, SD

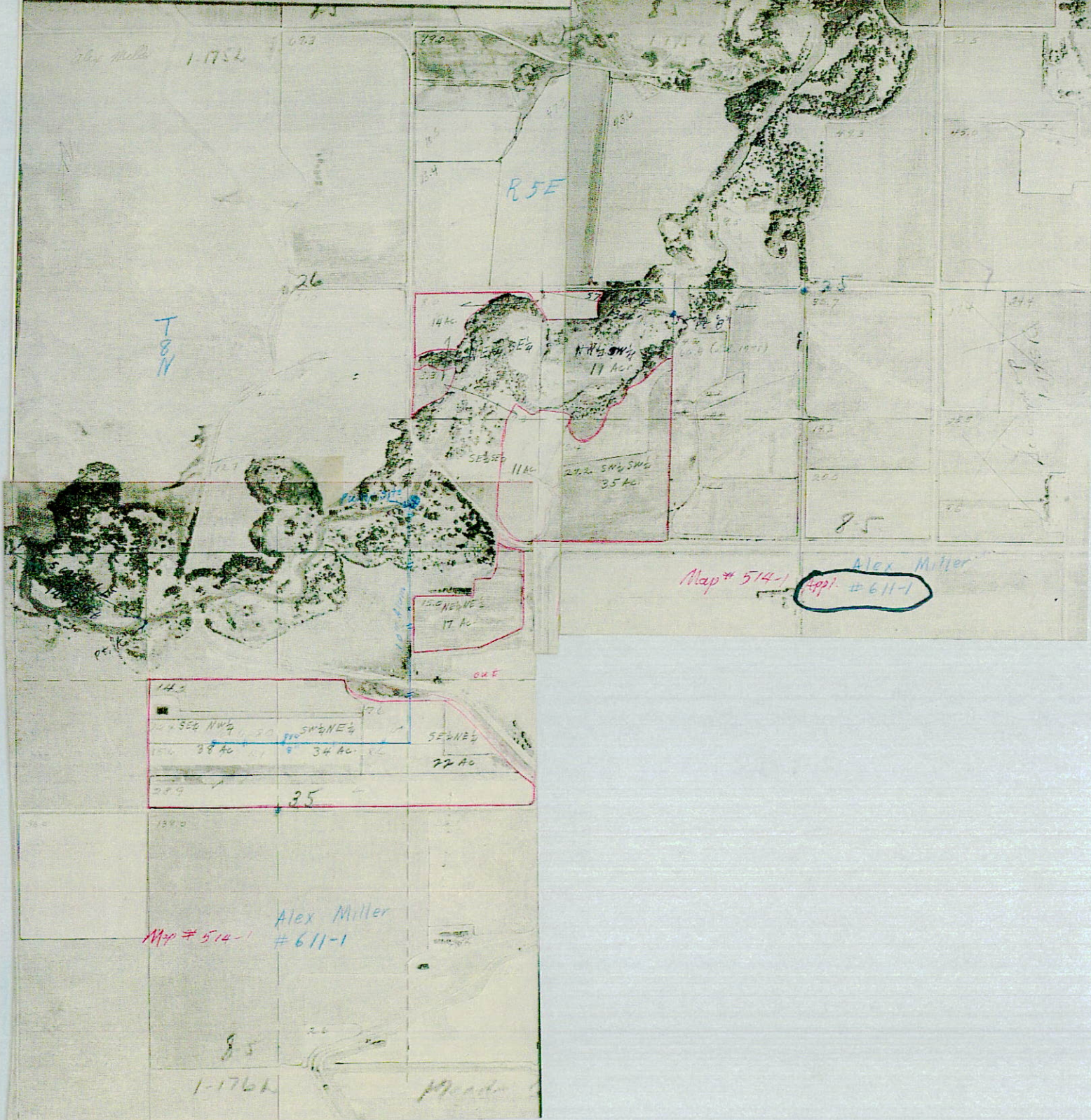
Revision of location for POD
for Permit # 611-1

- G 3
(8-5)

611-1

NOT TO SCALE

NOT TO SCALE



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 3

20 14

Neil Shuck, 19269 Shuck Rd, Vale SD 57788

RECEIVED OF _____

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

Fee for Application for Permit No. <u>611^A-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	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. <u>61101</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No. **06772**

By *Janine Goodman*
Chief Engineer

(K5)



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



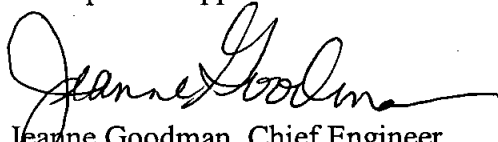
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 611A-1, Neil & Faith Shuck**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 611A-1, Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788.

The Chief Engineer is recommending APPROVAL of Application No. 611A-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
May 2, 2014

REPORT ON APPLICATION NO. 611A-1

Neil and Faith Shuck

May 1, 2014

Water Permit Application No. 611A-1 proposes to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land. Water Right No. 611-1 appropriates 2.60 cubic feet of water per second (cfs) from Whitewood Creek located in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35 for irrigation of 182 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35; all in T8N-R5E. This application proposes to move 124 acres approximately 1 mile south west to the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 35, T8N-R5E in order to accommodate a center pivot. The applicant will continue irrigation of 58 acres located in portions of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35; all in T8N-R5E. The existing Whitewood Creek diversion point will be utilized. No increase in the diversion rate or number of acres irrigated is authorized by this application.

South Dakota Codified Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Shuck indicated a center pivot system would be a more efficient use of water.

REVIEW OF WATER SOURCE – WHITEWOOD CREEK

The headwaters of the Whitewood Creek rise in the northern Black Hills of western South Dakota and flow northeast to the Belle Fourche River confluence approximately 5 miles east of the town of Nisland, South Dakota, for an approximate distance of 45 river miles.

Since 1982 the United States Geological Survey (USGS) has maintained a stream flow gaging station on Whitewood Creek above Vale, SD, located immediately downstream from the proposed project. Historical data from this gaging station indicate there is 50 percent probability the median flow rate could range from 67 to 8 cfs or greater for the months May through September during any given year. There is a 75 percent probability the median flow rate could range from 33 to 4 cfs or greater for this same period of time. (Table 1)

Table 1. USGS Gage on Whitewood Creek above Vale, SD - Median Flow Probabilities (cfs)

Probability	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
90%	5	4	9	18	17	10	1	1	1	4	5	4
75%	8	10	19	27	33	21	8	3	4	9	10	7
50%	11	14	25	44	67	38	18	9	8	14	15	10
25%	14	19	37	78	103	68	28	16	14	18	18	14
10%	18	23	54	133	182	127	36	23	18	25	24	17

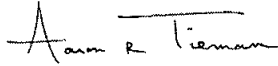
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no water permits/rights on Whitewood Creek located downstream of this project. Additionally, this application proposes moving acreage only without an increase in diversion rate authority. Therefore, if this application is approved there would be no adverse impacts expected.

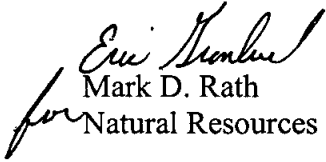
CONCLUSIONS

1. Water Permit Application No. 611A-1 proposes to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land.
2. This application proposes to move 124 acres approximately 1 mile south west to the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 35, T8N-R5E in order to accommodate a center pivot.

3. The existing Whitewood Creek diversion point will be utilized.
4. South Dakota Codified Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land.
5. Approval of this project would not be expected to adversely affect existing water rights.



Aaron R. Tieman
Natural Resources Engineer II
Approved by


for

Mark D. Rath
Natural Resources Engineer III

BIBLIOGRAPHY

USGS National NWISWeb Water Information System 2014, Historical Stream Flow for South Dakota.

Water Right, 2014, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

SS:

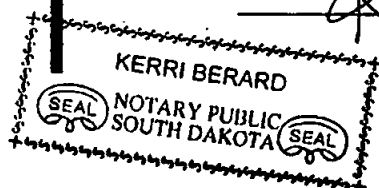
RECEIVED

MAY 30 2014

WATER RIGHTS
PROGRAM

Brandyn Crawford being first duly sworn, upon his/her oath says:
That he/she is now and was at all time hereinafter mentioned, an
employee of the Rapid City Journal, a corporation of Rapid City,
South Dakota, the owner and publisher of the BUTTE COUNTY
POST, a legal and daily newspaper printed and published in Belle
Fourche, in said County of Butte, and has full and personal
knowledge of all the facts herein stated as follows: that said
newspaper is and at all of the times herein mentioned has been a
legal and daily newspaper with a bonafide paid circulation of at
least Two Hundred copies weekly, and has been printed and
published in the English language, at and within an office
maintained by the owner and publisher thereof, at Belle Fourche, in
said Butte County, and has been admitted to the United States
mail under the second class mailing privilege for at least one year
prior to the publication herein mentioned; that the advertisement, a
printed copy of which, taken from said Butte County Post, the
paper in which the same was published, is attached to this sheet
and made a part of this affidavit, was published in said paper once
each Week for One
successive Week, the first publication there of being on the
14th day of May that the fees charged for
the publication there of are 41 dollars
and 88 cents.

Subscribed and sworn to before me this 28th
day of May, 2014.



Notary public

KERRI BERARD
NOTARY PUBLIC
MY COMM. EXP. AUGUST 21, 2019

My commission expires

Legals

Attest:
/s/ Sharon Mins,
Finance Officer

(Published once at the total approximate cost of \$214.71).
Butte County Post

May 14 L20863641
**NOTICE OF APPLICATION
NO. 611A-1**

Notice is given that Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788 have filed Application No. 611A-1 which requests to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land. Water Right No. 611-1 appropriates 2.60 cubic feet of water per second from Whitewood Creek located in the N 1/2 NW 1/4 Section 35 for irrigation of 182 acres located in the W 1/2 SW 1/4 Section 25, E 1/2 SE 1/4 Section 26 and SE 1/4 NW 1/4, NE 1/4 NE 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. This application proposes to move 124 acres approximately 1 mile southwest to the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35-T8N-R5E in order to accommodate a center pivot. The applicant will continue irrigation of 58 acres located in portions of the SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. The existing Whitewood Creek diversion point will be utilized. No increase in the diversion rate or number of ac-

Legals

res irrigated is authorized by this application. State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Shuck indicates a center pivot system would be a more efficient use of water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 611A-1 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 this 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 this 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.

Legals

The Chief Engineer's address is "Water Rights Program, 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 May 27, 2014.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Published once at the total approximate cost of \$41.88).
BUTTE COUNTY POST

RECEIVED

MAY 19 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Application
No. 611A-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 14th day of May, 2014, and the last publication on the _____ day of _____, _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$30.75, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 15th day of May, 2014

Garth W. Richards
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2016

NOTICE OF APPLICATION NO. 611A-1

Notice is given that Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788 have filed Application No. 611A-1 which requests to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land. Water Right No. 611-1 appropriates 2.60 cubic feet of water per second from Whitewood Creek located in the

N 1/2 NW 1/4 Section 35 for irrigation of 182 acres located in the W 1/2 SW 1/4 Section 25, E 1/2 SE 1/4 Section 26 and SE 1/4 NW 1/4, NE 1/4 NE 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. This application proposes to move 124 acres approximately 1 mile southwest to the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35-T8N-R5E in order to accommodate a center pivot. The applicant will continue irrigation of 58 acres located in portions of the SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. The existing Whitewood Creek diversion point will be utilized. No increase in the diversion rate or number of acres irrigated is authorized by this application. State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Shuck indicates a center pivot system would be a more efficient use of water.

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then a hearing will be scheduled and the Water Management Board will consider this 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 Program, 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 May 27, 2014.

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 Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$30.75.

#542
May 14



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



May 2, 2014

Butte County Post
614 State St
Belle Fourche SD 57717

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 611A-1 to Appropriate Water. Please publish the notice once on May 14, 2014. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788 (Ph # 605-456-2540).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



May 2, 2014

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



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

May 2, 2014

Neil & Faith Shuck
19269 Shuck Rd
Vale SD 57788

Dear Sir:

Water Permit Application No. 611A-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Butte County Post printed at Belle Fourche SD (Ph # 605-892-2528) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also 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 / KS

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

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

Instruction to Newspaper - Publish the Notice on May 14, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 611A-1

Notice is given that Neil & Faith Shuck, 19269 Shuck Rd, Vale SD 57788 have filed Application No. 611A-1 which requests to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land. Water Right No. 611-1 appropriates 2.60 cubic feet of water per second from Whitewood Creek located in the N 1/2 NW 1/4 Section 35 for irrigation of 182 acres located in the W 1/2 SW 1/4 Section 25, E 1/2 SE 1/4 Section 26 and SE 1/4 NW 1/4, NE 1/4 NE 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. This application proposes to move 124 acres approximately 1 mile southwest to the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 35-T8N-R5E in order to accommodate a center pivot. The applicant will continue irrigation of 58 acres located in portions of the SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 35; all in T8N-R5E. The existing Whitewood Creek diversion point will be utilized. No increase in the diversion rate or number of acres irrigated is authorized by this application. State Law (SDCL 46-5-34) allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Shuck indicates a center pivot system would be a more efficient use of water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 611A-1 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 this 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 this 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 Program, 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 May 27, 2014.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



JUN 18 2014

Neil & Faith Shuck
19269 Shuck Rd
Vale SD 57788

Dear Sir:

Enclosed is Water Permit No. 611A-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

611A-1

RECEIVED

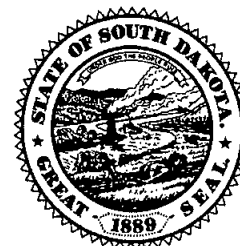
NOV 17 2015

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 11-12-15TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Neil + Faith Shuck
(name)19269 Shuck Rd
(address)Vale, S.D. 57788
(city, state, zip)605 456 2540
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 611A-1 states that the water use system is to be constructed byMay 27 2019, and water is to be put to beneficial use by May 27 2023.
(date) (date)The water use system was completed on 2015.
(date)Applying the water to beneficial use was completed on 2015.
(date)

You may schedule an investigation so that the water license may be issued.

Neil Shuck
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 17, 2015

611A-1

Neil & Faith Shuck
19269 Shuck Rd
Vale SD 57788

Dear Mr. & Mrs. Shuck:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system authorized under Water Permit No. 611A-1.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

Permit Nos. 611A-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have on this day, **November 19, 2015**, made a thorough examination of the water use system constructed by **Neil & Faith Shuck, 19296 Shuck Rd., Vale, SD 57788** holder of Permit No. **611A-1** which proposes to amend Water Right No. **611-1** by transferring a portion of the irrigated acres. Water Right No. **611-1**, bearing the priority of **August 18, 1961**, authorizes the diversion of **2.60** cubic foot of water per second (cfs), of the waters of **Whitewood Creek** for **irrigation purposes**, in **Butte County**.

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

A. Works used to divert the water:

Berkeley pump and 504 Case motor capable of pumping 1000 gallons per minute.

B. Works used to transport/apply water to beneficial use:

Water is applied to the irrigated acreage through a combination of center pivot, flood and sprinkler systems.

The system is in the following condition **good**. The point of diversion is located **635 feet S and 1470 feet E from the NW corner of Section 35, T8N-R5E (NE¼NW¼), Lat/Lon N44.617314/W-103.481777**. The works are capable of diverting and conveying to the place of use **2.60** cfs which is to be used for **irrigation purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **2.60** cfs. Water has been put to beneficial use to the maximum extent as follows:

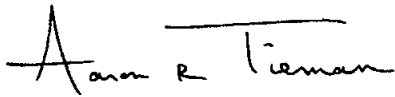
Section 35, T8N-R5E
SE¼ NW¼ - 28.0 acres
SW¼ NE¼ - 20.0 acres
SE¼ NE¼ - 10.0 acres
NE¼ SW¼ - 31.0 acres
SE¼ SW¼ - 31.0 acres
NW¼ SE¼ - 31.0 acres
SW¼ SE¼ - 31.0 acres
Total – 182.0 acres

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**

Comments: Water Right No. 611-1 should be incorporated into Permit No. 611A-1 upon licensing.

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. Diversion under this permit shall be in accordance with any written order issued by the Chief Engineer.



Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program

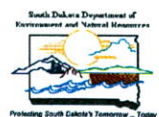
Date Report Completed: **June 27, 2016**

WATER PERMIT NO. 611A-1
JUNE 27, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 611A-1**

(1) Neil & Faith Shuck, 19296 Shuck Rd, Vale SD 57788 made Application No. 611A-1, March 3, 2014 for a water permit to amend Water Right No. 611-1 by transferring a portion of the irrigated acreage to other land to accommodate a center pivot. Water Permit No. 611A-1 did not authorize an increase in the diversion rate or number of acres irrigated. The project is located in Butte County, South Dakota. Permit No. 611A-1, with a priority date of August 18, 1961 (established under Water Right No. 611-1) was approved May 27, 2014 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 27, 2019 and for the application to beneficial use of water on or before May 27, 2023. The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 17, 2015 indicating the water use system was completed and the water placed to beneficial use.

Water Right No. 611-1 appropriates 2.60 cubic feet of water per second (cfs) from Whitewood Creek to irrigate 182 acres. Water Permit No. 611A-1 authorized moving of 124 acres approximately one mile southwest. The permit holders continue to irrigate the remaining 58 acres from the existing diversion point. The applicable portions of Water Right No. 611-1 are incorporated into Water License No. 611A-1.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 2.60 cubic feet of water per second for beneficial use. The location of the diversion point is 635 feet S and 1,470 feet E of the NW corner of Section 35, T8N, R5E (NE ¼ NW ¼).

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

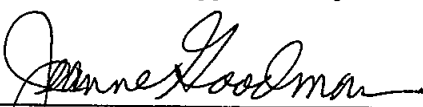
Section 35, T8N, R5E	SE ¼ NW ¼	28 acres	NE ¼ SW ¼	31 acres
	SW ¼ NE ¼	20 acres	SE ¼ SW ¼	31 acres
	SE ¼ NE ¼	10 acres	NW ¼ SE ¼	31 acres
			SW ¼ SE ¼	31 acres

Total 182 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Neil & Faith Shuck, 19296 Shuck Rd, Vale SD 57788 the holders and/or owners of Incorporated Water Right No. 611A-1 are issued a license to appropriate water, the right to use 2.60 cubic feet of water per second from Whitewood Creek with a priority date of August 18, 1961 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 611A-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 01 2016

date





611A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUL 01 2016

611-1
611A-1

Neil & Faith Shuck
19296 Shuck Rd
Vale SD 57788

Dear Mr. & Mrs. Shuck:

Enclosed is Water License No. 611A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 611-1 were incorporated into Water License No. 611A-1.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 18, 2026

Dear Whitewood Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Whitewood Creek regarding below normal streamflow for this time of year. South Dakota law gives the highest priority to domestic use, including livestock watering. Historically, there has been generally adequate water available to meet both domestic use and other needs at this time of year. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This is not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including several gages on Whitewood Creek. To view the latest real-time stream flow, go to: <https://waterdata.usgs.gov/state/south-dakota/>

There is not a set shutoff based on flow in Whitewood Creek. The last time shutoffs orders were issued for Whitewood Creek was in 2012. Discharges from the Whitewood Creek Near Whitewood, SD - USGS-06436190 gage at that time were ranging from 4.5 to 5.0 cfs. However, that is not a guarantee of when a shutoff may occur since flows needed for domestic use and senior water rights can vary over time.

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen at (605) 394-2229, or Whitney Kilts or myself at (605) 773-3352 with the Water Rights Program.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program