

Water Right Number 926-1

1. Considered March 10, 19 71
2. Name of Applicant Donald H. Berger
3. Post Office Address Whitewood, S.D.
4. Amount of Water claimed 2.04
5. Source of Water supply Whitewood Creek
6. Water to be used for irrigation

Acres to be irrigated 143

7. Water to be diverted and used in Meade County
about 7N 5E miles of Whitewood

8. Proof of Publication Received 2-26-71

Not Received _____

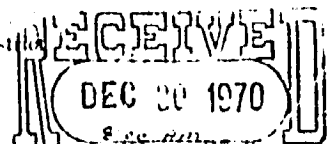
9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 926-1Map No. 771-1 Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

S. D. WATER RESOURCES COMMISSION

To Appropriately Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Donald H. Berger, Manager
 Postoffice address Whitewood, S.D. 57152 State South Dakota
 If a corporation show date and place of incorporation No
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
3. Name of diversion work Berger Sprinkler Project
4. Amount of water claimed (cubic feet per second) 2.94
5. Source of water supply Whitewood Creek
6. Location of point of diversion between a point 112' S 0° E of W 1/4 Cor. Sec. 20, T7N, R5E, BHM and a point 1520' S 60° E of W 1/4 Cor. Sec. 20, T7N, R5E, BHM
 County Meade
7. Annual period or periods during which water is to be used March 20 to November 20
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 143

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Ser.	Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
19	T7N, R5E		Sec. 20, T7N, R5E	
NE 1/4		39	NE 1/4	27
NE 1/4		38		
SW 1/4		20		
SE 1/4		19		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Sturgis Tribune
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump

B. Works proposed to transport water to place of use.

3000' of pipe

C. Works proposed to apply water to beneficial use.

Sprinklers

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Meade)I, Donald H. Berger, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Application submitted in anticipation of the cleaning of Whitewood Creek.

Subscribed and sworn to before me this 2-3-71 day of November 19 71

Notary Public (or other qualified officer)

CARI H. CORNELL

PLAT OF THE BERGER SPRINKLER PROJECT

Located in Sections 19 and 20, Township 7 North, Range 5 East of the Black Hills Meridian, Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Donald H. Berger, Whitewood, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

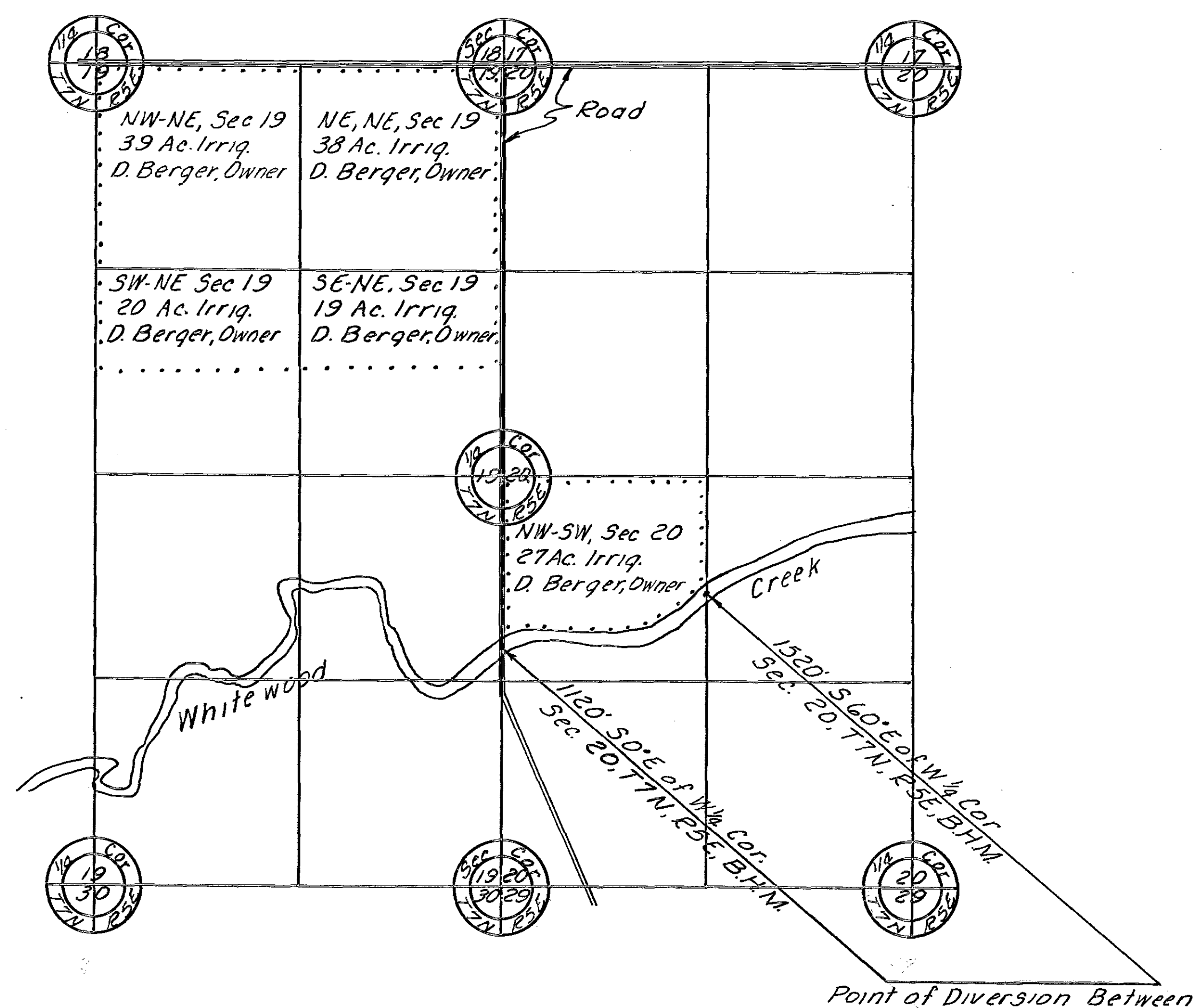
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Donald H. Berger, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle (SEAL)
Registered Land Surveyor #1517

Subscribed and sworn to before me this 15th day of December, 1970.

Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978



Scale: 1" = 660'

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 926-1
DONALD H. BERGER WHITEWOOD RD 2, Box 262
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

LOIN FURTHER AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
 INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS
 MUST BE BY-PASSED

Date of first receipt of application DECEMBER 30 1970
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved MARCH 10 1971, Recorded in Book 11 Page 241

WATER RIGHT PERMIT NO. 926-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 926-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 30 1970
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 10 1973
3. The whole of said work is to be completed on or before MARCH 10 1976
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 10 1976 80
5. The water appropriated shall be used for the purpose of IRRIGATION Extension 7-22-76
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.04 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 10 1976 80 said water to be used during the following described annual period: MARCH 20 TO NOVEMBER 20

Witness my hand this 12TH day of MARCH 1971

WATER RESOURCES COMMISSION

By:

Donald Berger
 Chief Engineer, Executive Officer

Certificate of Construction Issued March 4 1982

Water License Issued March 4 1982

WATER LICENSE NO. 926-1

(1) WHEREAS, On the 30th day of December A. D. 19 70
Donald H. Berger
 made Water Right Application No. 926-1 for a permit to use 2.04 cubic feet per second of the waters
 of Whitewood Creek
 County of Heade State of South Dakota, for Irrigation
 _____ purposes; and
 (2) WHEREAS, On the 10th day of March A. D. 19 71
 Permit No. 926-1, with a date of priority of December 30, 1970
 was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 10th day of March A. D. 19 76 and for the
 application to beneficial use of said water on or before the 10th day of March A. D. 19 80

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.22 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,
 to irrigate the following land all in T-8 N, R-5E

Section 19--NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----39 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----38 acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ -----20 acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ -----19 acres

Section 20 NW $\frac{1}{4}$ SW $\frac{1}{4}$ -----27 acres

TOTAL 143 ACRES

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Donald H. Berger
of Whitewood, South Dakota
the holder _____ and owner _____ of said permit No. 926-1 a water right, dating from December 30, 1970
to use of 1.22 cubic feet per second of the waters
of Whitewood Creek
in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at between points 1120' South, 0° East of W $\frac{1}{2}$ Corner Section
20, T-7N, R-5E and a point 1520° South, 60° East of W $\frac{1}{2}$ Corner Section 20, T-7N, R-5E,
and conducted to and upon portions of Sections 19 and 20 in T-7N, R-5E more fully
described on the face of this License.
for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 926-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of March A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 926-1

Water Diversion No. 1 Belle Fourche River Water District
10120202

CERTIFICATE OF COMPLETION

This is to Certify, That Donald H. Border

_____ the holder _____ of
Permit No. 926-1, issued upon Application No. 926-1, bearing date of priority of _____
December 30, 1970 authorizing the diversion of 2.04 cu. ft. per second of the waters of _____
Whitewood Creek County of Meade, State of South Dakota at _____
between a point 1120' South 0° East of W. Corner Section 20, T-7N, R-5E
at a point 1520' South 60° East of W. Corner Section 20, T-7N, R-5E
_____ for Irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.22 cu. ft. per second of water.

Date March 4, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 026-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Sue Cox hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sturgis Tribune

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

_____ city _____ of Sturgis
County of Meade and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

Feb. 3, 1971

Feb. 10, 1971

Feb. 17, 1971

Feb. 24, 1971

Sue Cox
(Signature)

Bookkeeper
(Title)

February 25, 1971
(Date Signed)

No. 926-1
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
January 27, 1971

Notice is hereby given that Donald
H. Berger, whose last office address
is Whitewood, South Dakota, has
made an application in accordance
with the provisions of the Water Laws
of South Dakota for a permit to ap-
propriate for beneficial use 200 cubic
feet of water per second of flow from
Whitewood Creek through the Berger
Sprinkler Project, the point of
diversion of which is to be located
between two points of the NE 1/4
of Section 20, Twp. 20N, Range 2E, said
water to be used for the purpose of
providing irrigation on portions of the
following described lands: NE 1/4,
Section 19, and NW 1/4 SW 1/4, Section 20,
T7N, R5E.

This application No. 926-1 will be
considered by the Water Resources
Commission at their office at Pierre
upon the 10th day of March, 1971, at
2:00 p.m. All interested persons may
appear and be heard.

WATER RESOURCES
COMMISSION
By: Burton F. Jones
BURTON F. JONES,
Water Rights Specialist

Trib. Feb. 3, 10, 17, 24

RECEIVED
FEB 26 1971

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intention to Appropriate Water

926-1

Publish first publication, on or before February 11, 1971

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

January 27, 1971

Notice is hereby given that Donald H. Berger
whose post office address is Whitewood, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.04 cubic feet of water per second of time from the Whitewood Creek through the
Berger Sprinkler Project, the point of diversion of which is to be located at the

between two points, in the NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 20, Twp. 7N, Range 5E. Said water to be used for the purpose
of providing irrigation of portions of

the following described land:
NE $\frac{1}{4}$, Section 19, and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T7N, R5E

This application No. 926-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 10th day of March, 1971 at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By.

BURT JONES, Water Rights Specialist

cc: Donald H. Berger, Whitewood, S.D.

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING
PIERRE, SOUTH DAKOTA 57501

APPLICATION FOR EXTENSION OF TIME

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date April 9, 1976

Dear Sir:

In Water Right Permit No. 926-1 it is specified that the water diversion system is to be completed by March 10, 1976 and that the water is to be put to the limit of beneficial use by March 10, 1976.

I hereby request that the date for completing the diversion system be extended to _____, 19____ and that the date for putting the water to the limit of beneficial use be extended to March 10, 1980.

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

Waiting for water to clear up in Whitewood Creek

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

Donald H. Berger
(Signed)
Holder of Permit No. 926-1

APPROVED: 7-22-76

WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By: Barton L. Jones



926-1

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

Donald Berger
Whitewood, SD 57793

Mr. Berger:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
L 926-1	2.04	143.0	\$65.75
TOTAL			\$65.75

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 3303

June 22, 1981

PIERRE,

Donald or Betty Berger, RR 2, Box 262, Whitewood, SD 57793

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

Fee for Application for Permit to Appropriate Water No. _____ (examination,
processing, recording and filing) - _____

Fee for inspecting Construction, and issuing Cert. of Construction No. _____

Fee for inspecting Beneficial Use, and issuing Water License No. _____

Fee for issuing Location Certificate-Dry Draw, No. _____

Fee for filing _____

Fee for certified copy of _____

Fee for Print copy of map _____

Fee for Certifying _____ water master services on WR# 926-1

Fee for _____
(any other work as provided by law)

65.75

TOTAL

65.75

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / Et

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Disbursements
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-i	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	63.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.75	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.00	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.35
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.70
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.20
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-i	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 181.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
218-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Milier	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
221-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	29.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

STATE OF SOUTH DAKOTA
DIRECT VOUCHER

Do not use this space.

AGENCY VOUCHER No.	DATE

PAYEE • Donald Berger
Whitewood SD 57793

DEPT. • DWR, Water Rights Division
Joe Foss Bldg.
Pierre SD 57501

STAPLE
HERE

AGENCY • ADDRESS •

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200307	699	01	0000	0801		58 20	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 58 20	

Warrant # 82079264
AC # 077377
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpanded funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 926-1. Donald Berger		58 20	
TOTAL					58.20	

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

Claimant Signature

Date

11-5-81

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved

DIVISION APPROVAL

APPROVAL SIGNATURE

DATE

DATE

11-5-81

11-5-81

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8744

PIERRE, March 5, 19 82

RECEIVED OF Donald or Betty Ann Berger, RR#2, Box 262, Whitewood, SD 57793
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 926-1	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 926-1		
Fee for issuing Location Certificate-Dry Draw No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

926-1
Permit No. 771-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Donald H. Berger of Rt #2, Box 262, Whitewood, S. Dak 57782 holder of Permit No. 771-1, bearing date of priority of December 30, 1970 authorizing the diversion of 2.04 cu. ft. per second of the waters of Whitewood Creek for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Engine - Ford V8 Industrial - 460 CID, 100 HP (est)
Propane -
Pump - Berkeley, Model B4EYRMBM CW
Pumping 550 gpm.

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

1320 ft 6" Aluminum Pipe
1320 ft 8" " "
990 ft 4" Flexible Hose.

C. Works used to apply water to beneficial use.

Greenfield Traveling Gun - Made by Boss - with a
Nelson Gun.

The system is in the following condition. Good

The point of diversion is located Between a point 1170'S 0'E of W 1/4 Cor Sec. 20
T7N R5E and a point 1520'S 60'E of W 1/4 Cor Sec. 20 T7N R5E

The works are capable of diverting and conveying to the place of use 1.22
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: The following in Sec. 19
T7N R5E - NW 1/4 NE 1/4 - 39 Ac. NE 1/4 NE 1/4 - 38 Ac. SW 1/4 NE 1/4 - 20 Ac.
SE 1/4 NE 1/4 - 19 Ac. The following in Sec. 20, T7N R5E
NW 1/4 SW 1/4 - 27 Ac

comprising a total of 143 acres of land.

License for 1.22 cfs.

Date April 28, 1981
Leroy J. McLaughlin
(Signature)

926-1

LAW OFFICES
MORRILL HANSEN HUBBARD & BROWN

P.O. BOX 180 - 1113 SHERMAN STREET
STURGIS, SOUTH DAKOTA 57785

DAVID E. MORRILL
DALE R. HANSEN
BRUCE A. HUBBARD
PORTIA K. BROWN
TIMOTHY L. THOMAS

May 13, 1986

STURGIS PHONE
(605) 347-2551
RAPID CITY OFFICE:
625 NINTH STREET - 8TH FLOOR
P.O. BOX 8108
RAPID CITY, SD 57701
PHONE: (605) 348-7516

South Dakota Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501



Attencion: Water Rights Division

Dear Sirs:

I am presently working on a real estate transaction whereby Water License No. 926-1 issued by the State of South Dakota to Donald Berger and Betty Ann Berger will be transferred. Would you please send me the necessary forms to accomplish this transfer.

Thank you.

Yours truly,

Dale R. Hansen

DRH:ks



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 926-1

May 15, 1986

Dale R. Hansen
Morrill, Hansen, Hubbard & Brown
PO Box 580
Sturgis, South Dakota 57785

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

LAW OFFICES
MORRILL HANSEN HUBBARD & BROWN

P.O. BOX 580 - 1113 SHERMAN STREET
STURGIS, SOUTH DAKOTA 57785

DAVID E. MORRILL
DALE R. HANSEN
BRUCE A. HUBBARD
PORTIA K. BROWN
TIMOTHY L. THOMAS

August 6, 1986

STURGIS PHONE
(605) 347-2551
RAPID CITY OFFICE:
625 NINTH STREET - 8TH FLOOR
P.O. BOX 8109
RAPID CITY, SD 57701
PHONE: (605) 348-7516

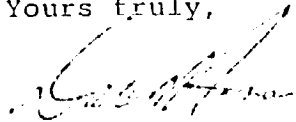
South Dakota Department of
Water & Natural Resources
Division of Water Rights
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

RE: Permit No. 926-1

Dear Sirs:

Enclosed please find a Notice of Transfer of Water Permit transferring Permit No. 926-1 from Donald H. Berger to Roland P. Berger and Mary Ann Berger, husband and wife, as joint tenants with right of survivorship. Would you please file this with your office. I also enclose a check made payable to the South Dakota Department of Water & Natural Resources in the amount of \$2.50 for the filing fee.

Yours truly,



Dale R. Hansen

DRE:dlp

Enclosures



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: August 6, 1986

This is to notify you that the title to the lands described as follows:

143 Acres - NE1/4 Section 19, NW1/4 Section 20, T7N-R5E

formerly owned by Donald H. Berger

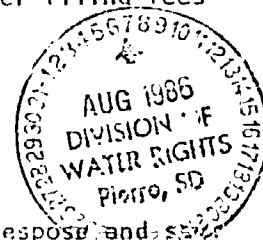
Roland P. Berger and Mary Ann Berger, husband and wife,
has been transferred to as joint tenants with right of survivorship, Route 5,
Box 770, Rapid City, SD 57701 (please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 926-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Div. of Water Rights, Water Management Board as
evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of MEADE) ss.



I, Donald H. Berger being first duly sworn on my oath depose and say
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Donald H. Berger
(Signed)
Donald H. Berger

Subscribed and sworn to before me this 6th Day of August, 19 86.

[Signature]
(Notary Public)

Dale A. Hansen
NOTARY PUBLIC
My Commission Expires Jan. 27, 1993

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

610707

Pierre, August 7, 1916

RECEIVED OF (Morrill, Hansen, Hubbard & Brown, PO Box 580 Sturgis, SD 57735) FOR
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form 926-1 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (115)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

August 7, 1986

Morrill, Hansen, Hubbard & Brown
PO Box 580
Sturgis, South Dakota 57785

ATTENTION: Dale R. Hansen

Dear Sir:

Enclosed is receipt No. 410509 in the amount of \$2.50 which you
paid for transfer of Water Right No. 926-1.

Our records now show you as the owners of this Water Right.
Roland P. & Mary Ann Berger

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

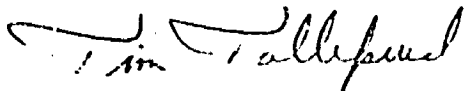
October 16, 1986

Roland Berger
Rt. 5 Box 770
Rapid City, SD 57701

Dear Mr. Berger:

This letter is in regard to Water Permit No. 926-1 on Whitewood Creek. The permit was transferred to your name in August of this year. I have enclosed the Application for Permit and the Water License for Water Permit 926-1 for your records. If you have any further questions please contact this office.

Sincerely yours,



Tim Tollefsrud
Natural Resources Engineer

Equal Opportunity Employer

926-1

Dear Sirs:

As we are new to the irrigation system on Whitewood Creek. Please let us know the by-laws for having irrigation privileges. How much irrigating must be done to keep these rights after we set up this system. And any other important information we should know.

Waiting for a reply. Thank you

Yours truly

Don Berger

RT 5 Box 770

Rapid City, SD 57701



South Dakota Department of
Water & Natural Resources

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

December 12, 1986

926-1

Ron Berger
RR 5, Box 770
Rapid City SD 57701

Dear Mr. Berger:

This letter will acknowledge receipt of your 1986 irrigation questionnaire and your request for information. I have enclosed a copy of our General Rules and also a copy of the South Dakota Water Laws. These should answer most of your questions.

You inquired in your letter about how much irrigating must be done in order to keep your water right. Under South Dakota Water Law, you must irrigate at least once every three years, depending on water availability, for the water right to remain valid. This particular law is addressed in SDCL 46-5-37 (see page 38 of the enclosed Water Laws).

If I can answer any more questions for you, please advise.

Sincerely,

Senay McMATH

CENNY MCMATH
Natural Resources Analyst

GM:ks

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 22, 2002

926-1

Roland & Mary Ann Berger
19688 Aspen Place
Whitewood SD 57793-6410

Dear Mr. & Mrs. Berger:

Enclosed is your 2002 irrigation questionnaire. In order for the form to be considered complete, you will need to fill out the back portion of the sheet.

Please write in the acres, pump rate, days per month and average hours per day in the months that water was applied. We use the information to calculate how much water was used from a specific source.

The form should be completed and returned to us prior to December 9th. Thank you in advance for your help. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ron Berger, 19688 Aspen Place, Whitewood SD 57793-6410

DATE: December 10, 2002

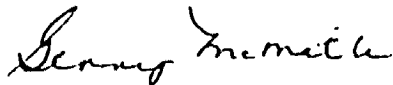
RE: 2002 irrigation questionnaire

COMMENTS:

I returned the 2002 irrigation questionnaire to Mr. Berger and asked that he complete the back side of the form. He called today to explain why he filled the form out the way he did. He said he doesn't have a regular irrigation system. He backs his water truck up to the creek and fills a water tank. He then drives along the field and runs the water through a small hose to the crop.

He went on to say that he applies water often enough to keep the crop going and to suffice the state law of irrigating once every three years. Mr. Berger said he applied water to all of his acreage that way. He asked if that was ok. I told him as long as he is applying water within the limits outlined in his water right, he would be ok. (I spoke with Eric Gronlund following my conversation with Mr. Berger and Eric indicated this was correct).

I asked Mr. Berger to write in the comment section of his irrigation questionnaire each year how many tank loads of water he used and how big the tank was. We could figure out the water use for that specific year based on this information.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 2004

926-1

Roland & Mary Ann Berger
19688 Aspen Place
Whitewood SD 57793 6410

Dear Mr. & Mrs. Berger:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire for Water Right No. 926-1. In order for the form to be considered complete, the back side needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day that the system was running. The information is important to us in calculating how much water was used from a specific source.

Please complete the form and return it to us by **December 3rd**. Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 2, 2008

926-1

Roland Berger
19688 Aspen Place
Whitewood SD 57793-6410

Dear Mr. Berger:

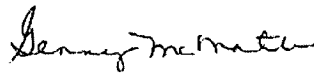
I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You indicated on the questionnaire that you took water from the creek and irrigated 27 acres.

I am returning the form to you for completion. In order for the questionnaire to be considered complete, the back side also needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source.

Please complete and return the form to us by **January 11, 2008.** Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,


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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTICE OF SHUTOFF ORDER

July 20, 2012

TO: ROLAND/MARY ANN BERGER
19688 ASPEN PLACE
WHITEWOOD SD 57793

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program *Garland Erbele*

SUBJECT: Shutoff Order for Whitewood Creek Water Rights

Shutoff Order for Water Right Nos. 926-1

Flow in Whitewood Creek has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. Therefore to protect domestic use, the department is issuing shutoff orders for Whitewood Creek. Effective immediately, no diversions of water from Whitewood are authorized under your water rights.

This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the creek.

If you have any questions, please contact Mark Rath (605- 773-3352) or Aaron Tieman (605-394-2229) with the Water Rights Program. Thank you.

CERTIFICATION

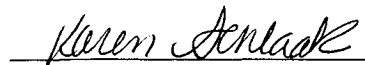
I hereby certify that on July 20, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 20, 2012 regarding shutoff orders on Whitewood Creek addressed as stated below:

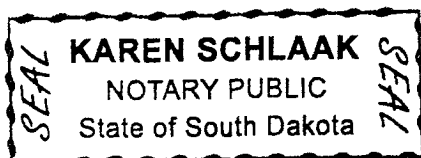
PERMIT_NO	PNO_2	LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
1176-1	1176A-1	ELLSBURY	LARRY & DEBBIE	327 FARRALL RD	SUNDANCE	WY	82729
611-1	1190-1	SHUCK	NEIL & FAITH	19269 SHUCK RD	VALE	SD	57788
912-1		ALAN	COREY	20044 WHITEWOOD VALLEY RO	WHITEWOOD	SD	57793
926-1		BERGER	ROLAND/MARY ANN	19688 ASPEN PLACE	WHITEWOOD	SD	57793
928-1		WENNBERG	CHARLES	20164 WHITEWOOD VALLEY RD	WHITEWOOD	SD	57793


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of July, 2012.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: ROLAND & MARY ANN BERGER, 19688 ASPEN PL, WHITEWOOD, SD 57793 6410

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 926-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 926-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: UPDZOW**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 28, 2025

926-1

Keith Berger
19660 Aspen Pl
Whitewood SD 57793

Dear Mr. Berger:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 926-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

cc: Mary Ann Berger, 19688 Aspen Pl, Whitewood SD 57793

*EMAILED SHANNON 3.5.25

926-1

PAID

MAR 05 2025

Ck# 171769

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 926-1

Date: 02/27/2025

I/We request that Water Right/Permit No. 926-1 formerly owned by:
Roland & Mary Ann Berger - Whitewood SD be transferred to:

New Owner Name: KEITH BERGER

Address: 19660 ASPEN PLACE mobile: 605 347-0900

City, State, Zip WHITEWOOD, SD 57793 email: KEITH.BERGER67@GMAIL.COM

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

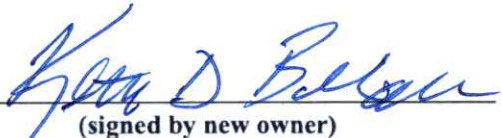
NE 1/4 Section 19 & NW 1/4 SW 1/4 Section 20; all in T7N-R5E
TOTAL: 143.0 acres

☒ I understand that the validity of Water Right/Permit No. 926-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, KEITH BERGER, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIVED

MAR 05 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date March 5th, 2025

RECEIVED OF Keith Berger 19660 Aspen Place Whitewood SD 57793

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. _____	\$ _____
Fee for Filing Transfer Form #926-1	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By

Eric Grodzinski

Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 5, 2025

No. 926-1

Keith Berger
19660 Aspen Place
Whitewood, SD 57793

Dear Mr. Berger:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 926-1. Enclosed is a receipt of payment for your records.

Water Right No. 926-1 previously held by Roland and Mary Ann Berger is now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right (copy of original enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

NOTE: The validity of Water Right No. 926-1 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure



**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