

Water Right Number 1774-2

1. Considered 1-26, 19 77
2. Name of Applicant ALFRED HUTCHINSON & SON
3. Post Office Address FRESHO
4. Amount of water claimed 4.05
5. Source of water supply WHITE RIVER & RUNOFF (105 AC FT STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 283.5 EXMAGT.
7. Water to be diverted and used in LYMAN County
about SE, 15 S Miles of FRESHO
8. Proof of Publication
Received 1-24-77
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Map No. 1253-2 Water Division No. 2 WHITE RIVER District 2
 (Blanks to be filled by the engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Alfred Hutchison and Son
 Postoffice address Presho, State South Dakota
 If a corporation show date and place of incorporation -0-
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Hutchison Irrigation Project No. 3
4. Amount of water claimed (cubic feet per second) 4.05 cfs
5. Source of water supply White River & runoff
6. Location point of diversion See attach sheet

County Lyman

7. Annual period or periods during which water is to be used March 1-June 30 out of River; March 1-November 15 out of reservoir
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 283.5

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.
See attach sheet			

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 Lyman County Herald
12. Principal Features of the Proposed Water Supply System.

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

Pipe & Diversion Ditch

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

Pipe & Diversion Ditch

C. Works proposed to apply water to beneficial use.

Sprinkler & Flood or Gravity

Estimated Total Cost \$30,000.00

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 Lyman

Alfred Hutchison and Son 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

Subscribed and sworn to before me this

Signed

Alfred HutchisonDay of October 1976John Brinkman

Notary Public (or other qualified officer)

Lyman Co. Auditor

HUTCHISON IRRIGATION PROJECT NO. 3

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	L4-13.60	25	103N	77W	4.5
2	SE $\frac{1}{4}$ NE $\frac{1}{4}$	25	103N	77W	30.5
3	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25	103N	77W	23.5
4	L8-07.50	25	103N	77W	6.0
5	L2-36.50	30	103N	76W	30.5
6	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	103N	76W	34.5
7	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	103N	76W	37.0
8	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	103N	76W	40.0
9	L3-65.20	30	103N	76W	6.5
10	L4-43.30	30	103N	76W	5.5
11	L5-36.20	30	103N	76W	23.5
12	L6-56.90	30	103N	76W	41.5
TOTAL					283.5

Diversion Points:

On White River: 159 rods S50°00'W of the NE corner of Sec. 25, T103N, R7W; and 128 rods S25°00'W of the NE corner of Sec. 30, T103N, R76W.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1474.2

ALFRED HUTCHISON & SON
(Applicant)

PRESHO

(Post Office Address)

SOUTH DAKOTA 57568
(State)

With the following modifications:

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 irrigation to the land directly or for off-stream storage until June 1 of each calendar year. After June 1, there shall be no diversion from the White River under this permit unless written authorization is issued by the Water Rights Commission or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its Representative.

Approval of this permit authorizes storage of 105 acre feet of water annually.

Date of first receipt of application OCTOBER 25, 1976

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

Date of receipt of corrected application _____, 19____

Approved JANUARY 26, 1977, Recorded in Book 16 Page 333

WATER RIGHT PERMIT NO. 1474.2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1474.2 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 OCTOBER 25, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26, 1979
3. The whole of said work is to be completed on or before JANUARY 26, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 26, 1986
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 4.05 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 JANUARY 26, 1986; said water to be used during the following described annual period: MARCH 1 - JUNE 1

Witness my hand this 1ST day of APRIL, 1977

WATER RIGHTS COMMISSION

By:

John Hutchison
Chief Engineer or Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

12 Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height..... 38 ft
Max. Water Depth.... 33 ft
Surface Area..... 9 ac
Storage Capacity.... 105 AF

Robert A. Hutchison

Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

No. 1474-2

Publish first publication, on or before January 12, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 6, 1977

Notice is hereby given that Alfred Hutchison & Son
whose post office address is Fresho, 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
4.05 cubic feet of water per second of time from the White River running through the
Hutchison, the point of diversion of which is to be located in the
between points in Lot 4, Section 25, T103N, R77W, and in Lot 8,
Section 30, T103N, R76W
of Section 30, Twp. 103N, Range 76W. Said water to be used for the purpose
of providing irrigation on the following described land:

Lot 4 S.B. 34 NW 1/4, NE 1/4, Section 25, T103N, R77W
Lots 2, 3, 4, 5 & 6; SE 1/4 NW 1/4, S 1/2 NE 1/4, Section 30, T103N, R76W

This application No. 1474-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Alfred Hutchison & Son, Fresho, South Dakota 57553

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 23, 1987

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESNO, SD 57568

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 1474-2, 880-2, 757-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1474-2, 880-2, 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

May 5, 1987

1474-2
830-2
757-2

Bob Hutchinson
HCR 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1474-2, 880-2, and 757-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESNO, SD 57568

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

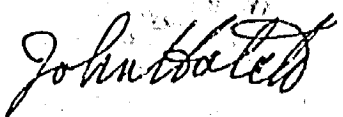
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 880-2, 1474-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 880-2, 1474-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 10, 1988

757-2
880-2
1474-2

Robert E Hutchinson
HCR 80 Box 105
Presho SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 757-2, 880-2 & 1474-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

1474-2



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

January 29, 1993

NOTICE

TO: ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESNO SD 57568

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 880-2 & 1474-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 880-2 & 1474-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESHO SD 57568

4a. Article Number

147420906560054

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-93

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991 U.S.G.P.O. 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1474-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 1993

757-2
880-2
1474-2

Robert Hutchinson
HCR 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 757-2 and 880-2 and Water Permit No. 1474-2. You may disregard the Notice for Violation of the Requirements to Submit 1992 Irrigation Questionnaires. The questionnaires were received in the office prior to the Water Management Board meeting and your name was deleted from the agenda.

As requested, future irrigation questionnaires for Water Right No. 757-2 (held by J Alfred Hutchinson) will be mailed to Jeff Hutchinson, HCL 80 Box 104, Presho, SD. No. 880-2 and 1474-2 will continue to be mailed to you.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352



1474-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESHO SD 57568

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1474-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 1474-2 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 is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & c
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 1474-2

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESHO, SD 57568

4a. Article Number
P837692719

- 4b. Service Type
- ☐ Registered ☐ Insured
 - ☒ Certified ☐ COD
 - ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2/8/95

5. Signature (Addressee)
Robert Hutchinson

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



1474-2

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

February 17, 1995

1474-2

Robert E Hutchinson
HCFI 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

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

If you have any questions, please contact me.

Sincerely,

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



January 9, 1993

1474-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ROBERT E HUTCHINSON, HCR 80 BOX 105, PRESNO, SD 57568

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 880-2 & 1474-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 880-2 & 1474-2 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 on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

SENDER: *Complete items 1 and/or 2 for additional services. *Complete items 3, 4a, and 4b. *Print your name and address on the reverse of this form so that we can return this card to you. *Attach this form to the front of the mailpiece, or on the back if space does not permit. *Write "Return Receipt Requested" on the mailpiece below the article number. *The Return Receipt will show to whom this article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
1. Article Addressed to: <u>14742</u> ROBERT E HUTCHINSON HCR 80 BOX 105 PRESHO SD 57568	4a. Article Number <u>Z179157232</u> 4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD 7. Date of Delivery	
5. Received By: (Print Name) 6. Signature (Addressee or Agent) X <u>Robert Hutchinson</u>	8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

1474-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JCE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-318

January 23, 1998

880-2

1474-2

Robert E Hutchinson
HCR 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 880-2 and 1474-2.

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

If you have any questions, please contact me.

Sincerely,

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



1474-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 12, 1998

Robert E Hutchinson
HCR 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

Enclosed is your 1998 irrigation questionnaire pertaining to Water Permit No. 1474-2. I apologize for the delay in getting the form sent to you. The questionnaire was accidentally sent to another irrigator who was kind enough to return it to me so I could correct the error.

Hopefully, you received a questionnaire for Water Right No. 880-2. If you did not, please let me know. Thank you in advance for your assistance. If you have any questions, please get in touch with me.

Sincerely,

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



1474-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

February 17, 2000

756-2

757-2

1474-2

Jeff Hutchison
HCR 80 Box 104
Presho, SD 57568

Dear Mr. Hutchison:

I am writing to acknowledge receipt of the information needed for your 1999 irrigation questionnaire. On February 16th, I spoke with Mrs. Hutchinson regarding the form. I completed a questionnaire for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 757-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Permit No. 1474-2 and Water Right Nos. 756-2 and 757-2 are listed in the name of J Alfred Hutchison (see enclosed copies). It is my understanding that they should be transferred to your name. Enclosed are three "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public. A fee of \$2.50 is required for each transfer (total of \$7.50). The check or money order for the filing fees can be made payable to the "Water Rights Program."

If you do not own all the land and I should be sending the forms to someone else, please let me know. It is fine to put more than your name on the forms if you hold the land in joint ownership with someone.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
genny.mcmath@state.sd.us

enclosures



1474-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 17, 2000

756-2

757-2

1474-2

Jeff Hutchison
HCR 80 Box 104
Presho, SD 57568

Dear Mr. Hutchison:

I am writing to acknowledge receipt of the information needed for your 1999 irrigation questionnaire. On February 16th, I spoke with Mrs. Hutchinson regarding the form. I completed a questionnaire for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 757-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Permit No. 1474-2 and Water Right Nos. 756-2 and 757-2 are listed in the name of J Alfred Hutchison (see enclosed copies). It is my understanding that they should be transferred to your name. Enclosed are three "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public. A fee of \$2.50 is required for each transfer (total of \$7.50). The check or money order for the filing fees can be made payable to the "Water Rights Program."

If you do not own all the land and I should be sending the forms to someone else, please let me know. It is fine to put more than your name on the forms if you hold the land in joint ownership with someone.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
genny.mcmath@state.sd.us

enclosures

No. 1474-2

Date: _____

formerly owned by: Robert J. Alfred Hutchison

be transferred to: (name & address) JEFF HUTCHISON 36651 Bison Rd
Presho, S. DAK. 57568 Telephone No. 605/895-2245

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

SEE ATTACHED SHEET

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.

STATE OF SOUTH DAKOTA)

County of Alameda

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

(Signed)

Subscribed and sworn to before me this 27th day of March, 192000

(Notary Public)

по сравнению

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.

County # 1404-2



HUTCHISON IRRIGATION PROJECT NO. 3

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	L4-13.60	25	103N	77W	4.5
2	SE 1/4 NE 1/4	25	103N	77W	30.5
3	NE 1/4 SE 1/4	25	103N	77W	23.5
4	L9-07.50	25	103N	77W	6.0
5	L2-36.50	30	103N	76W	30.5
6	SE 1/4 SW 1/4	30	103N	76W	34.5
7	SW 1/4 SE 1/4	30	103N	76W	27.0
8	SE 1/4 SW 1/4	30	103N	76W	40.0
9	L3-65.20	30	103N	76W	6.5
10	L4-43.30	30	103N	76W	5.5
11	L5-36.20	30	103N	76W	23.5
12	L6-56.90	30	103N	76W	41.5
TOTAL					283.5

Diversion Points:

On White River: 150 rods S50°00'W of the NE corner of Sec. 25, T103N, R77W; and 128 rods S25°00'W of the NE corner of Sec. 30, T103N, R76W.

STATE OF SOUTH DAKOTA - BUREAU OF AGRICULTURAL ENGINEERING - OFFICE OF RECORDS MANAGEMENT - 1000 EAST 10TH AVE. SIOUX FALLS, SD 57105-0001
 THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATION IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND HAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-41. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE WITH THE STANDARDS FOR PERMANENT MICROFILM REPRODUCTION. REDUCTION 25:1
 SOIL NO. 18
 DATE MICROFILMED 3-30-82
 Garry Young

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416450

Pierre, _____ March 29, 2000

RECEIVED OF Jeff Hutchison, 30651 Bison Rd., Presbury SD 57566
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 <u>Water Permit No. 1474-7</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By E. C. Leonard
Assistant Secretary



1474-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 29, 2000

756-2

757-2

1474-2

Jeff Hutchison
30651 Bison Rd
Presho, SD 57568

Dear Mr. Hutchison:

Thank you for following up on the ownership changes for Water Right Nos. 756-2, 757-2 and Water Permit No. 1474-2. The transfers have been completed and the above listed water rights and water permit are now listed in your name.

Enclosed are your receipt Nos. 416448, 416449 and 416450 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions concerning the water rights or water permit, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
genny.mcmath@state.sd.us

enclosures

Permit No. 1474-2
White River - Water District

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

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

I have this day, 08/17/00, made a thorough examination of the water use system constructed by **Alfred Hutchison** of **30651 Bison Rd, Presho, SD 57568** original holder of Permit No. **1474-2**, bearing the priority date of **10/25/76** authorizing the diversion of **4.05 cu. ft. per second** and the storage of **105 acre-feet** of the waters of the **White River** for irrigation purposes, in **Lyman County**. The property is now occupied and managed by **Jeff Hutchison, 30651 Bison Rd, Presho, SD 57568**.

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

A. Works used to divert the water:

Water is diverted from the river through a 12-inch line to the approximately 100 acre-foot storage reservoir. Storage reservoir water is gravity withdrawn through a 12-inch line and then pumped to sprinklers or ditches through an 8-inch buried line. Pumping equipment consists of a Deutz Diesel motor and an 18x3 inch centrifugal pump.

Water may only be diverted from the river March 1 through June 1 to the storage reservoir or directly onto the land for irrigation. From March 1 through November 15, water may be pumped from the storage reservoir for irrigation.

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

8-inch buried pipeline and ditches

C. Works used to apply water to beneficial use:

Gravity flooding and sprinkler system

The system is in the following condition: Fair – Ditches were partially filled with silt from flooding in 1997 and the pump station at the river diversion point was damaged. Adequate moisture has been available since 1997 and the land has not been irrigated since flooding. The points of diversion from the river are located between the SW¼ NE¼ Section 25 T103N R77W and SE¼ SE¼ Section 30 T103N R76W. The diversion point for the storage reservoir is approximately 3069 feet East and 1741 feet South of the NW corner of Section 25 T103N R77W. The storage reservoir is approximately 4117 feet East and 1479 feet South of the NW corner of Section 25 T103N R77W. The works are capable of diverting and conveying to the place of use 4.05 cu. ft. per second of water and storing 100 acre-feet of water to be used for

irrigation. Water has been put to beneficial use to the maximum extent for irrigation of portions of the following land:

T103N R77W

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, 20 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, 23 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25, 7 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, 14.5 acres

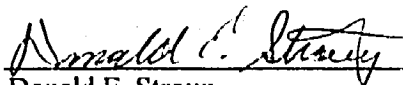
T103N R76W

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, 29 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, 37 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, 17 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 14 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, 22 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, 28 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, 24 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, 23 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30, 25 acres

comprising approximately 283.5 acres. The license should be issued for 4.05 cfs of water and 100 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None



Donald E. Stroup

10/16/00
Date

Natural Resources Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

October 17, 2000

1474-2

Jeff Hutchison
30651 Bison Rd
Prescho, SD 57568

Dear Mr. Hutchison:

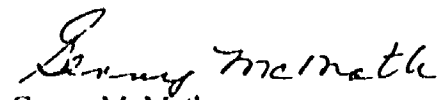
On August 17, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1474-2, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,


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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416665

Pierre, November 1, 2000

RECEIVED OF Hutchison Arrow H. Ranches, HC 80, Box 105, Chesho SD 57568
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. 1474- _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Richard Erbale

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1474-2

(1) Alfred Hutchison & Son, Presho SD made Application No. 1474-2, October 25, 1976 for a water permit to divert 4.05 cubic feet of water per second from the White River and to store 105 acre feet of water, Lyman County, South Dakota for irrigation purposes. Permit No. 1474-2, with a priority date of October 25, 1976 was approved January 26, 1977 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 26, 1982 and for the application to beneficial use of said water on or before January 26, 1986.

On March 29, 2000, Water Permit No. 1474-2 was transferred to Jeff Hutchison.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to impound 100 acre feet of water and to divert 4.05 cubic feet of water per second for beneficial use. The location of the diversion points are White River – between points in the SW ¼ NE ¼ Section 25-T103N-R77W and SE ¼ SE ¼ Section 30-T103N-R76W and the storage dam – 4,117 feet east and 1,479 feet south of the northwest corner of Section 25-T103N-R77W (NE ¼).

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

Section 25-T103N-R77W	SE ¼ NE ¼	20 acres
	NE ¼ SE ¼	23 acres
	SW ¼ NE ¼	7 acres
	SE ¼ SE ¼	14.5 acres
Section 30-T103N-R76W	SW ¼ SW ¼	29 acres
	NW ¼ SW ¼	37 acres
	NE ¼ SW ¼	17 acres
	NW ¼ SE ¼	14 acres
	NE ¼ SE ¼	22 acres
	SW ¼ NW ¼	28 acres
	SE ¼ NW ¼	24 acres
	SW ¼ NE ¼	23 acres
	SE ¼ NE ¼	25 acres
Total 283.5 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jeff Hutchison, 30651 Bison Rd, Presho SD 57568 the holder and/or owner of Water Right No. 1474-2 is issued a license to appropriate water, the right to impound 100 acre feet of water and to divert 4.05 cubic feet of water per second from the White River with a priority date of October 25, 1976 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1474-2 and subject to South Dakota State Law.

Garland Erbele
GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 02 2001

date



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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 02 2001

1474-2

Jeff Hutchinson
30651 Bison Rd
Presho SD 57568

Dear Mr. Hutchinson:

Enclosed is Water License No. 1474-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416665 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

R-76-W



All lands described are owned by "Alfred Hutchison & Son"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	Lot 4-13.60	25	103 N	77W	4.5
2	SE ⁴ NE ⁴	25	103	77	30.5
3	NE ⁴ SE ⁴	25	103	77	23.5
4	Lot 8-07.50	25	103	77	6.0
5	Lot 2-36.50	30	103	76	30.5
6	SE ⁴ NW ⁴	30	103	76	34.5
7	SW ⁴ NE ⁴	30	103	76	37.0
8	SE ⁴ NE ⁴	30	103	76	40.0
9	Lot 3-65.20	30	103	76	6.5
10	Lot 4-43.30	30	103	76	5.5
11	Lot 5-36.20	30	103	76	23.5
12	Lot 6-56.90	30	103	76	41.5
TOTAL					283.5

Scale: 1" = 660'

HUTCHISON IRRIGATION PROJECT

NO. 3

(ALFRED HUTCHISON & SON)

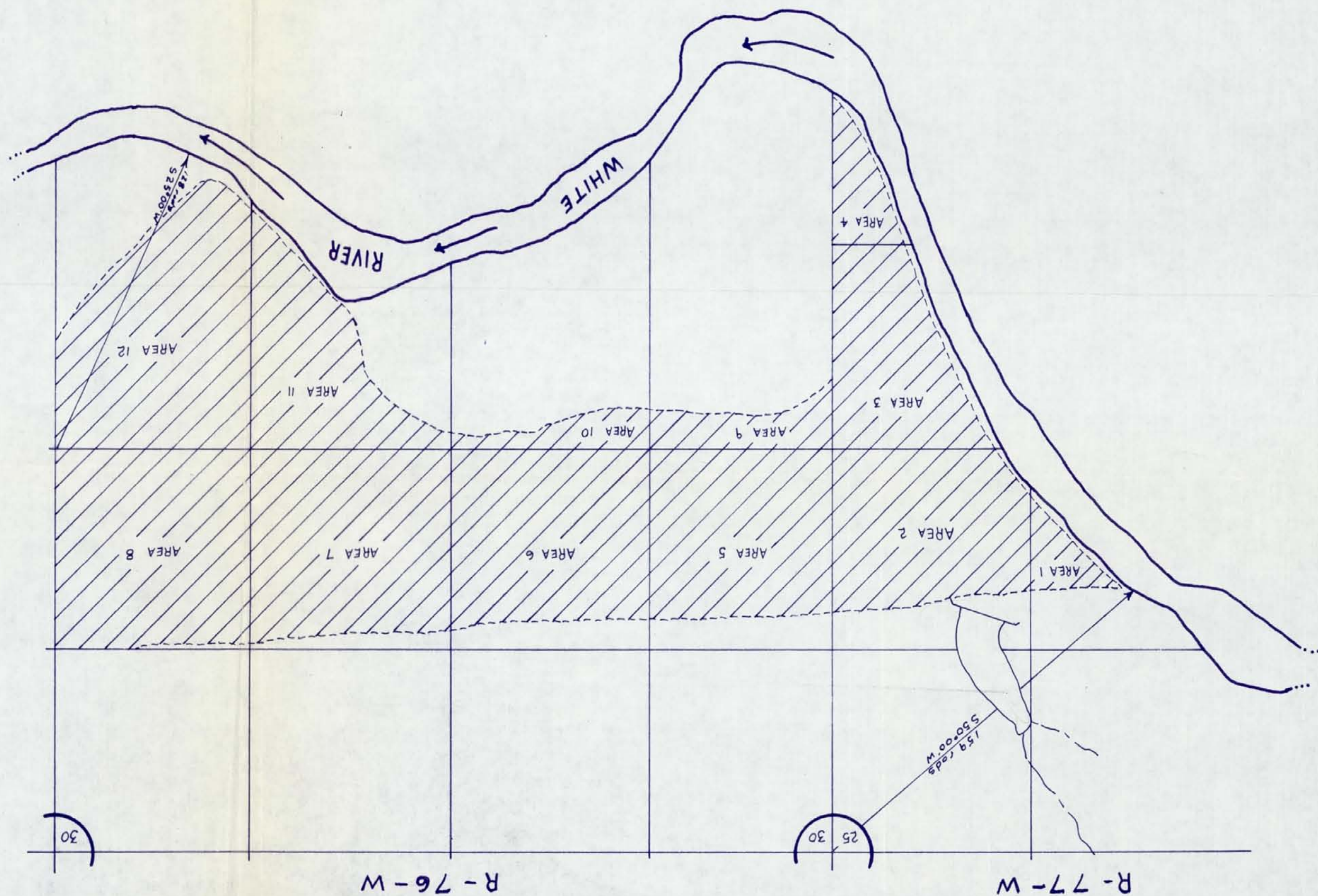
Lyman County, South Dakota

Keith Kuehnbecker, Manager

West River Conservancy Sub-Div.

not to scale

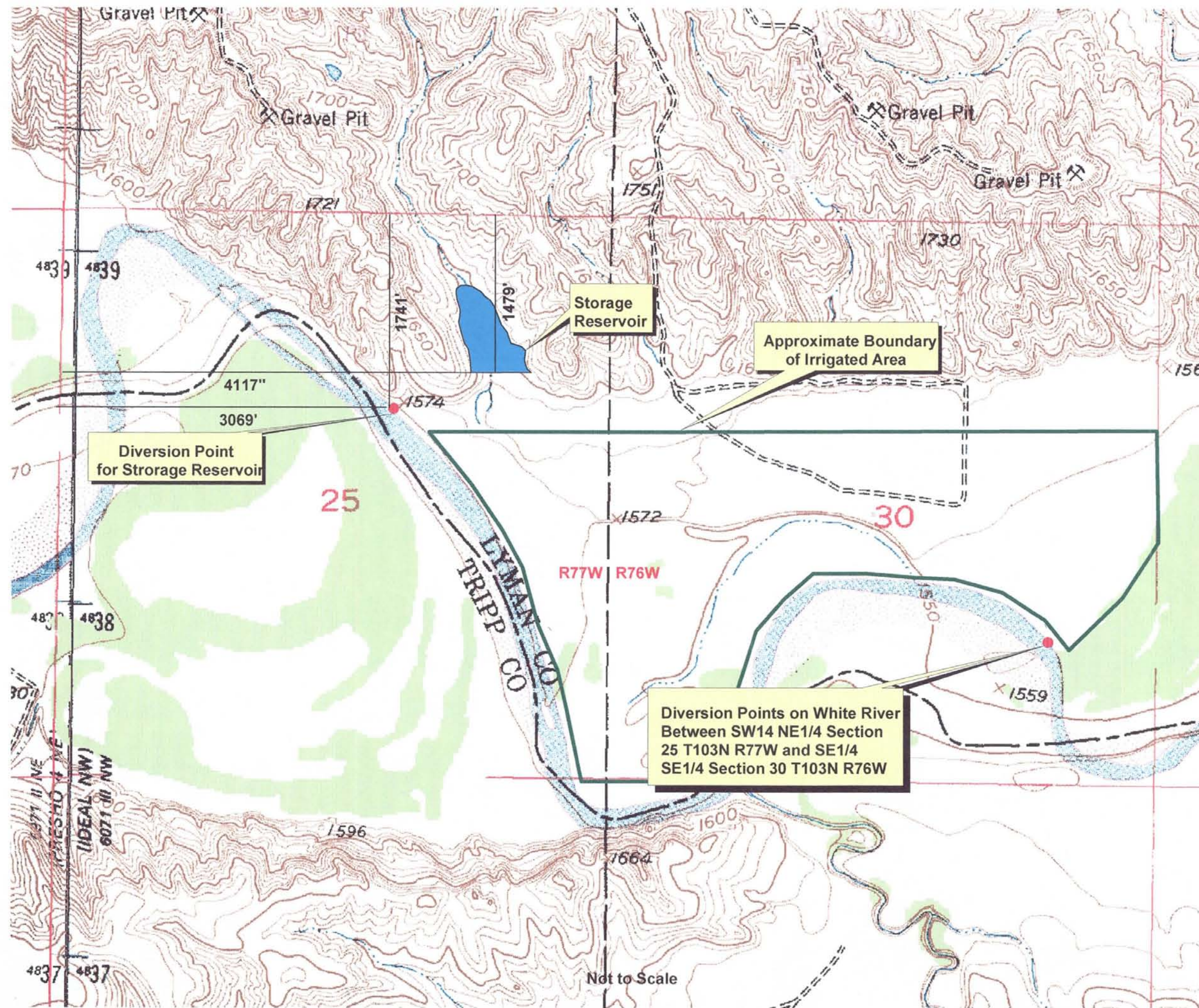
MAP NO. ~~153-2~~ 1474-2



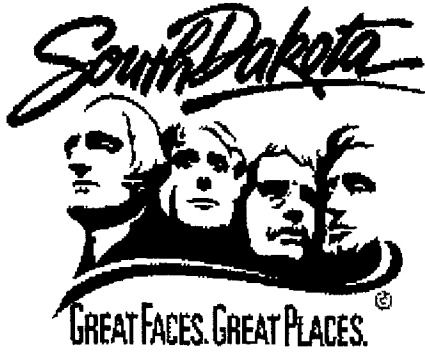
Permit #1474-2
Jeff Hutchison
30651 Bison Rd
Presho, SD 57568

Diversion Point
for Storage Reservoir
SW1/4 NE1/4 Section
25 T103N R77W

Dam
Surface Area - 7 acres
Height - 25 feet
Crest Length - 550 feet
Crest Width - 10 feet
Storage - 100 acre-feet
43.6983 deg North
99.9844 deg West



Donald E. Stroup
Donald E. Stroup
DENR Natural Resources Eng.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2009
(via email)

757-2
880-2
1474-2

Kent Rasmussen
Rabo AgriFinance
2525 W Main – Suite 302
Rapid City SD 57702

Dear Mr. Rasmussen:

I am writing in follow-up to your request for information on water use authorized by Water Right Nos. 757-2, 880-2 and 1474-2.

With information obtained from their annual irrigation questionnaires, I prepared summaries for each water right showing whether they irrigated or not during the years 1985 through the present. The summary for each includes their actual comments written on the forms as to why irrigation did not take place.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the years of non-use. Legal excuse as defined in Board Rules includes but is not limited to 1) unavailability of water to satisfy a water right; 2) legal proceedings which prevent the use of water and 3) water use under existing climatic conditions which would result in a waste of water.

As I indicated to you on the phone, as staff, we can not tell you whether or not a water right is valid. The Water Management Board is the entity who is tasked with making these determinations. All we can tell you is what information is in the files. After reviewing the summaries for each water right, we would not pursue cancellation of these water rights. This does not mean that they have legal standing; it means that we do not have enough information to schedule them for hearing.

If you want to know for sure if they have legal standing, you or Mr. Hutchison could petition the Board to make a declaratory ruling.

I hope I have answered your questions. If you need additional information, please contact me.

Sincerely,

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

Irrigation Questionnaire Summary for Jeff Hutchison
Water Right No. 1474-2

Year	Irrigated (yes or no)	comments
1985	no	insufficient water
1986	no	<i>comments not legible</i>
1987	yes	used spreader and irrigated 50 acres
1988	no	"I had to retain water in storage due to what proved to be a very dry season; this way I have storage water to start next season with and looks like it will be needed most then"
1989	yes	66 acres
1990	yes	166.2 acres
1991	yes	145 acres
1992	no	<i>no reason given</i>
1993	no	"due to extreme wet, we did not apply any water this year"
1994	yes	65 acres
1995	no	"year much to wet"
1996	no	"wind damage to system and wet year, did not irrigate"
1997	no	"due to field damage by flooding, very wet season – no water applied"
1998	no	"plenty of moisture"
1999	yes	100 acres
2000	yes	41 acres
2001	no	"adequate rain"
2002	no	"low river level"
2003	no	"not enough good water"
2004	no	"bad river quality"
2005	no	"supply dam to low"
2006	no	checked box indicating "no water available"
2007	no	checked box indicating "no water available"
2008	no	checked box indicating "sufficient moisture"



1474-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JEFF HUTCHISON, 30651 BISON RD, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit Nos. 757-2, 880-2 & 1474-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 at **10:00 am, March 7, 2012**, 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) 757-2, 880-2 & 1474-2 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 on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1474-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

757-2
880-2
1474-2

Jeff Hutchison
30651 Bison Rd
Presho SD 57568

Dear Mr. Hutchison:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 757-2, 880-2 & 1474-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**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.

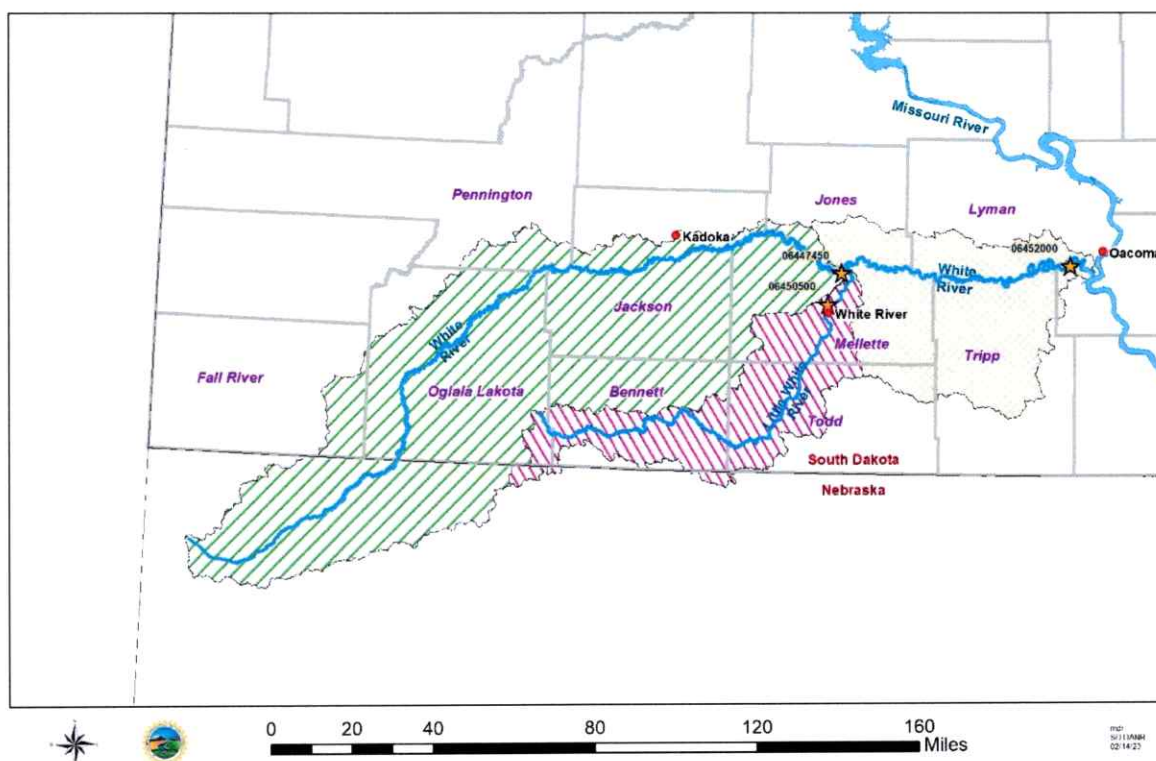


Figure 1. White River Watershed Map.

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.

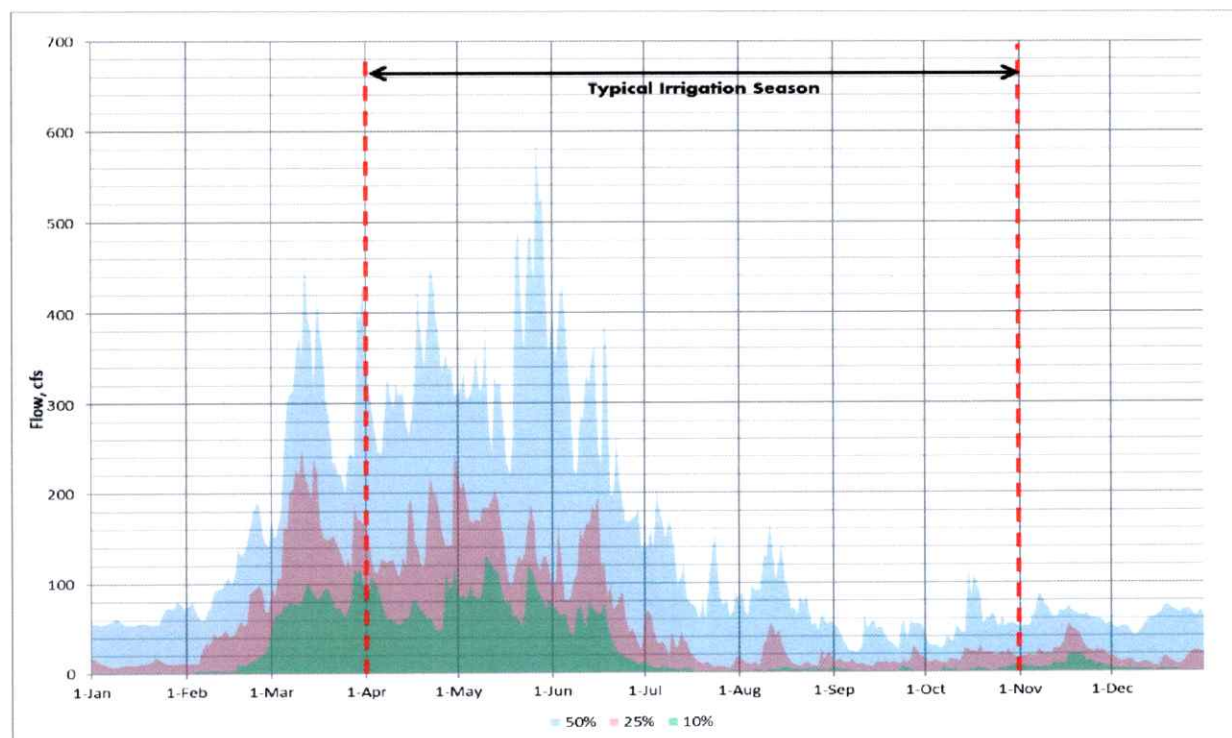


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

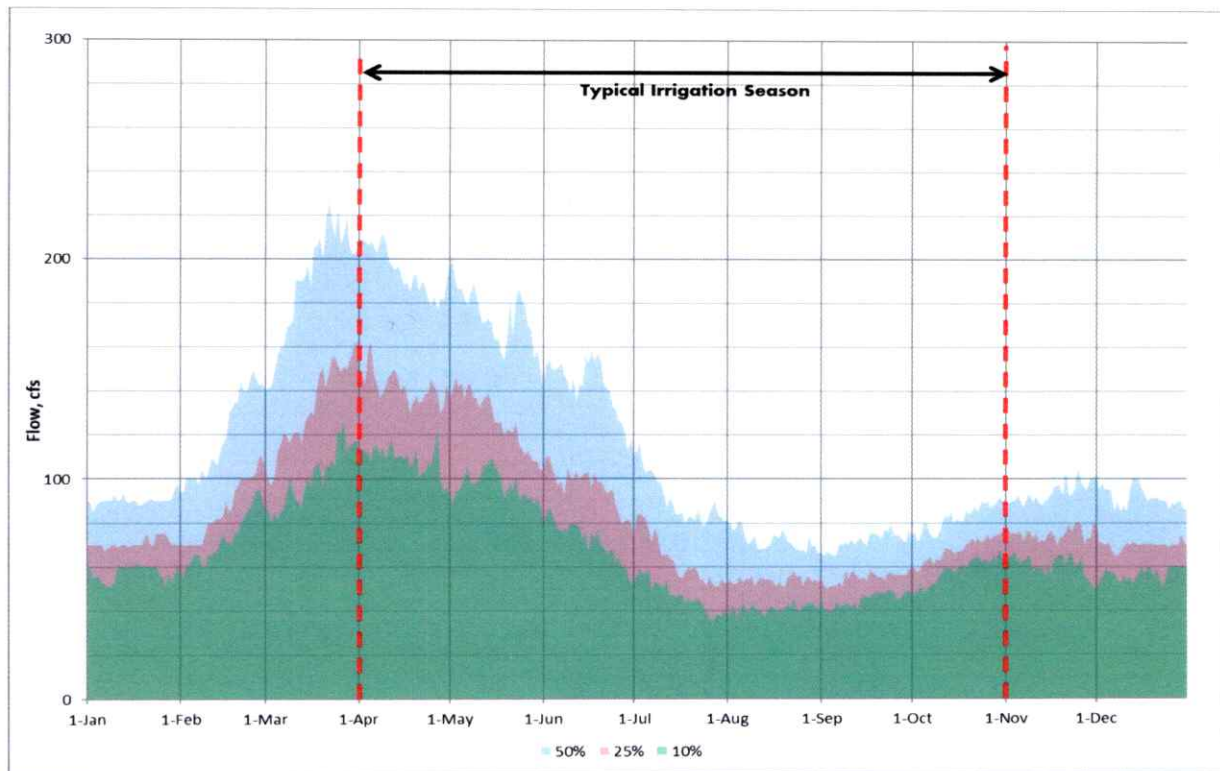


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

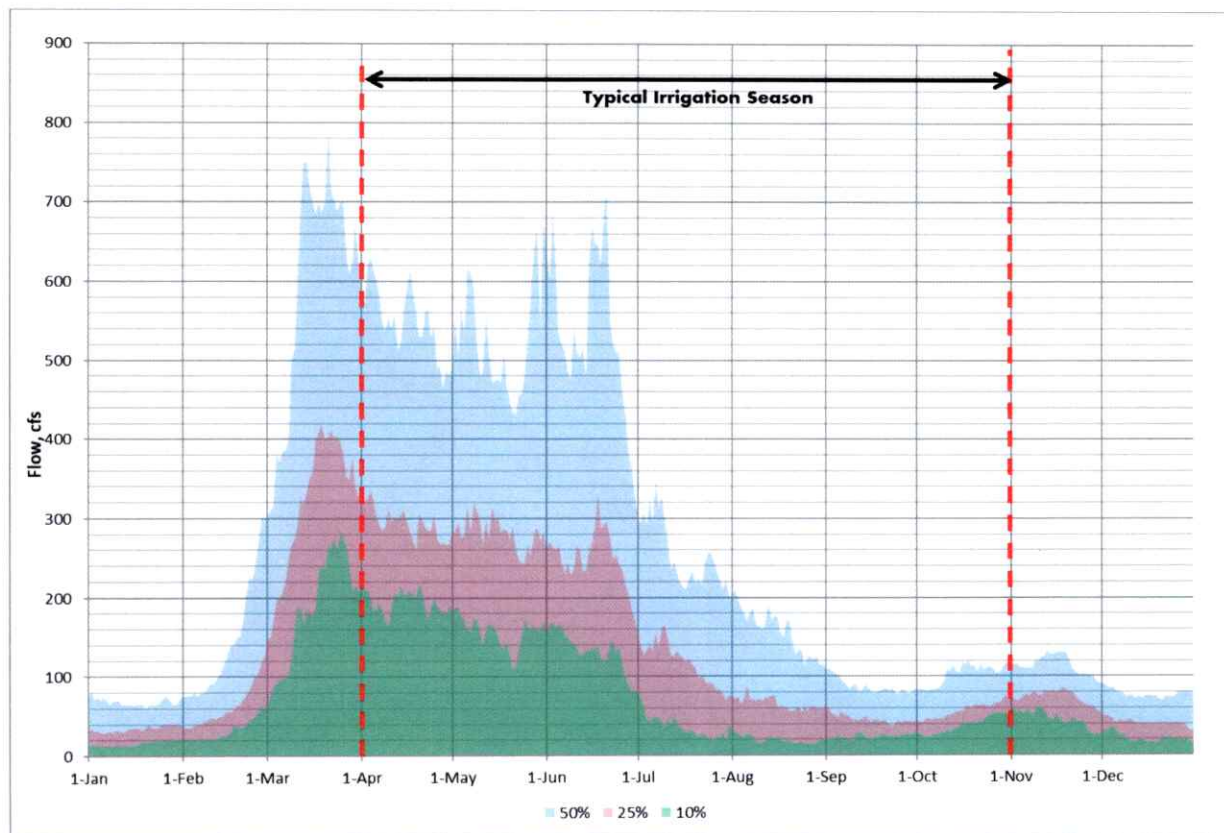


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

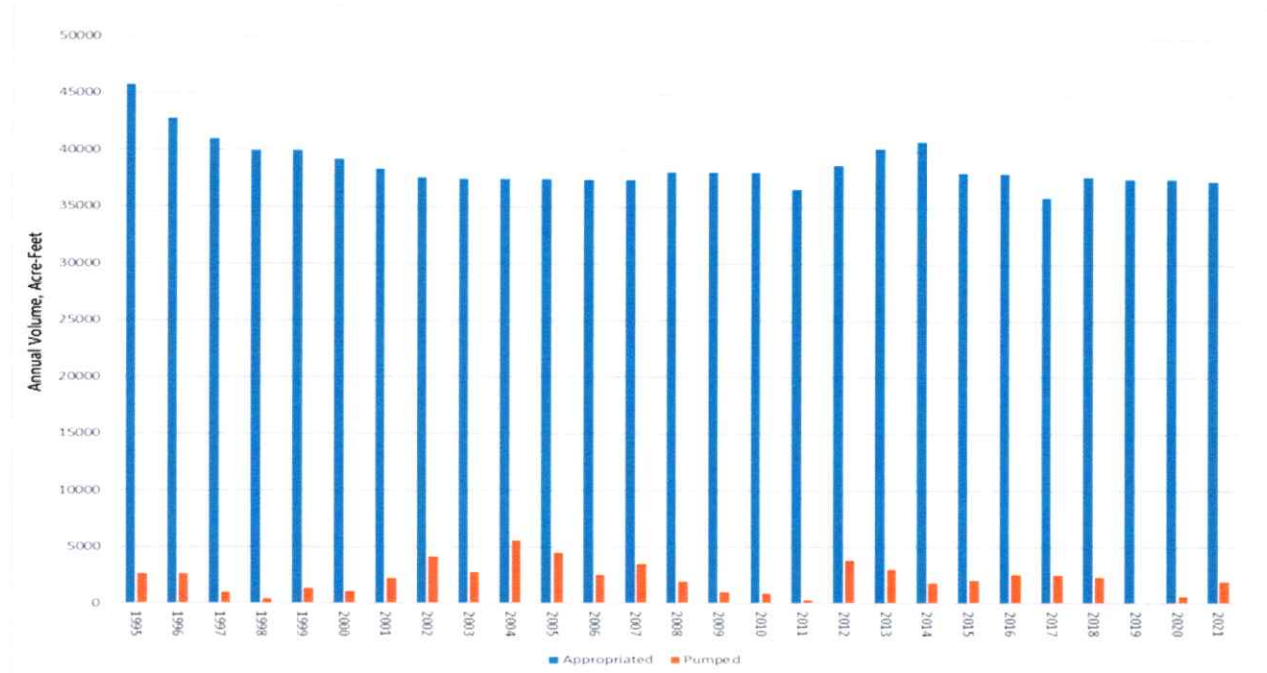


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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

Ellis, M. J. and D.G. Adolphson. 1971. Hydrologic Atlas 357, Hydrogeology of the Pine Ridge Indian Reservation, South Dakota. United States Geologic Survey Publication Warehouse.

USGS. 2023. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.

Water Rights. 2023. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

JEFF HUTCHISON
30651 BISON RD
PRESHO SD 57568

Subject: Amendment of the Mandatory Shutoff Qualification on White River Water Right No. 1474-2

Dear Mr. Hutchison,

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 on the White River. The Chief Engineer is recommending amending those water rights with the mandatory June 1 shutoff qualification located downstream of the Little White River's confluence with the White River. This involves amending 11 water rights. The intent is to allow more efficient use of water when it is available by replacing the June 1 shutoff qualification with a 20 cubic feet of water per second (cfs) bypass qualification as measured at a USGS stream flow gaging station. Water Right(s) that you own or operate are included in those to be amended. Water Rights that did not have the June 1 shutoff qualification or are located above the Little White River confluence with the White River remain unchanged.

Attached is the qualification to be deleted from the water right(s) and the proposed new qualifications.

Based on a review of historical flow records, in most years, 20 cfs of flow is available in the White River after June 1 as measured at the USGS Oacoma streamflow gaging station. The amendment designates a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed online at <https://waterdata.usgs.gov/sd/nwis/rt>.

A hearing before the Water Management Board is scheduled at 9:45 AM (Central Time), 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 7 counties that the White River flows through. This notice provides information on filing a petition opposing the proposed amendment or providing a comment. A petition must be postmarked by April 24, 2023, and allows you to participate in the May 3, 2023, hearing before the Board.

The staff report including affected water rights and the proposed changes is 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

Proposed Qualification Revisions

In order to standardize the bypass qualifications for the existing water rights/permits containing a mandatory June 1 shutoff in the White River reach between the Little White River confluence and the 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 5, 2023

JEFF HUTCHISON
30651 BISON RD
PRESHO SD 57568

Subject: Water Management Board removes the mandatory June 1 shutoff qualification and adds a streamflow bypass qualification on White River Water Right No. 1474-2

Dear Mr. Hutchison,

This is a follow-up letter to my April 14, 2023, letter concerning the proposed qualification changes to your White River water right. On May 3, 2023, the SD Water Management held a hearing to amend your junior priority date water right and made the following change:

Deleted 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.

Added 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 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>.

If you have any questions concerning this change, please contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

Sincerely,

Chief Engineer

Water Rights Program, DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: JEFF HUTCHISON, 30651 BISON RD, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 757-2, 880-2 & 1474-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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 at **Wednesday, March 6, 2024 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) 757-2, 880-2 & 1474-2 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 6, 2024** 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: XPRZWI**

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 12, 2024

757-2
880-2
1474-2

Jeff Hutchinson
30651 Bison Rd
Presho SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 757-2, 880-2 & 1474-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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