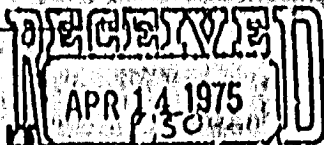


Water Right Number 1261-3

1. Considered MAY 21, 1975
2. Name of Applicant JIM BLOOM
3. Post Office Address RAPID CITY
4. Amount of Water claimed 3.4
5. Source of Water supply WHITE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 235.90
7. Water to be diverted and used in PENNINGTON County
about SW, 4.5 miles of INTERIOR
8. Proof of Publication Received 5-12-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1261-2Map No. 106B-2 Water Division No. 2 WHITE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant James P. Kruse, Interior, SD 57750
 Postoffice address 2746 Pennington State Drive, Rapid City, S. Dak. 57701

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Lin Bloom irrigation project #14. Amount of water claimed (cubic feet per second) 3.4 cfs.5. Source of water supply White River

6. Location of point of diversion P.S. #1 N29°W 45 Rods from S.W. corner of
SE 1/4, Sec. 17-T4S-R17E. P.S. #2 N69°E 30 Rods from
S.W. corner NE 1/4, Sec. 20-T4S-R17E County Pennington

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

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 235.9

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 SE 1/4 Sec. 17-T4S-R17E	40.0	Lot 2 Sec. 20 T4S-R17E	46.7
Lot 4, Sec. 17-T4S-R17E	52.5	Lot 3 " " "	13.0
NE 1/4 NE 1/4 Sec. 20, T4S-R17E	40.0	Lot 6, Sec. 21, T4S-R17E	23.0
Lot 1 Sec. 20, T4S-R17E	46.7	total	235.9

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 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal

12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

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 Pennington

I, Lin Bloom 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.

Signed Lin BloomSubscribed and sworn to before me this 11th day of April 19 75

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1261-2Jim Bloom Lawrence R Kruse
(Applicant)2446 COUNTRY CLUB DRIVE, RAPID CITY
(Post Office Address)SOUTH DAKOTA 57701
(State)Interloc SD 57750
With the following modifications:

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON WATER FLOWS BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS DOWNSTREAM ON THE WHITE RIVER. FLOW RECORDS SHOW THAT DURING MOST YEARS THERE ARE PERIODS WHEN THE FLOWS IN THE WHITE RIVER ARE DEFINITELY AND RECOGNIZABLY LOWER THAN USUAL. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING ANY LOW FLOW PERIODS.

Date of first receipt of application APRIL 14 19 75

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved MAY 22 19 75 Recorded in Book 13 Page 267WATER RIGHT PERMIT NO. 1261-2The Water Resources Commission hereby grants and issues this Water Right Permit No. 1261-2 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 APRIL 14 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22 19 77
3. The whole of said work is to be completed on or before MAY 22 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 22 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION
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 3.4 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 MAY 22 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 23RD day of MAY 19 75

WATER RESOURCES COMMISSION

By: Kenneth Butler
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

REPRODUCTIONS. REPRODUCTION 23:1 FILE NO 17 1-24-77

Form 6 - Notice of Intent to Appropriate Water

1261-2

Publish first publication, on or before May 2, 19 75

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 23, 19 75

Notice is hereby given that, Jim Bloom

whose post office address is Rapid City, 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

3.2 cubic feet of water per second of time from the White River through the

Jim Bloom Irrigation Project #1, the point of diversion of which is to be located in the

between points in lot 4, Section 17, and in lot 3

of Section 20, Twp. 4S, Range 17E. Said water to be used for the purpose of providing irrigation on the following described land:

lot 4, SE 1/4 Sec. 17; NE 1/4 lots 1, 2 and 3, Section 20, lot 1, Section 21,
all in T4S, R17E

This application No. 1261-2 will be considered by the Water Resources Commission at their office at Pierre upon the 21st day of May, 19 75, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BEJ/bw

cc: Dr. James Bloom, 2946 Country Club Drive, Rapid City, S.D. 57701

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, George Michalov hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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 Rapid City

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

May 1 & May 8, 1975

George Michalov
(Signature)

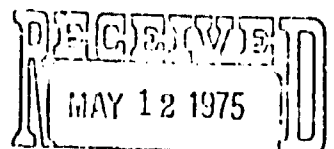
Vice Pres.

(Title)

May 9, 1975

(Date Signed)

May 1, 8
NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
April 23, 1975
Notice is hereby given that Jim Bloom whose post office address is Rapid City, 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 3.3 cubic feet of water per second of time from the White River through the Jim Bloom Irrigation Project No. 1, the point of diversion of which is to be located between points in Lot 4, Section 17, and in Lot 3 of Section 20, Twp. 15, Range 17E. Said water to be used for the purpose of providing irrigation on the following described land: Lot 4, S&W&SW, Section 17, NE 1/4 NE 1/4, Lots 1, 2 and 3, Section 21, Lot 1, Section 21, all in T4S, R17E.
This application No. 12613 will be considered by the Water Resources Commission at their office at Pierre upon the 21st day of May, 1975, at 2:30 P.M. All interested persons may appear and be heard.
WATER RESOURCES COMMISSION
By: EURLON F. JONES
Water Rights Specialist



STATE WATER RIGHTS COM
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7911

PIERRE,

January 13, 19 81

RECEIVED OF Lawrence R. Kruse, Interior, SO 57750

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 transfer of WR# 1261-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH / CH

Form 20

No. 01261-2

NOTICE OF TRANSFER OF WATER PERMIT

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

Date 4-10-80

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

SE 1/4 - 1/4, Lot 4, NE 1/4 - Sec 17 T4S R17E
NE 1/4 - NE 1/4, Lot 1, 2, 3 Sec 20 T4S R17E
Lot 1 Sec 21 T4S R17E Total of 239.9 Ac.
formerly owned by J. M. Bloom

has been transferred to Lawrence Kruse

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1261-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of BENNINGTON) ss.

I, JAMES BLOOM 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 information herein stated is true.

James A. Bloom
(Signed)

Suscribed and sworn to before me this 31 day of Dec, 1980

Joseph M. Butler
(Notary Public)



SOUTH DAKOTA
Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

October 6, 1982

Kruse Partnership
Lawrence Kruse
Box 64
Interior SD 57750

Dear Mr. Kruse:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50) for each permit.

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name. (\$5.00 total for the two permits).

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

-enclosures

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Oct 14, 1982

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

235.9 acres - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4 Section 17; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 1, 2 & 3, Section 20;

Lot 1 Section 21; T4S, R17E

formerly owned by Lawrence R. Kruse

has been transferred to Kruse Partnership, Box 64, Interior St. 57750

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1261-2 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 Office 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 Pennington ss.

I, Lawrence R. Kruse 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 information herein stated is true.

Lawrence R. Kruse
(Signed)

Subscribed and sworn to before me this 14 Day of October, 1982

Edmund W. Bayle
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8980

Lawrence ^RKruse, Mgr.

PIERRE, October 15, 1982

RECEIVED OF Kruse Partnership, Box 64, Interior, SD 57750

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 Transfer WR# 1261-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	58

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/MS

No. 1261-2

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

November 3, 1982

Lawrence R. Kruse
Kruse Partnership
Box 64
Interior, South Dakota 57750

Dear Mr. Kruse:

Enclosed is receipt No. 4 8980 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1261-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

WATER LICENSE NO. 1261-2

(1) WHEREAS, On the 14th day of April A. D. 19 75Jim Bloommade Water Right Application No. 1261-2 for a permit to use 3.40 cubic feet per second of the waters of the White RiverCounty of Deuel, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 22nd day of May A. D. 19 75Permit No. 1261-2, with a date of priority of April 14, 1975was 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 22nd day of May A. D. 19 80 and for the application to beneficial use of said water on or before the 22nd day of May A. D. 19 75

WHEREAS, on the 15th day of October, 1982, Permit No. 1261-2 was transferred to Kruse Partnership, Box 64, Interior SD.

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 3.40 cubic feet per second of water for beneficial use and,

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 T4S, R17E

Section 17 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres (DD)SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.0 acres (DC)SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12.5 acres (CD)Section 20 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres (AA)NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0 acres (AB)SE $\frac{1}{4}$ NE $\frac{1}{4}$ 20.7 acres (AD)SW $\frac{1}{4}$ NE $\frac{1}{4}$ 13.0 acres (AC)NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.7 acres (BA)Section 21 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 23.0 acres (BC)

TOTAL 235.9 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 Kruse Partnership & Lawrence Kruse

of Box 64, Interior SD 57750

the holder and owner of said permit No. 1261-2 a water right, dating from April 14, 1975

to use of 3.40 cubic feet per second of the waters

of the White River

in the County of Pennington and State of South Dakota, or as much thereof as may be necessary for the

purposes herein now mentioned, to be diverted at #1 - N29°W 45 rods from SW corner of SE¼ Section 17 (CD),

#2 - N69°E 30 rods from SW corner of NE¼ Section 20 (BC), T4S, R17E

and conducted to and upon portions of Section 17, 20 and 21, T4S, R17E more fully

described on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1261-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of September A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1261-2Water Division 2 White River, Water District
10140202REPORT 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 Lawrence
Kruse of Interior, SD 57750 holder
of Permit No. 1261-2, bearing date of priority of April 14, 1975, 19____
authorizing the diversion of 3.4 cu. ft. per second of the water of White River
for Irrigation purposes, in Pennington 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:

PTO driven 16" Crisafulli pump powered
by 930 Cass Tractor

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

Flexible hose & open ditches

C. Works used to apply water to beneficial use.

Flood irrigation

The system is in the following condition:

Good

The point of diversion is located #1, N 29° W 45 Rods from SW Corner of SE 1/4 17-45-17E
(SE 1/4 SW 1/4 Sec. 17) #2, N 69° E 30 Rods from SW Corner of NE 1/4 20-45-17E
(SW 1/4 NW 1/4 Sec. 21)

The works are capable of diverting and conveying to the place of use 3.4 cfscu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: SE 1/4 SE 1/4 Sec. 17 - 40 Acs.,SW 1/4 SE 1/4 Sec. 17 - 40 Acs., SE 1/4 SW 1/4 Sec. 17 - 12.5 Acs., NE 1/4 NE 1/4 Sec. 20 - 40 Acs.,NW 1/4 NE 1/4 Sec. 20 - 40 Acs., SE 1/4 NE 1/4 Sec. 20 - 20.7 Acs.,SW 1/4 NE 1/4 Sec. 20 - 13 Acs., NE 1/4 NW 1/4 Sec. 20 - 6.7 Acs.,SW 1/4 NW 1/4 Sec. 21 - 2.3 Acs. all in T4S-R17Ecomprising a total of 235.9 acres of land.Date August 23, 1983

Timothy H. Schaal
Signature

LICENSE FOR PERMIT NUMBER 1261-2

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Crisafulli Motor a) make 930 Case Tractor

b) model _____ b) model no. _____

c) size 16" c) horsepower rating PTO

d) capacity 8000 GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines 16"

b) type flexable hose

c) length 200'

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

RECEIPT

Division of Water Rights

No 4 9339 -

South Dakota Department of Water and Natural Resources

Pierre, September 14, 1985

RECEIVED OF Kruse Partnership, Lawrence Kruse, Interior, SD 57750

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

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

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. 1261-2 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

John Hatch

Chief Engineer

JOHN HATCH (ms)



No. 1261-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

September 28, 1983

Kruse Partnership
Lawrence Kruse
Box 64
Interior SD 57750

Dear Mr. Kruse:

Enclosed herewith is, Water License No. 1261-2. This is the final water right document completing your process of obtaining a water right.

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

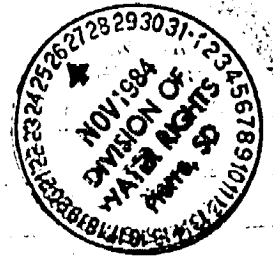
Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

Dear, John Hatch



I was a partner in the Kruse Partnership until this year. I have sold some of my partnership shares and contracted for deed for the land described in water license # 1261-2. Would you please put my name and address on this license.

Charles A. Kruse
Box 100
Antisier S.D. 57750

I am enclosing the water license # 1261-2, and the Water Management Boral Data Sheet. I only irrigated 85 acres of the ground this year. Next spring I plan on irrigating more.

Thank you for all the help.

Charles A. Kruse

**South Dakota Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
Division of Water Rights
605 773-3352

No. 1261-2

November 26, 1984

Charles A. Kruse
Box 100
Interior, South Dakota 57750

Dear Mr. Kruse:

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

ms
Enc.

DWN-320A-8/83

L

RECEIPT

Division of Water Rights

No 4 9855

South Dakota Department of Water and Natural Resources

Pierre, December 14, 1984

RECEIVED OF Charles A. Kruse, Box 100, Interior, SD 57750
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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 _____ WR# 1261-2	2	50
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 

No. _____
1261-2

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

December 14, 1984

Charles A. Kruse
Box 100
Interior, South Dakota 57750

Dear Mr. Kruse:

Enclosed is receipt No. 4 9855 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1261-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

NO. 1261-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Dec 1, 1984

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

235.9 Acres - S½SE¼, SE¼SW¼, Section 17, NE¼, NE¼NW¼ Section 20, and SW¼NW¼

Section 21, T4S, R17E

formerly owned by Kruse Partnership

has been transferred to Charles A. Kruse, Box 100, Interior, SD 57750

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1261-2 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.

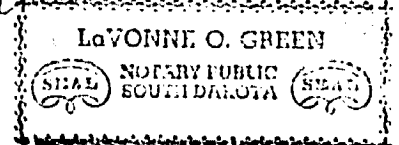
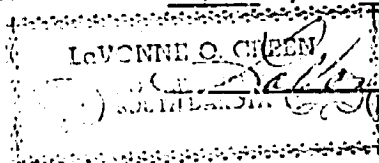
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Burnington) ss.

I, Charles A. Kruse 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 information herein stated is true.

Charles A. Kruse
(Signed)

Subscribed and sworn to before me this 1 Day of December, 1984.





November 1, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1261-2

Charles A Kruse
PO Box 100
Interior, SD 57750-0100

Dear Mr. Kruse:

Thank you for the prompt return of your irrigation questionnaires for Water Right Nos. 490-2 and 1261-2.

I am returning the questionnaire for No. 1261-2. In order for us to calculate how much water was used during this past crop season, the back side of the form needs to be completed.

Please write in the information for each month on the crop type, number of acres irrigated, pump rate in gallons per minute, days per month and average hour per day. Once we have that information, we can calculate the acre feet of water used.

I am enclosing a postage paid envelope for your reply. Thank you in advance for your help.

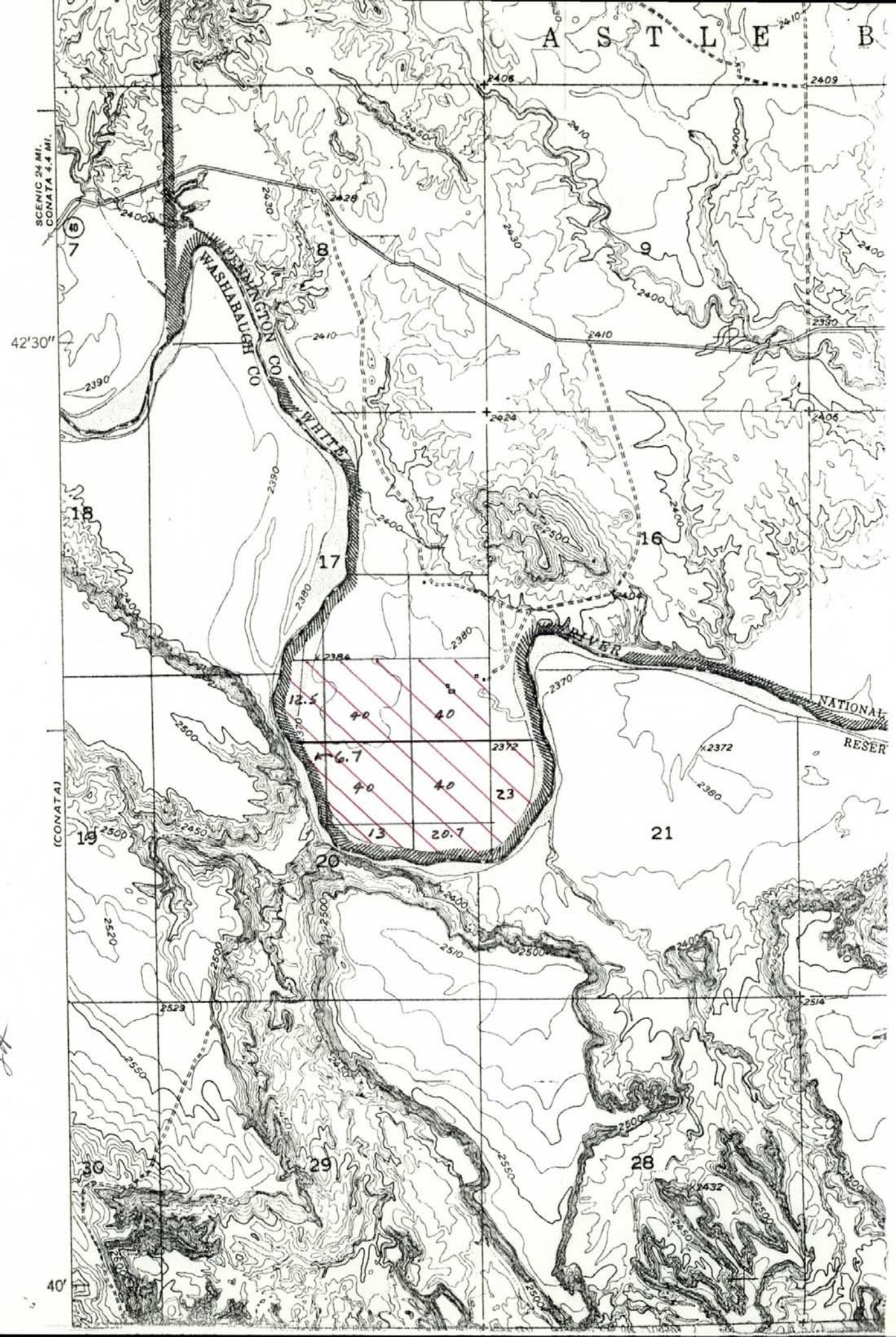
Sincerely,

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

enclosures

~~map #10687~~
 WR 1261-2.

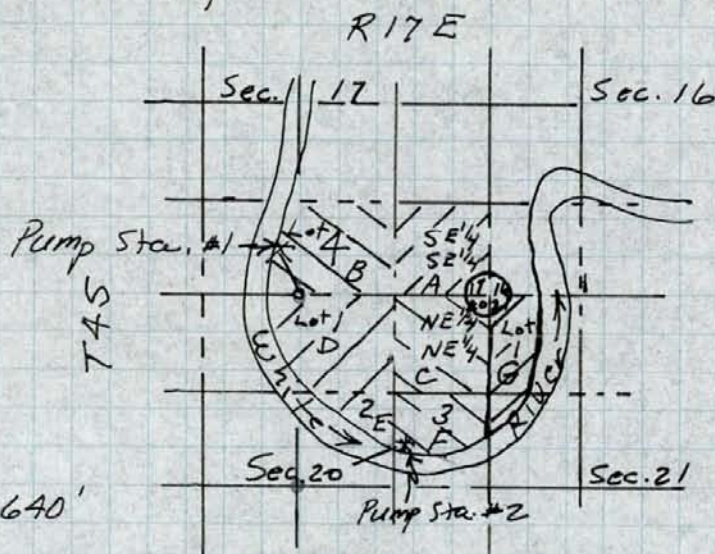
Prepared by
 Tim Schaaf JH



JIM BLOOM IRRIGATION PROJECT NO. 1

Pennington County

South Dakota



Scale 1" = 2640'

Area to be irrigated owned by Jim Bloom

A	SE 1/4 SE 1/4 Sec. 17, T45-R17E	4.00
B	Lot 4 Sec. 17, T45-R17E	52.5
C	NE 1/4 NE 1/4 Sec. 20, T45-R17E	40.0
D	Lot 1 Sec. 20, T45-R17E	46.7
E	Lot 2 " " "R17E	13.0
F	Lot 3 " " "	20.7
G	Lot 1 Sec. 21, T45-R17E	23.0

Total 235.9 Acres

Pump station No. 1 N29°W 45 Rods

from SW corner of SE 1/4 Sec. 17, T45-R17E.B.M.

Pump station No. 2 N69°E 30 Rods from

SW corner NE 1/4, Sec. 20, T45-R17E.

I, R.V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Jim Bloom, I have surveyed the tract of land as shown, and that the above drawn plot is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 3rd day of April, 1975, A.D.

R.V. Summerside
Registered Land Surveyor

NOT TO SCALE

45-17





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2009

490-2
1261-2

Charles A Kruse
19835 E SD Hwy 44
Interior SD 57750 6700

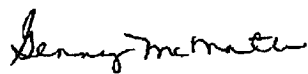
Dear Mr. Kruse:

Enclosed is a "Notice" dated October 16, 2009 concerning your 2009 irrigation questionnaires.

The notice was originally mailed to PO Box 100, Interior SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,


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

enclosures



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

March 10, 2021

1261-2

Charles A Kruse
19835 E SD Hwy 44
Interior SD 57750 6700

Dear Mr. Kruse:

I am writing regarding your Water Right No. 1261-2. Last fall when returning your irrigation questionnaire, you indicated you did not pump from the White River in 2020 but utilized your irrigation dam.

The water right authorizes diversion of water from the White River for irrigation purposes but does not mention a storage dam. I have a few questions for you concerning the dam.

- Where is the dam located (Section, Township and Range)? If you have a map showing the location of the dam in relationship to the acreage irrigated, that would be helpful.
- Do you pump into it from the White River or is it filled from runoff from a dry draw?
- How big is the dam (surface area and storage capacity)?

Please give me a call when you get a moment and we can discuss it. Thank you in advance,

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

dry draw
3/22/2021 : dam is in Dec 17
and is authorized under
Water Right 2171-2. Uses
Spreader system to divert
from dry draw dam.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

The SD Dept. of Agriculture and Natural Resources Water Rights Program is reviewing qualifications on White River water rights in order to update when pumping is authorized. Water Rights issued with priority dates junior to 1975 contained a qualification requiring a mandatory June 1 shutoff to cease pumping water from the river. The mandatory June 1 shutoff qualification was placed on these permits to protect domestic water users, which includes livestock watering. The review found, with the passage of time the United States Geological Survey (USGS) streamflow monitoring has expanded and realtime access to this information has improved. An analysis of long-term historical flow found that the lower White River, downstream of the Little White River confluence, receives significant flow from the Little White River relative to the flow contribution from the upstream portion of the White River. Consequently, it may be possible to remove the mandatory June 1 shutoff qualification for the junior water right permits in this lower section of the river and replace the qualification with a flow bypass limitation as measured at the USGS streamflow gaging station located near Oacoma.

The intent of this effort is to allow for more efficient use of water when it is available by utilizing a bypass requirement as measured at a USGS stream flow gaging station for those water users. This qualification change will also allow many lower White River junior priority water right holders to irrigate after June 1 without the need to request an extension from the Chief Engineer. Current real time river flow information can be easily accessed on-line at the following internet address:

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

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the near future, you can expect to receive official notification scheduling a hearing before the Water Management Board. The notification will include if your water right is proposed to have the qualification amended. This hearing will also be public noticed in select county newspapers in which the White River flows through. If you wish to participate in the hearing, you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at (605) 773-3352 or mark.rath@state.sd.us

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

An evaluation was made of the current qualifications that were placed on the existing White River water permits/rights to determine whether these qualifications are effectively managing the water source for the users.

Review of the Water Source

The White River, a prairie stream, located in southwestern South Dakota and northwestern Nebraska, Figure 1. The White River headwaters originate in northwestern Nebraska and drains approximately 9,975 square miles before discharging into the Missouri River near Oacoma SD.

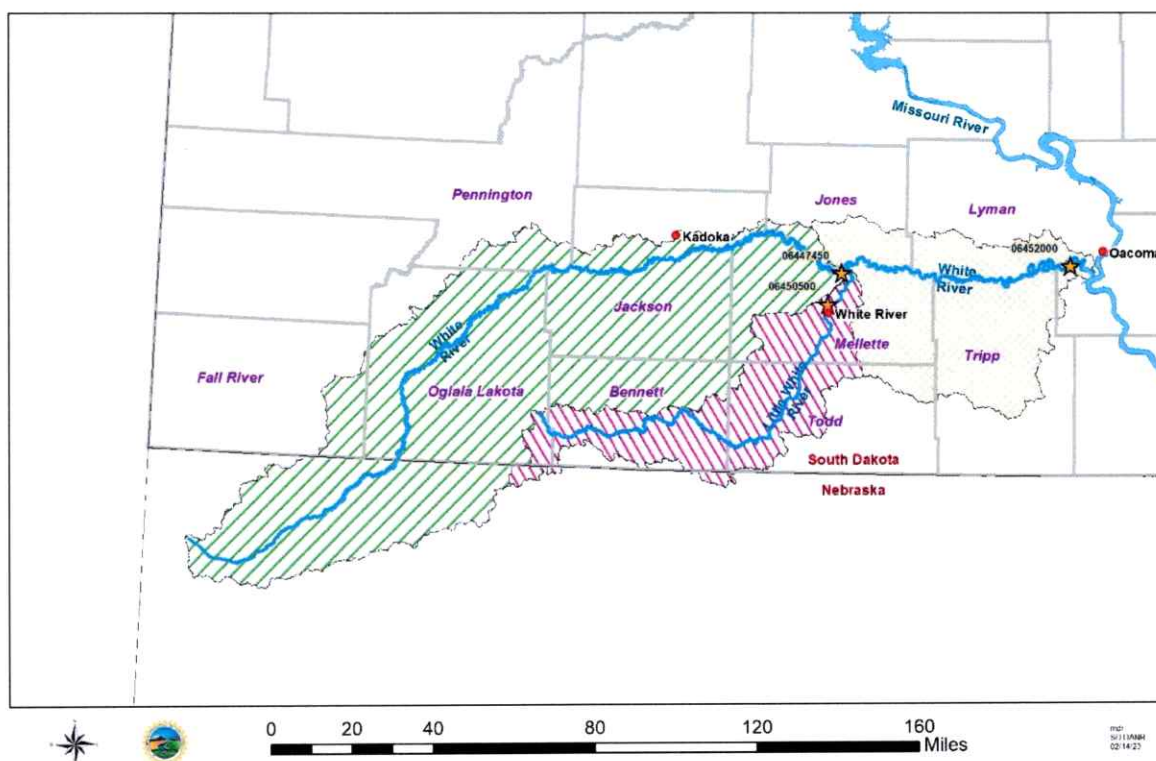


Figure 1. White River Watershed Map.

The entire watershed can be broken into three sections: upper White River, lower White River and Little White River. The upper White River watershed is the portion drained by the White River headwaters in northwestern Nebraska and drains portions of Oglala Lakota, Fall River, Bennett, Pennington, Jackson, Mellette, Jones, and Todd Counties located upstream of the Little White River confluence. The Little White River watershed is drained by the Little White River headwaters in Oglala Lakota County, draining portions of Nebraska, and Bennett, Todd, and Mellette Counties before merging with the White River approximately 12 miles southeast of the town of Murdo. The Little White River has more uniform flow than the White River due to a permeable sand formation allowing precipitation seeping into the ground to move laterally into the stream through springs and seeps (Ellis, et al. 1971). The lower White River section, after receiving contributing flow from the Little White and upper White rivers, also drains

portions of Mellette, Jones, Todd, Tripp, and Lyman Counties before discharging to the Missouri River just south of the town of Oacoma.

A percentile is a measure used in statistics to indicate the value below which a given percentage of observations in a group of observations fall, in this case daily flows. The percentiles shown correspond to flow scenarios during drier conditions when water would be in short supply. A percentile hydrograph can also give an indication of the time of year when water can be expected to be available at the gage location.

The USGS Stream Gaging No. 06447450 White River near White River, SD is located approximately 2 miles upstream from the confluence of the White and Little White rivers. Figure 2, shows three statistically derived flow levels consisting of the daily median (or 50 percentile), the 25 percentile, and the 10 percentile daily flow values for this stream gage. As this figure indicates, there is an increase in flow in the White River corresponding to spring snowmelt and spring rain events. The figure shows the median or 50 percentile hydrograph for this stream gage exhibits the daily flow values at or below this level on average one out of two years and also indicates flow curtailing in the mid-July to early September time frame before leveling off. It should be noted during any given year, flow in the river is not going to exactly mirror the median flow values. Since the median daily value is the center value with half the measured flow values greater and half less, what median values do provide is an overall indication of the historical flow characteristics for the stream at that location based upon the period of record. The hydrograph also shows there is a significant decline in available water corresponding with the 25 and 10 percentile levels from mid-to-late June.

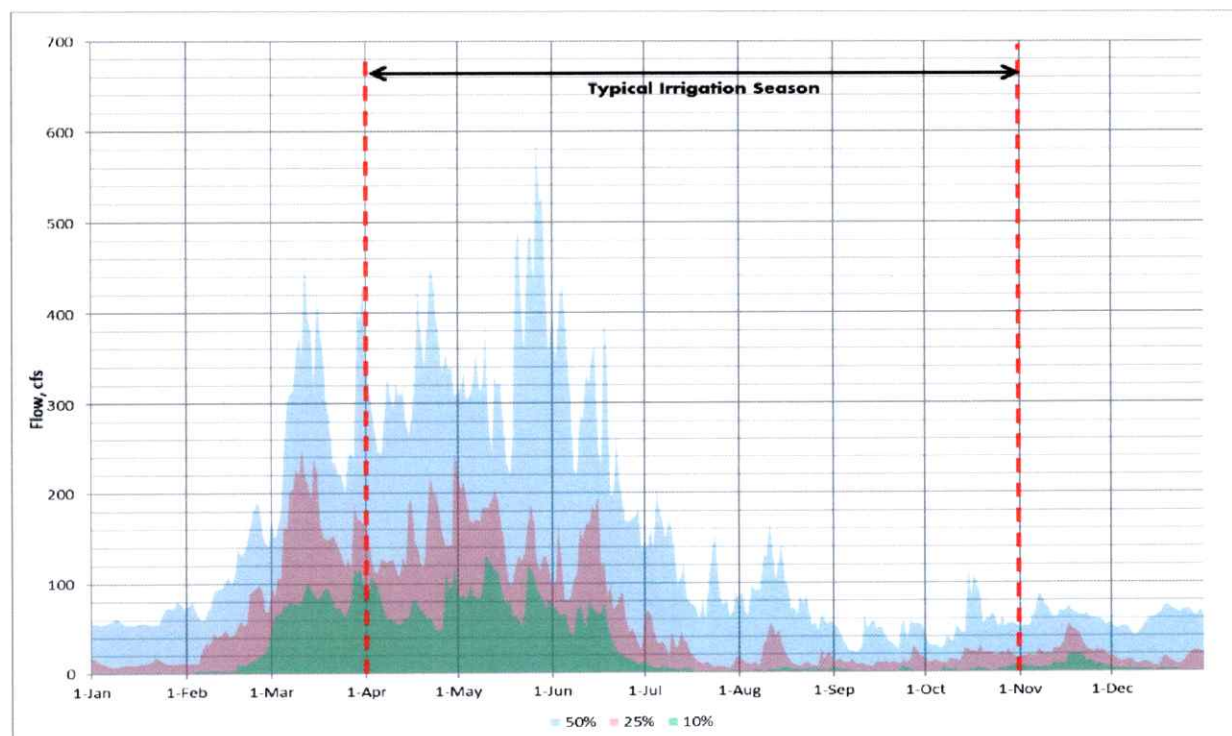


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

The USGS Stream Gaging No. 06450500 Little White River near White River, SD is located approximately 14.5 miles upstream from the confluence of the Little White River with the White River. Figure 3, indicates there is an increase in flow in the Little White River corresponding to spring snowmelt and rain events. The figure shows the median or 50, 25 and 10 percentile hydrograph levels for this stream and indicates flow at each of the three percentiles peaks in late March and steadily declines until the first of August. Flow then levels off for the remainder of the irrigation season but generally a base flow is maintained throughout the year.

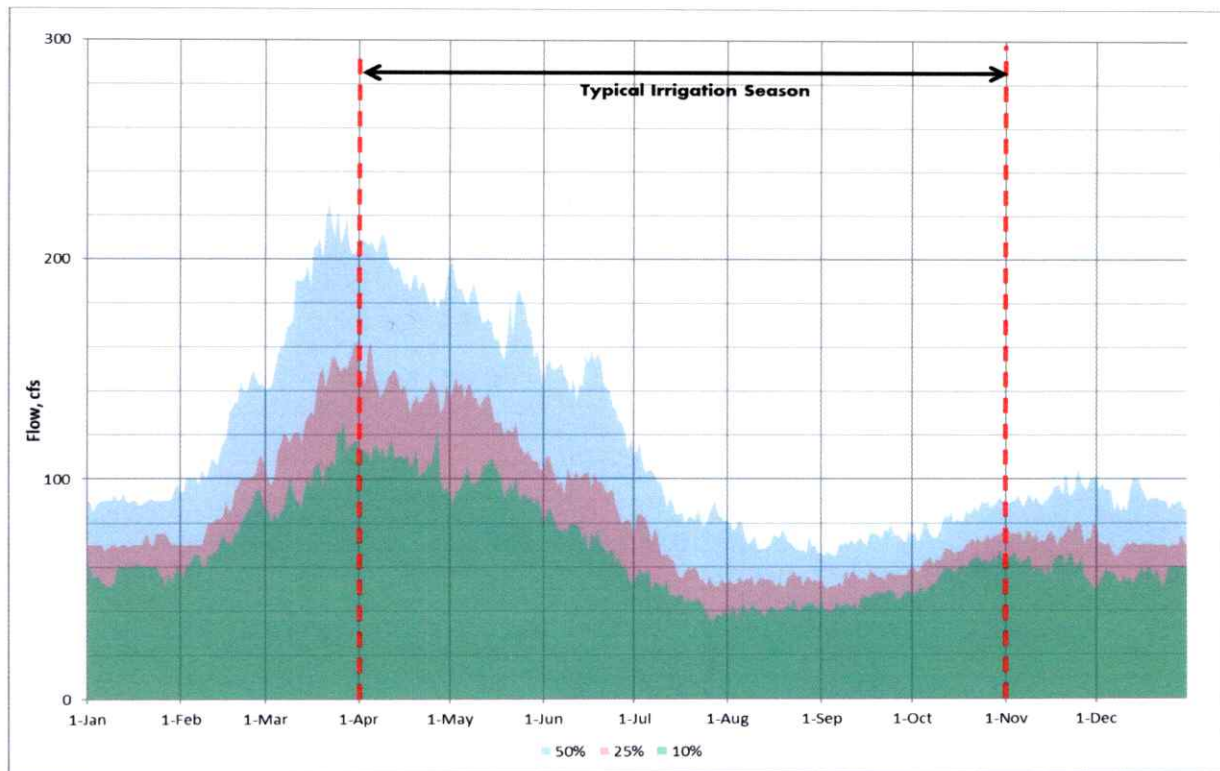


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

The USGS Stream Gaging No. 06452000 White River near Oacoma, SD is located approximately 55 river miles downstream from the confluence of the White and Little White rivers and approximately 16 miles upstream from the point where the White River flows into the Missouri River on Lake Francis Case. Figure 4 is a hydrograph showing the 50, 25 and 10 percentile levels similar to what was shown in the previous two figures. The median or 50 percentile hydrograph for this stream gage exhibits the daily flow values at or below this level on average one out of two years, and shows an increase in flow in the White River starting in early February corresponding to early spring runoff and maintains strong flows through most of June before tailing off through the remainder of the summer and fall months. At the 50 percentile level corresponding flow can be expected to be in excess of 40 cubic feet of water per second (cfs) throughout the year on average one out of two years. Looking at the hydrographs corresponding to the 25 and 10 percentiles, they show a similar trend to the 50 percentile curve with increased flows in February and tailing off in the latter part of June. The 25 percentile level shows the daily flow values at or below this level on average one out of four years, indicating flows remain above the 40 cfs level except for a period December through January. At the 10 percentile level, corresponding to the daily flow values

at or below this level on average one out of ten years, flows stay above 20 cfs except during the three week period from the first week of August through the first of September and the six week period in December and January, which is outside the irrigation season.

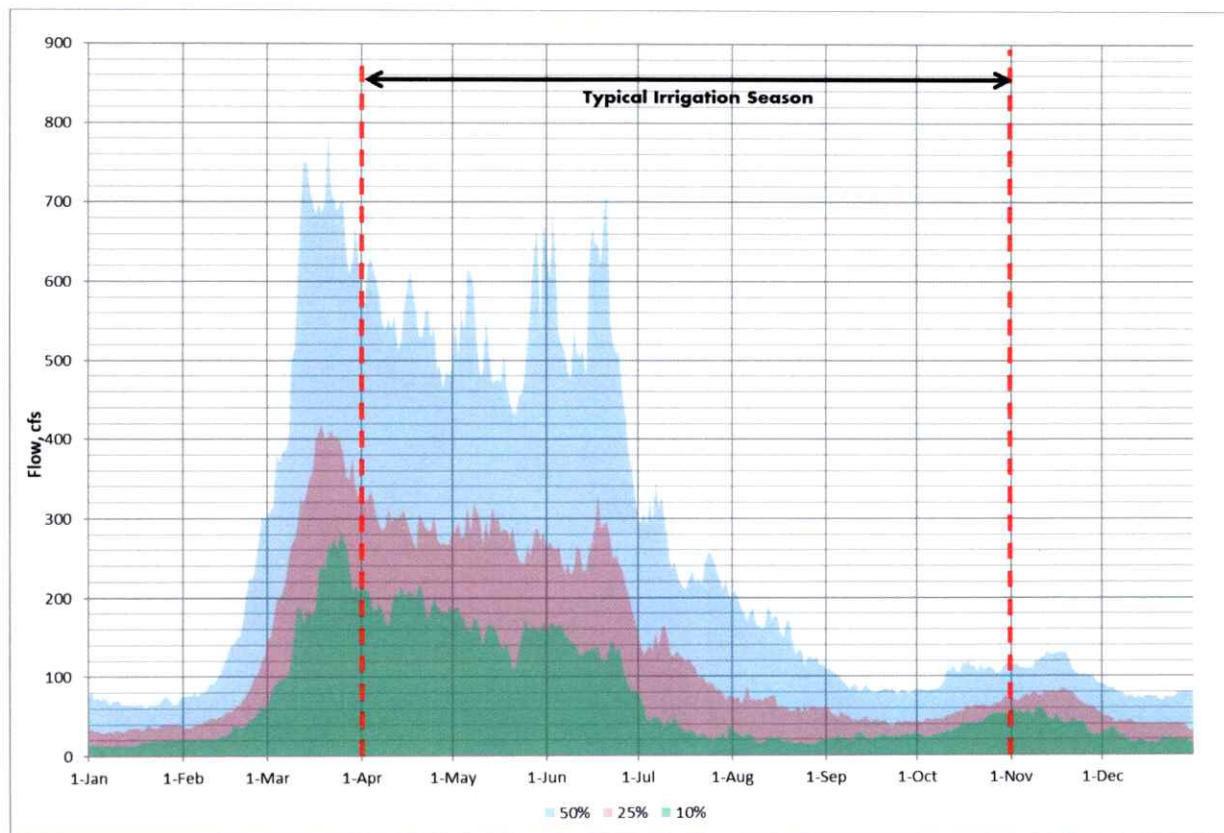


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

SDCL 46-1-14 gives the Water Management Board the authority to amend water right permits. Water permits issued by the board may be amended by the board with priority retained upon amendment. The board may alter terms, conditions, restrictions, qualifications, or quantifications.

South Dakota Codified Law

46-1-14. Terms and conditions of permits and licenses--Amendment. The Water Management Board may issue any permit or license subject to terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity consistent with this chapter which it considers necessary to protect the public interest and which are related to matters within the jurisdiction of the board. Water rights issued pursuant to this section may be amended by the board and priority is retained upon amendment. Upon amendment the board may alter terms, conditions, restrictions, qualifications, or quantifications consistent with this chapter.

46-2-3.1. Delegation of authority to chief engineer--Restrictions. The Water Management Board may delegate to the chief engineer authority to act on its behalf concerning the quasi-judicial functions of interpreting,

applying, and enforcing existing rules and laws and ordering action or abatement of action. The board may not delegate any other quasi-judicial functions as defined in § 1-32-1, except as otherwise provided by law. The board may promulgate rules pursuant to chapter 1-26 to delegate to the chief engineer the authority to issue permits pursuant to § 46-1-14.

46-2-17. Chief engineer's general enforcement authority. The chief engineer may:

- 1) Investigate the use of the waters of the state and compliance with the provisions of water permits, licenses, rules, regulations, and laws relating to water rights.
- 2) Institute enforcement and other proceedings before the Water Management Board;
- 3) Enforce orders of the board; and
- 4) Perform other acts authorized by statute or regulation.

46-2-18. Chief engineer's authority to order discontinuance of water use. The provisions of chapter 1-26 notwithstanding, the chief engineer may, after appropriate investigation, issue an order to any person to shut off or limit the person's use of surface or groundwater, or to plug or otherwise control a well. The order may be issued only to protect another user who has higher or earlier priority or to cause a user of water to discontinue the use of water to which the user has no legal right. Upon a refusal to obey the order, the chief engineer may request a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of the order.

Review of Existing Water Rights and Reported Use

A review of Water Right Program files shows there have been 200 water permits/rights issued from either the White or Little White rivers, some with priority dates going back to 1901. Many of these have been cancelled due to abandonment or forfeiture, some have been incorporated into other water permits, and some remain active. Currently, there are 82 existing permits/rights appropriating 190.9 cfs from the White River. Eighty of the existing permits/rights are for irrigation use and the other two are for small dams used for domestic and recreation purposes. Figure 5 shows a comparison between the water appropriated for irrigation use and the annual reported use by these irrigators for the years 1995 to 2021. As this figure indicates except for three years in the early 2000's, less than 10% of the water appropriated annually for irrigation was reported to be used (Water Rights. 2023).

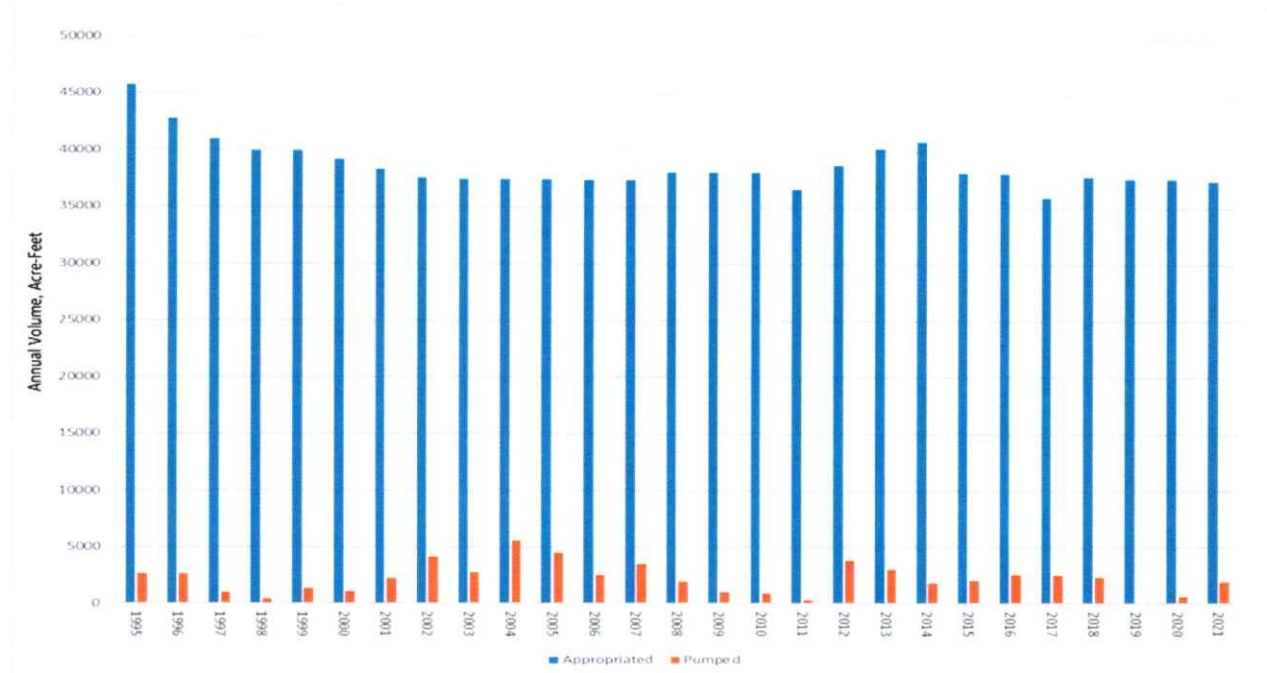


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

An examination of water right files found the Water Resources Commission, a predecessor to the Water Management Board, placed the first low flow bypass qualification, on a White River water permits in Lyman and Jackson counties in 1964. (Water Rights, 2023). In January of 1977, the Water Rights Commission, another predecessor to the Water Management Board, approved several deferred White River applications with priority dates going back to April 12, 1976, and placed a June 1 cutoff qualification on them. This same qualification has been placed on all White River permits issued since then.

In 2012, the Water Rights Program received an application for a water permit to irrigate from the White River in the river reach downstream from the Little White confluence. The analysis for that application resulted in a qualification to the issued water permit that the permit holder may request written authorization from the Chief Engineer to allow the irrigator to continue irrigating after the June 1 shutoff date. Prior to issuing the written authorization, the Chief Engineer would determine whether an appropriate base flow level was present. A 20 cfs bypass has been used in on other major rivers in South Dakota to provide for a base flow to insure domestic/livestock water needs are satisfied. It was determined a minimum base flow of 20 cfs bypass after pumping, as measured at the USGS gaging station, White River near Oacoma, was needed to allow the Chief Engineer to provide written authorization to continue using water. The permit was issued with the following qualifications (Water Rights. 2023).

1. This Permit authorizes the diversion of water from the dugout adjacent to the White River until June 1 of each calendar year. After June 1, there shall be no diversions under this Permit unless written authorization is issued by the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

2. Diversions from the dugout adjacent to the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs while pumping under this Permit.

Since that water permit was issued in 2012, the 20 cfs bypass as measured at the Oacoma stream gage criteria has been utilized multiple times when issuing written authorization to allow pumping after the June 1 cutoff in this river reach. This criterion has worked well.

Analysis and Proposed Qualification Revisions

The original cutoff date and the later adopted bypass requirement were analyzed to determine whether the 20 cfs bypass requirement would be a more effective means of managing active water rights going forward in the lower reach of the White River rather than a June 1 mandatory shutoff date. The review took into consideration the existing water rights, the qualifications, the authorized use, the location of the diversion points, the annual period of use, and historic stream flow data.

Upper White River

Water rights/permits with priority dates junior to April 11, 1976, located on the upper White River in the river reach upstream from the confluence with the Little White River contain the June 1 mandatory shutoff qualification.

The percentile hydrograph for USGS Stream Gaging No. 06447450 White River near White River, SD shown in Figure 2, indicates a decline in flow during the month of June at the three percentile levels shown (USGS. 2023). At the 10 and 25 percentile levels, corresponding to daily flow values at or below the indicated level on average one out of four years and one out of ten years respectively, show expected flow levels falling to a range of 20 cfs or below. At this time the current June 1 cutoff qualification appears to be working well, with irrigators requesting pumping variances when needed. A review of Water Rights Program files indicates this occurs sporadically with it most recently happening in the summer of 2022. An irrigator near Kadoka requested a temporary variance to pump runoff from a large upstream thunderstorm (Water Rights. 2023). At this time the recommendation is to leave the existing qualification requirements in place for current and future water rights/permits located in this river reach because the current qualification is working well.

Lower White River

Water rights/permits with priority dates junior to April 11, 1976, located on the lower White River in the river reach downstream from the confluence with the Little White River, contain the June 1 mandatory shutoff qualification.

In 2012, the Water Rights Program received Water Permit Application No. 2681-2, to divert water for irrigation from the lower White River reach. The analysis for that application determined that based upon historical flow data, there was a likelihood that water would be available many years in this reach after June 1 and there was a possibility the permit holder would be asking for a variance to allow pumping after the mandatory shutoff date. For the Chief Engineer to be able to grant written authorization to allow pumping and protect the base flow of the river, a new qualification was adopted (Water Rights. 2023).

- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.

Since 2012, the June 1 mandatory shutoff and the 20 cfs bypass qualifications have been placed on water permits issued in the lower White River reach. The Water Rights Program has received numerous requests from these permit holders over multiple years to allow diversions from the river after June 1. Based upon the experience the Water Rights Program has gained managing use based off the 20 cfs bypass qualification, we found this qualification to be an effective water management tool for this lower reach of the White River.

There are 32 water permits/rights appropriating 86.81 cfs from the White River reach downstream of the Little White River confluence. Of these, there are 11 water permits/rights appropriating 29.54 cfs containing the qualification requiring diversions cease after June 1st of each calendar year (Water Rights. 2023). Based upon the review of the stream gaging, reported water use, and our experience with using the White River stream gage near Oacoma to regulate water diversions, I recommend for the water permits/rights located in the lower White River reach, the June 1st mandatory shutoff qualification be removed and the qualification requiring a 20 cfs bypass as measured at the White River near Oacoma stream gage be added to those water permits/rights that do not already have it.

Specific Proposed Qualification Revisions by Water Permit

To standardize the bypass qualifications for the existing water permits containing a June 1 mandatory shutoff qualification in the lower White River reach downstream from the Little White River confluence to Missouri River, the following changes are proposed:

Amendment to the qualifications contained in Water Right No. 1474-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for either to the land directly or off-stream storage until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1501-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for either to the land directly or off-stream storage until June 1 of each calendar year. After June 1,

there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1504-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for irrigation to the land directly until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1529-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for irrigation to the land directly until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1557-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for irrigation to the land directly until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1630-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for off-stream storage until June 1st of each calendar year. After June 1st, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Management Board or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Board or its representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1765-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for either to the land directly or off-stream storage until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2312-2

Delete Qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed. This permit authorizes the diversion of water from the White River for irrigation to the land directly until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversion under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

The water rights/permits listed below were issued with a separate qualification that should be retained:

- Diversions from the White River are authorized only when flow at the USGS Gaging Station No. 06452000 – White River near Oacoma is at least 20 cfs while pumping under this water right.

Amendment to the qualifications contained in Water Right No. 2681A-2

Delete Qualification:

Water Permit No. 2681-2 authorizes the diversion of water from the White River for irrigation to the land directly or to two storage dams until June 1st of each calendar year. After June 1st, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Chief Engineer. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2701-2

Delete Qualifications:

Water Permit No. 2701-2 authorizes the diversion of water from the White River for irrigation to the land directly or to the existing dugout and storage dam authorized by Water Right No. 1415A-2 and Water Permit No. 2647-2 until June 1st of each calendar year. After June 1st, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Chief Engineer. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer. *(Water Right No. 1415A-2 and Water Permit No. 2647-2 have been incorporated and are now licensed under No. 2647-2.)*

Water from the White River may be diverted to the dugout and existing dam authorized by Water Right No. 1415A-2 and Water Permit No. 2647-2 subject to qualifications Nos. 1 and 2. Diversion of stored water from either the dugout or the dam for irrigation of the authorized land is not subject the June 1st shut-off. *(Water Right No. 1415A-2 and Water Permit No. 2647-2 have been incorporated and are now licensed under No. 2647-2.)*

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed.
- Water Right No. 2701-2 authorizes the diversion of water from the White River for irrigation to the land directly or to the existing dugout and storage dam authorized by Water Right No. 2647-2
- Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Permit No. 2835-2

Delete Qualification:

This permit authorizes the diversion of water from the dugout adjacent to the White River until June 1 of each calendar year. After June 1, there shall be no diversions from the White River under this Permit unless written authorization is issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- This permit authorizes the diversion of water from the dugout adjacent and hydraulically connected to the White River. Diversion of water under this permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board retains jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.



Mark D. Rath
Natural Resources Engineer III

References

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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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April 14, 2023

Subject: Amendment of the Mandatory Shutoff Qualification on White River Water Rights

Dear White River Water Right Holder,

The SD Department of Agriculture and Natural Resources has reviewed all White River water rights and the historical, United States Geological Survey (USGS) stream flow records. The Chief Engineer is recommending amending the mandatory June 1 shutoff qualification on 11 junior priority White River water rights located in the reach between the Little White River confluence and the Missouri River. The intent is to allow for more efficient use of water when it is available by utilizing a bypass requirement as measured at a USGS stream flow gaging station for those water users.

The proposed amendment to those water rights would replace the mandatory June 1 shutoff qualification with a 20 cfs of flow bypass measured at the USGS Oacoma streamflow gaging station. This amendment would not be expected adversely impact your use of the White River as authorized by your water right(s). The amendment designates a US Geological Survey streamflow gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed on-line at <https://waterdata.usgs.gov/sd/nwis/rt>.

A hearing before the Water Management Board is scheduled at 9:45 AM, Wednesday, May 3, 2023, in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. Enclosed is the notice to be published on or before April 13, 2023, in one newspaper from each of the 9 counties that the White River flows through. This notice provides information on filing a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by April 24, 2023. Additionally filing a petition affords you the opportunity to participate in the May 3rd hearing before the Board if you choose.

The staff report including affected water rights and the proposed changes are available at <http://danr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us. If you have questions; please call. DANR is willing to work to answer any questions.

Sincerely,

Chief Engineer

Water Rights Program, DANR