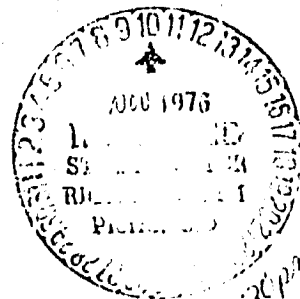


Water Right Number 1501-2

1. Considered 1-26, 19 77
2. Name of Applicant KENNETH HALLIGAN
3. Post Office Address DRAPER
4. Amount of water claimed 2.9
5. Source of water supply WHITE RIVER & RUNOFF (88 AC FT STORAGE)
6. Water to be used for IRRIGATION
Acres to be irrigated 201.5
7. Water to be diverted and used in JONES County
about 4E, 135 Miles of DRAPER
8. Proof of Publication Received ~~151~~ 6-27-77
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Map No. 316-2 Water Division No. 2 WHITE RIVER District _____
 (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 Kenneth Halligan
 Postoffice address Draper, State SD
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
 3. Name of diversion work Halligan Storage Permit
 4. Amount of water claimed (cubic feet per second) 2.9
 5. Source of water supply White River & runoff
 6. Location of point of diversion Dam in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 31, T3S, R31E

- County Jones
 7. Annual period or periods during which water is to be used When available
 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 201.5

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.
Lots 1, 2 & 3	111 $\frac{1}{2}$		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6,	30		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ T3S, R31E	40		
NE $\frac{1}{4}$ SW $\frac{1}{4}$	30		

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 Murdo Coyote, Murdo
 12. Principal Features of the Proposed Water Supply System.

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

Pump from White River to Storage Dam

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

C. Works proposed to apply water to beneficial use.

Pumped or released to levelled land

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Hughes)

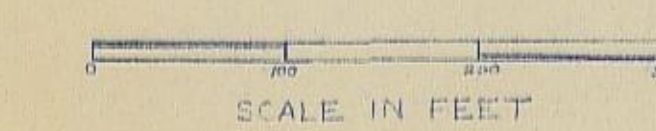
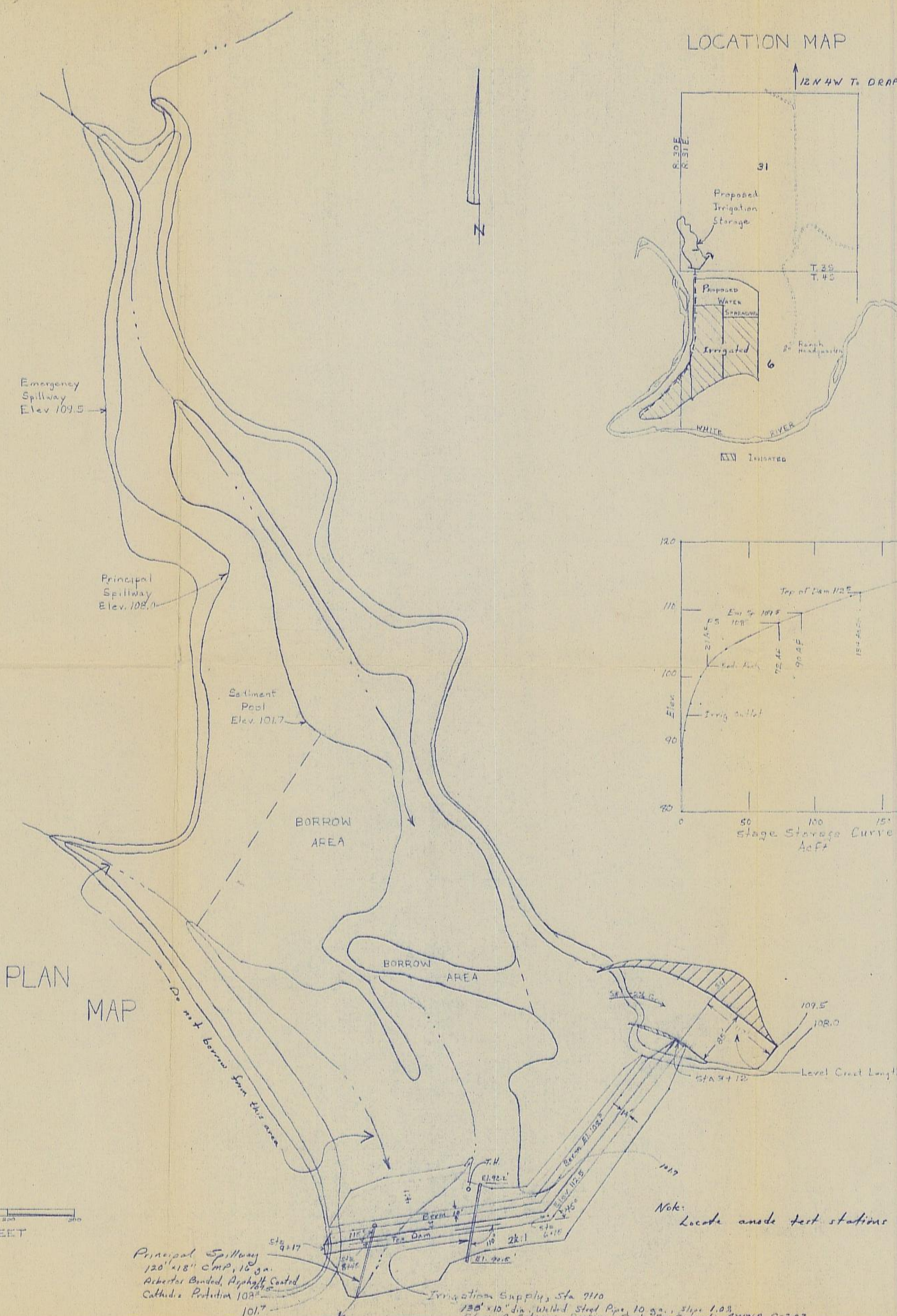
I, Kenneth Halligan the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Kenneth HalliganSubscribed and sworn to before me this 10th day of November, 1976Bob Witternail
(Notary Public (or other qualified officer))State of South Dakota

AND ON MICROFILM WHICH THE REPRODUCED MATERIALS OF
 REPRODUCTIONS. REDUCTION 25:1 ROLL NO 18

DATE MICROFILMED

3-30-82
 Gary Young



LOCATION MAP

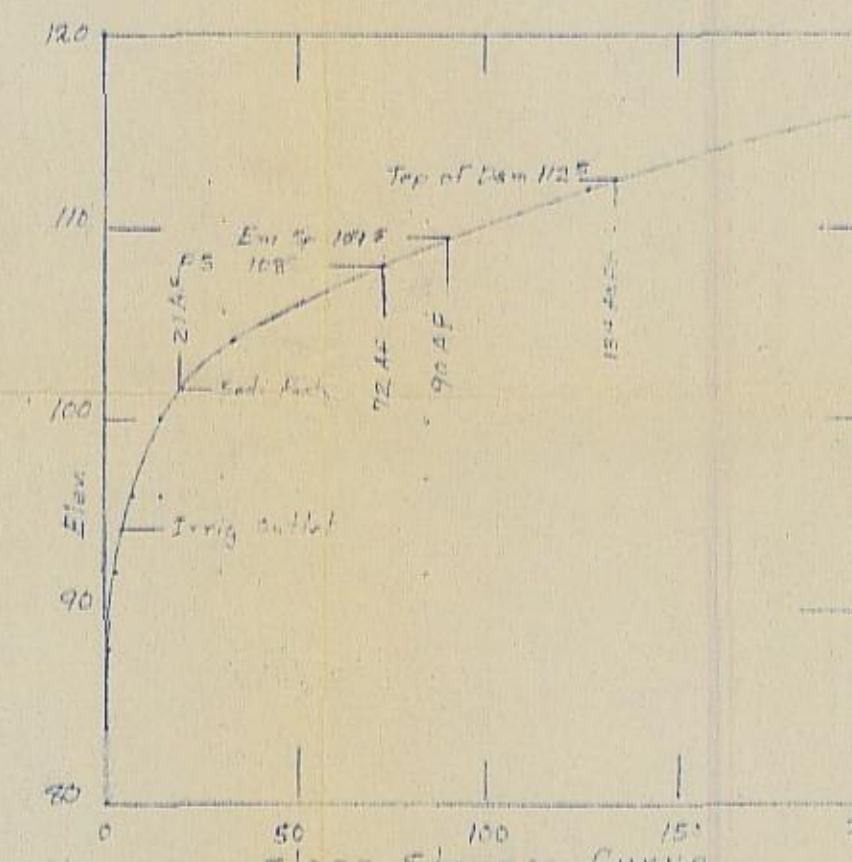
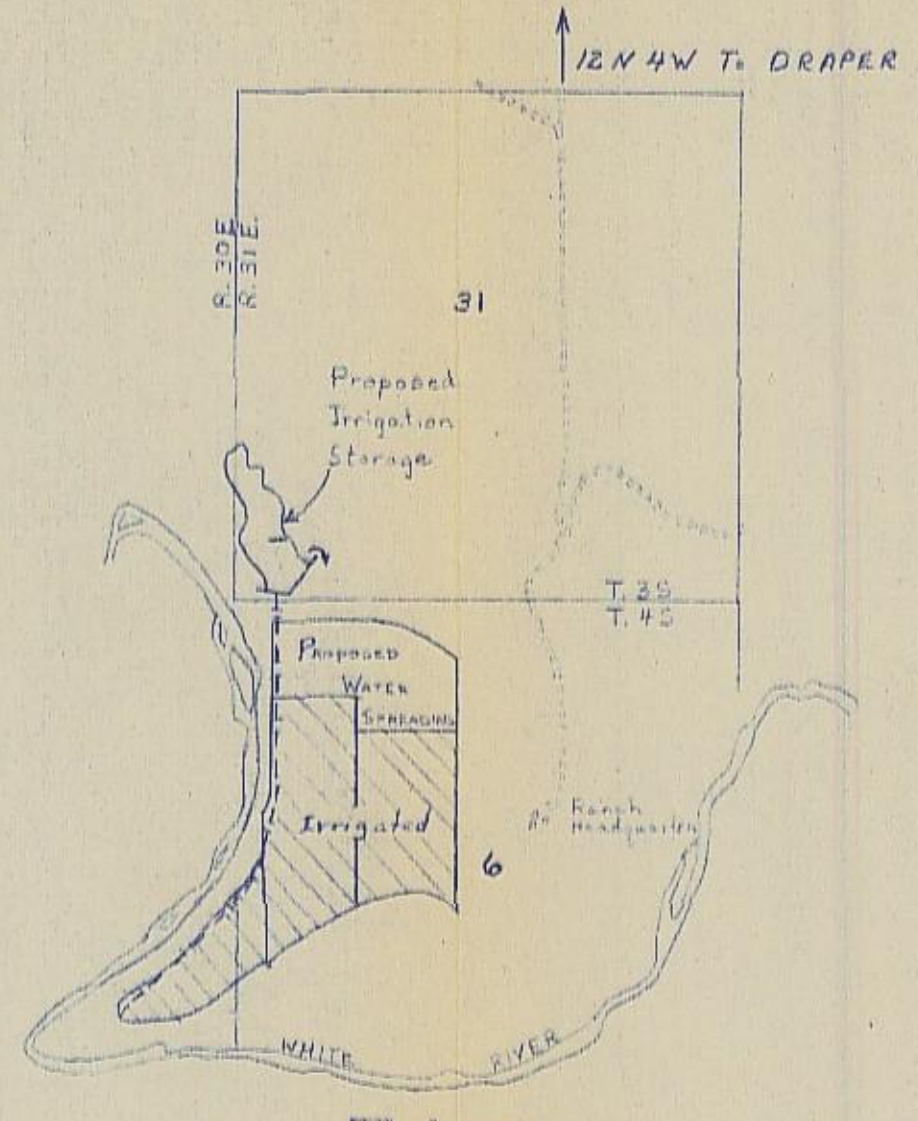


TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY	AS BUILT
EMBANKMENT			
Earth Fill Class 5 (Estimated) (Includes 5% Settlement)	Cu. Yds.	26,350	
Excavation Core Trench	Cu. Yds.	1000	
Total (Estimated)	Cu. Yds.	27,350	
PRINCIPAL SPILLWAY			
18" Dia. CMP, 14 ft. long	Lin. Ft.	126	
Waterproof Unsealing Barrels	No.	6	
66" x 66" Antiseep Collars	No.	3	
Headed Inlet	No.	1	
15" Elbow 18" Dia. CMP	No.	1	
River With Anti-Vortex Baffle	No.	1	
Concrete	Cu. Yds.	13	
Magnesium Anodes - 32 lb	Ea.	245	
IRRIGATION SUPPLY PIPE			
10" Dia. Galv. Steel Pipe, 10 ft. long	Lin. Ft.	133	
Antiseep Collars Butyl Rubber	No.	4	
Screen (for 12" steel pipe inlet)	No.	1	
10" Dia. Gate Valve, gate open	Ea.	1	
10" Dia. P.V.C. 100 psi, 1 ft. long	Lin. Ft.	20	
Scotch wrap Pipe Primer	Sq. Ft.	15	

NOTE: JOB PLANS No. 20, 30, 31, 35, & 54 are considered to be part of this Contract Plan.

South Dakota Construction Specifications

- SD-4 Gravel
- SD-5 Excavation
- SD-6 Earth Fill Class 5 (Mechanical Compaction)
- SD-10 Salvaging & Sealing Trench
- SD-12 Concrete for Minor Structures (Less Than 5' x 1')
- SD-13 Steel Reinforcement
- SD-15 Canvas and Metal Pipe Casing
- SD-17 Metal Fabrication & Installation
- SD-21 Steel Fittings
- SD-23 Sealing (Requires Specific Site Recommendations)
- SCS-214 Cathodic Protection for Buried Metal Structures
- SD-20 Pipeline - Plastic

South Dakota Material Specifications

- SD-50 Zinc Coated Iron or Steel Corrugated Pipe
- SD-52 Steel Pipe & Fittings
- SCS-306 Pre-Packaged Anodes And Connections

DESIGN DATA

Drainage Area	670 Acres
Peak Runoff	170 CFS
Annual Yield 20%	463 Ac. Ft.
Settlement Storage	21 Ac. Ft.
Irrigation Storage	50 Ac. Ft.
Emergency Spillway Capacity	450 CFS
Principal Spillway Capacity	200 CFS
Water Depth	25.4 Feet
Total Storage	88 Ac. Ft.

CATHODIC PROTECTION NOTE:

Cathodic protection against corrosion on the principal spillway is required. See sheet 3 of 3 for details of anodes and bonding straps. Installation instructions other than the anodes are necessary for complete construction as supplied by Cathodic Protection Service, Suite 200, Denver, 11111 Office Building, Denver, Colorado, Phone 554-5674 (202).

Note: Locate anode test stations in accordance with Specification SCS-214

KEN HALLIGAN
IRRIGATION STORAGE RESERVOIR
JONES COUNTY, SOUTH DAKOTA

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed by <i>Ken Halligan</i>	Approved by <i>Ken Halligan</i>
Drawn by <i>Ken Halligan</i>	Title <i>Ken Halligan</i>
Traced by <i>Ken Halligan</i>	Sheet <i>Ken Halligan</i>
Checked by <i>Ken Halligan</i>	Drawing No. <i>Ken Halligan</i>

1501-2

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1501-2

KENNETH WALLIGAN
(Applicant)

DRAPER
(Post Office Address)

SOUTH DAKOTA 57531 With the following modifications:
(State)

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 diversions 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 88 acre feet of water annually.

Date of first receipt of application NOVEMBER 11, 19 76

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

Date of receipt of corrected application _____, 19 _____

Approved JANUARY 26, 19 77, Recorded in Book 18 Page 295

WATER RIGHT PERMIT NO. 1501-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1501-2 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 JUNE 27, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 26, 19 79
3. The whole of said work is to be completed on or before JANUARY 26, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 26, 19 86
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 2.9 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, 19 86; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 29TH day of JULY, 19 77

WATER RIGHTS COMMISSION

By

John Hahn
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

REPRODUCTIONS

REDUCTION 35%

ROLL NO

18

DATE MICROFILMED

3-30-82

WATER RIGHTS COMMISSION

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) _____

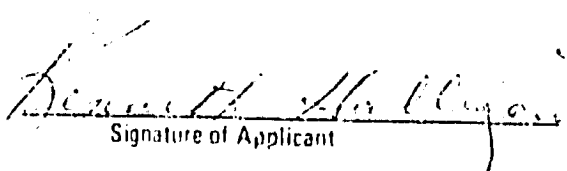
- (2) Distance to nearest existing household or livestock watering wells.

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.

Dam Height	31'
Water Depth	25'
Surface Area	12 AC.
Storage	88' AC. FT.


Signature of Applicant

Affidavit of Publication

STATE OF SOUTH DAKOTA)
County of Jones) SS

T. A. Ingalls, of said County and State, being first duly sworn, on F. I. oath says: That THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in Murdo, in said County and State by T. A. Ingalls, and has been such newspaper during the times hereinafter mentioned; and that I, T. A. Ingalls, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed

Notice

a printed copy of which is herewith attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for successive weeks, the first publication being made on Thursday, the 13th day of Jan, 1977.

and that succeeding publications were made as follows:

On Thursday, the 20th day of Jan, 1977.

On Thursday, the day of 1977.

On Thursday, the day of 1977.

On Thursday, the day of 1977.

On Thursday, the day of 1977.

On Thursday, the day of 1977.

On Thursday, the day of 1977.

The said newspaper is a legal newspaper as defined by Section 65.0518 of the 1939 South Dakota Revised Code, as amended, and has a bona fide circulation of more than two hundred copies weekly and has been published within the County of Jones for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in part in an office maintained in

Murdo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$10.00, and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person whatsoever.

Subscribed and sworn to before me this 23rd day of Jan, 1977.

day of Jan, 1977.

Notary Public, Jones County, South Dakota

NOTICE INTENT TO APPROPRIATE WATER

January 6, 1977

Notice is hereby given that Kenneth Halligan whose post office address is Draper, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.9 cubic feet of water per second of time for the White River and runoff through the Halligan Storage Permit, the point of diversion of which is to be located in the SW 1/4 SW 1/4 of Section 31, Twp. 3S, Range 31E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 1, 2 and 3, E 1/4 NW 1/4, NE 1/4 SW 1/4, Section 6, T3S, R31E.

This application No. 1501-2 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

Burton F. Jones

Water Rights Specialist

13-20



Form 6 - Notice of Intent to Appropriate Water

No. 1501-2

Publish first publication, on or before January 11, 1977

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

January 6, 1977

Notice is hereby given that Kenneth Halligan
whose post office address is Draper South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.0 cubic feet of water per second of time from the White River & runs through the
Halligan Storage Permit, the point of diversion of which is to be located in the
SW 1/4 SW 1/4

of Section 31, Twp. 35, Range 31E. Said water to be used for the purpose
of providing irrigation on portions of
the following described land:

Lots 1, 2 & 3, NW 1/4, SW 1/4, Section 5, T22, R31E

This application No. 1501-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 25th 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

RFJ/bw

cc: Kenneth Halligan, Draper, South Dakota 57531

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

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

March 23, 1987

KENNETH HALLIGAN
DRAPER, SD 57531

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

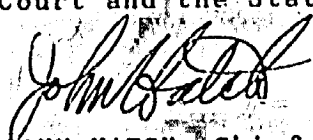
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1529-2, 1528-2, 1501-2, 1149-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation 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). 1529-2, 1528-2, 1501-2, 1149-2 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.

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

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

April 3, 1987

1149-2
1501-2
1528-2
1529-2

Kenneth Halligan
Draper, SD 57531

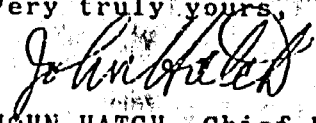
Dear Mr. Halligan:

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. 1149-2, 1501-2, 1528-2 and 1529-2 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

 **Department of
Water & Natural Resources**

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

January 29, 1988

KENNETH HALLIGAN
DRAPER, SD 57531

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

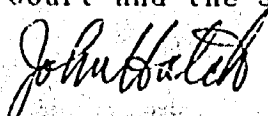
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1149-2, 1528-2, 1529-2, 1501-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation 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.

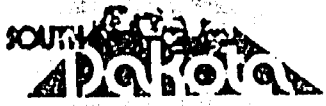
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1149-2, 1528-2, 1529-2, 1501-2 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
523 East Capitol
Pierre, South Dakota 57501-3181

February 10, 1988

1149-2
1501-2
1528-2
1529-2

Kenneth Halligan
Draper SD 57531

Dear Mr. Halligan:

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. 1149-2, 1501-3, 1528-2, 1529-2 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



1501-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

January 26, 1994

No. 1149-2

1501-2

James Halligan
RR 1, Box 77
Draper, SD 57531

Dear Mr. Halligan:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 1149-2 and Water Permit No. 1501-2. The water right and permit are currently listed in the name of Kenneth Halligan.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

1501-2

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 1501-2

Date: 2/2/94

I/We request that Water Permit No. 1501-2

formerly owned by: Kenneth Halligan

be transferred to: (name & address) James Halligan
RR# 1 Box 77A Draper S.D 57524 (Telephone No) 669-2763

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

201.5 acres - Lots 1, 2 & 3, NE 1/4 NW 1/4, SE 1/4 NW 1/4, & NE 1/4 SW 1/4 Section 6, T4S, R3E (Jones County)

I/We understand that the validity of Water Right No. 1501-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Jones)

I/We James Halligan 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.

James Halligan
(Signed)

Subscribed and sworn to before me this 2nd day of February, 19 94

Cynthia Louder
(Notary Public)

Commission Expires: July 21, 1995

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1501-2
414029

Pierre, February 7, 19 94

RECEIVED OF James Halligan, RR 1 Box 77, Draper, SD 57531

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. 1501-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John D. Hatch
Chief Engineer



1501-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1994

No. 1149-2
1501-2

James Halligan
RR 1, Box 77A
Draper, SD 57531

Dear Mr. Halligan:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1149-2 and Water Permit No. 1501-2.

Our records now show you as the owner of Water Right No. 1149-2 and Water Permit No. 1501-2.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

Permit No. 1501-2
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, Nov. 16, 1995, made a thorough examination of the water use system constructed by James Halligan of RR 1, Box 77A, Draper, SD 57531 holder of Permit No. 1501-2, bearing the priority of June 27, 1977 authorizing the diversion of 2.9 cu. ft. per second and/or the storage of 88 acre-feet of the waters of the White River for irrigation purposes, in Jones County.

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

A Works used to divert the water:

Storage dam constructed as described on the permit application and map. Runoff water is stored in the dam and sometimes water is pumped from the White River into the dam. The pump is a 12 inch Crisafulli pump with a capacity of 2000 gpm.

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

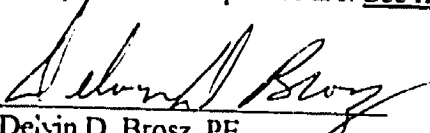
10 inch buried P/C pipe and 10 inch aluminum pipe.

C Works used to apply water to beneficial use:

10 inch aluminum gated pipe and small spreader ditches.

The system is in the following condition good. The point of diversion is located at Point A-NW corner of Section 6-T4S-R31E for the White River and in the SW 1/4 SW 1/4, Section 31-T3S-R31E for the dam. The works are capable of diverting and conveying to the place of use 4 cu. ft. per second of water and/or storing 88 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
NW 1/4 NW 1/4 - 19 acres, NE 1/4 NW 1/4 - 23 acres, SW 1/4 NW 1/4 - 24 acres, SE 1/4 NW 1/4 - 34 acres, SW 1/4 NE 1/4 - 8 acres, SE 1/4 NE 1/4 - 2 acres, NW 1/4 SW 1/4 - 27 acres, NE 1/4 SW 1/4 - 17 acres, SW 1/4 SW 1/4 - 1 acre, NW 1/4 SE 1/4 - 34 acres, NE 1/4 SE 1/4 - 4 acres, SW 1/4 SE 1/4 - 1 acre; all in Section 6-T4S-R31E. NE 1/4 SE 1/4 - 4 acres and SE 1/4 SE 1/4 - 4 acres; all in Section 1-T4S-R30E.
comprising a total of 202 acres of land and the license should be issued for 2.9 cfs and/or 88 acre-feet of storage. Applicable permit qualifications have been complied with: N

Exceptions to compliance are: See file document.


Delvin D. Brosz, PE

3-14-96
Date

Natural Resources Engineer
DENR, Water Rights Program

Water Rights Program -- File Documentation

NAME: James Halligan

ADDRESS: RR 1, Box 77A, Draper, SD 57531

DATE: March 18, 1996 **COUNTY:** Jones **TELEPHONE:** 669-2763

RE: Investigation of Vested Water Right No. 1149-2 and Water Permit No. 1501-2.

COMMENTS:

On November 16, 1995, I investigated Vested Water Right No. 1149-2 (for purposes of validation) and Water Permit No. 1501-2.

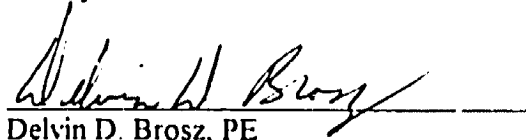
INVESTIGATION RESULTS:

The lands described in Vested Water Right Application No. 1149-2 and Water Permit Application No. 1501-2 are not correct. The maps accompanying the two applications show lands that are not the same as described on the application form. Comparing the maps with the applications should have revealed that the applications were not correct. Application No. 1501-2 states that water is to be pumped from the White River into a storage dam. The diversion point for pumping from the White River was not included.

RECOMMENDED ACTION:

Vested Water Right No. 1149-2 and Water Permit No. 1501-2 need to be readvertised to correct the descriptions of the lands and diversion point locations. The correct land descriptions and diversion point locations are described in the examination reports. The Water Rights Program should pay for the readvertisement since the maps and applications did not agree and the discrepancies should have been noted.

I made a telephone call to James Halligan on March 14, 1996 explaining the status of his permits and my recommended action.



Delvin D. Brosz, PE

Natural Resources Engineer
Water Rights Program



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 1996

James Halligan
RR 1, Box 77A
Draper SD 57531

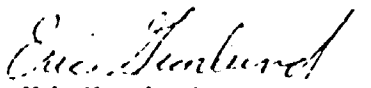
Dear Mr. Halligan:

The original publication Notices for your Vested Water Right Claim No. 1149-2 and Water Permit No. 1501-2 were published with errors in the land descriptions and the diversion point locations. As a result of an investigation by Del Brosz, staff engineer, the claim and permit are being readvertised to correct the errors and accurately reflect your water use system. Enclosed is a map showing your water use system.

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims and Readvertisement of Notice of Hearing for Water Permit No. 1501-2 have been sent to the Publisher of the Murdo Coyote printed at Murdo, SD. For your information, a copy of the notices are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of the two notices will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3191

June 7, 1996

The Murdo Coyote
Box 465
Murdo, SD 57559-0465

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 1501-2 to be published twice. Please publish the first notice on June 13, 1996, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Name

Newspaper

Readvertisement of NOTICE OF APPLICATION NO. 1501-2 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 1501-2 held by James Halligan, RR 1, Box 77A, Draper, SD 57531. The water permit was originally applied for November 10, 1976. Water Permit No. 1501-2 appropriates 2.9 cubic feet of water per second (cfs) from the White River and runoff through a dam (88 acre-foot storage capacity) located in the SW 1/4 SW 1/4 Section 31 to irrigate 202 acres located in Lots 1, 2, and 3, E 1/2 NW 1/4, NE 1/4 SW 1/4 in Section 6; all in T3S-R31E. Readvertisement of the notice of hearing for Water Permit No. 1501-2 published on January 13 and 20, 1977, is needed to include all of the lands irrigated and the location of the diversion point from the White River. The correct location of the acreage developed for irrigation is NW 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, S 1/2 NE 1/4, Section 6; all in T4S-R31E and the E 1/2 SE 1/4 Section 1-T4S-R30E. The location of the White River diversion point is the NW corner of Section 6-T4S-R31E. This readvertisement does not authorize any increase in the acreage irrigated or increase the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 1501-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

County of JonesI, Clarence Roghair

certify that the attached printed Notice was

taken from the MurdoCoyoteprinted and published in MurdoCounty of Jones and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:June 13, 1996June 20, 1996Cost of Printing: \$56.31

(Signature)

(Title)

(Date Signed)

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Jones County are eligible for validation by the Water Management Board. Readvertisement of the notice of intent to validate this claim, as published on June 9 and 16, 1988 in the Murdo Coyote are necessary to correct errors in the previously published notice.

Vested Water Right No. 322-2, Calvin and Dee Smith, Box 378, Murdo SD 57559 appropriates 1.01 cubic feet of water per second (cfs) from the White River located in the NW1/4 SW1/4 (Lot 3) Section 19 to irrigate 71 acres located in the SE1/4 NW1/4, SW1/4 NW1/4 (Lot 2), NW1/4 SW1/4 (Lot 3), NE1/4 SW1/4 (Lot 4), NW1/4 SE1/4 (Lot 5) Section 19; all in T3S-R28E. The priority date is May 1, 1950.

Vested Water Right No. 323-2, Calvin and Dee Smith, Box 378, Murdo SD 57559 appropriates 0.93 cfs from the White River located at a point between the NW1/4 SE1/4 and the SW1/4 SE1/4 Section 10 to irrigate 65 acres located in the SE1/4 NE1/4, SE1/4 (including Lots 5, 6) Section 10 and SW1/4 SW1/4 Section 11; all in T3S-R27E. The priority date is May 1, 1950.

Vested Water Right No. 1149-2, James Halligan, RR-1, Box 77A, Draper SD 57531 appropriates 2.77 cfs from the White River between the NW corner of Section 6 to a point 400 feet south of the west 1/4 corner of Section 6; all in T4S-R31E. The 194 acres irrigated are located in the NW 1/4, W1/2 SW1/4, NE1/4 SW1/4, W1/2 SE1/4, NE1/4 SE1/4, S1/2 NE1/4, Section 6 T4S-R31E. The priority dates are January 1, 1935 (1.90 cfs) and January 1, 1946 (0.87 cfs).

Any person who wishes to oppose validation of the readvertised vested right claims shall file a petition of intent to oppose the validation by July 1, 1996 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Ross Building, 523 E Capitol, Pierre, SD 57501-3181 (605.773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

The Water Management Board will consider these vested water right claims at 10:00 am, July 10, 1996, Floyd Mathew Training Center, Joe Ross Building, 523 E Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) validate the claims as recommended, 2) validate the claims as licensed prior to the on-site investigation, 3) validate the claims based on evidence presented at the public hearing, or 4) deny validation of the claims. The July 10, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 1, 1996.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-1 thru 46-2-11, 46-4-17, 46-2A-16 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-11, 46-5-12, 46-5-13, 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49, 46-6-1 thru 46-6-3, 46-6-4, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by July 1, 1996, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources
Publish June 13, 20, 1996



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of James } SS1. Clarice Roghair

certify that the attached printed Notice was

taken from the Murdo
Coyoteprinted and published in MurdoCounty of James and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:June 13, 1996June 20, 1996Cost of Printing: \$44.17Clarice Roghair
(Signature)Publisher
(Title)June 24, 1996
(Date Signed)Readvertisement of NOTICE OF
APPLICATION NO. 1501-2 to Appropriate
Water

Notice is given of readvertisement of Water Permit No. 1501-2 held by James Halligan, RR 1, Box 77A, Draper, SD 57531. The water permit was originally applied for November 10, 1976. Water Permit No. 1501-2 appropriates 2.9 cubic feet of water per second (cfs) from the White River and runoff through a dam (88 acre-foot storage capacity) located in the SW1/4 SW1/4 Section 31 to irrigate 202 acres located in Lots 1, 2, and 3, E1/2 NW1/4, NE1/4 SW1/4 in Section 6; all in T3 S-R3 IE. Readvertisement of the notice of hearing for Water Permit No. 1501-2 published on January 13 and 20, 1977, is needed to include all of the land irrigated and the location of the diversion point from the White River. The correct location of the acreage developed for irrigation is NW1/4, W1/2 SW1/4, NE1/4 SW1/4, W1/2 SE1/4, NE1/4 SE1/4, S1/2 NE 1/4, Section 6; all in T4S-R3 IE and the E1/2 SE1/4 Section 1-T4S-R30E. The location of the White River diversion point is the NW corner of Section 6-T4S-R3 IE. This readvertisement does not authorize any increase in the acreage irrigated or increase the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 1501-2 because 1) unappropriated water is available. 2)

CONT on P 8

The Murdo Coyote, June 20, 1996, P.8

existing rights will not be unlawfully impaired; 3) it is a beneficial use of water; and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501, (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. Publish June 13, 20, 1996

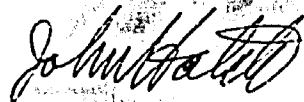
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 1501-2, James Halligan**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 1501-2, James Halligan, RR 1, Box 77A, Draper, SD 57531.

The Chief Engineer is recommending **APPROVAL** of readvertised Application No. 1501-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. 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 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.
2. Approval of this authorizes storage of 88 acre feet of water annually.

See report application for additional information.



JOHN HATCH, Chief Engineer
June 7, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1996

1501-2

James Halligan
RR 1, Box 77A
Draper, SD 57531

Dear Mr. Halligan:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1501-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

415167

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 22, 19 96

RECEIVED OF James Halligan, RR 1, Box 77A, Draper, SD 57531-9442

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1501-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John H. Hatcher* (6)
Chief Engineer



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

DEC 26 1996

James Halligan
RR 1 Box 77A
Draper SD 57531

Dear Mr. Halligan:

Enclosed is Validated Vested Water Right No. 1149-2 and Water License No. 1501-2. The applicable portions of Vested Water Right No. 1149-2 are incorporated into Water License No. 1501-2.

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

Very truly yours,

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

enclosures

ks

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1501-2

(1) Kenneth Halligan made Application No. 1501-2, November 10, 1976 for a water permit to divert 2.2 cubic feet of water per second (cfs) and store 88 acre-feet of water from the White River, Jones County, South Dakota for irrigation purposes. Permit No. 1501-2, with a priority date of June 27, 1977 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. No. 1501-2 was transferred on February 7, 1994 to James Halligan.

The permit was readvertised June 13 & 20, 1996 to correct errors in the legal description of the irrigated acreage and the diversion point from the White River. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

On July 10, 1996, the Water Management Board validated Vested Right No. 1149-2. Vested Water Right No. 1149-2 with priority dates of January 1, 1935 (1.90 cfs) and January 1, 1946 (0.87 cfs), authorized diversion of 2.77 cfs from the White River to irrigate 194 acres. Water Permit No. 1501-2, with a priority date of June 2, 1977, authorized the 88 acre feet storage dam to irrigate 202 acres.

The applicable portions of Vested Right No. 1149-2 are incorporated into Water License No. 1501-2. The June 1 cutoff date, as described in Water Permit No. 1501-2 will apply to water pumped from the White River into the storage dam. Direct diversion from the White River to the irrigated acres (up to 2.77 cfs authorized under Vested Right No. 1149-2) does not carry a cutoff date.

(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 divert 2.90 cubic feet of water per second and to store 88 acre feet of water annually for beneficial use. The location of the diversion points are: storage dam - SW 1/4 SW 1/4 Section 3-T3S-R31E and the White River - between points located in the NW corner of Section 6 and 400 feet south of the W 1/4 Corner of Section 6; all in T4S-R31E.

(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 6-T4S-R31E			
NW 1/4 NW 1/4	19 acres	SW 1/4 NE 1/4	8 acres
NE 1/4 NW 1/4	23 acres	SE 1/4 NE 1/4	2 acres
SW 1/4 NW 1/4	24 acres		
SE 1/4 NW 1/4	34 acres	NW 1/4 SW 1/4	27 acres
		NE 1/4 SW 1/4	17 acres
		SW 1/4 SW 1/4	1 acre
NW 1/4 SE 1/4	34 acres		
NE 1/4 SE 1/4	4 acres		
SW 1/4 SE 1/4	1 acre	Section 1-T4S-R30E	
		NE 1/4 SE 1/4	4 acres
		SE 1/4 SE 1/4	4 acres
Total	202 acres		

(continued)

Water License No. 1501-2

James Halligan

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 James Halligan, RR 1, Box 77A, Draper SD 57531 the holder and/or owner of Incorporated Water Permit No. 1501-2 is issued a license to appropriate water, the right to use 2.90 cubic feet of water per second and 88 acre-feet storage from the White River with priority dates of January 1, 1935 (1.90 cfs), January 1, 1946 (0.87 cfs) and June 27, 1977 (0.13 cfs and 88 acre-feet storage) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1501-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 26 1996

date



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.



1501-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: JAMES HALLIGAN, RR 1 BOX 77A, DRAPER, SD 57531

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1149-2 & 1501-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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) 1149-2 & 1501-2 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 28, 1997, 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.

1501-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1997

1149-2

1501-2

James Halligan
RR 1 Box 77A
Draper, SD 57531

Dear Mr. Halligan:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaires.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: JAMES HALLIGAN, RR 1 BOX 77A, DRAPER, SD 57531

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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, March 3, 1999, 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) 1501-2 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 1, 1999, 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.

1501-2

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 the 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:

JAMES HALLIGAN
RR 1 BOX 77A
DRAPER SD 57531

4a. Article Number

2119141672

4b. Service Type

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

7. Date of Delivery

1-26-99

5. Received By: (Print Name)

James Halligan

6. Signature: (Addressee or Agent)

James Halligan

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1999

1501-2

James Halligan
RR 1 Box 77A
Draper, SD 57531

Dear Mr. Halligan:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 1501-2.

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) 773-3312



1501-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: JAMES HALLIGAN, RR 1 BOX 77A, DRAPER, SD 57531

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, 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) 1501-2 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 28, 2000, 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.

1501-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES HALLIGAN
RR 1 BOX 77A
DRAPER SD 57531

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

Tim Halligan

B. Date of Delivery

1/15/00

☒ Signature

X

☐ Agent

☒ Addressee

☒ Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

Z 227 670 350



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2000

1501-2

Gene Vich
PO Box 10
Kaycee, WY 82639-0010

Dear Mr. Vich:

On January 25th, Ron Young called our office and spoke with Ren Duvall about pending Board action concerning the annual irrigation questionnaire for Partial Vested Water Right No. 1501-2. Based on his phone conversation, a questionnaire was completed which reflects the land was not irrigated in 1999 due to sufficient precipitation.

It is our understanding that James Halligan sold the land to you. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form and correct as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order can be made payable to the Water Rights Program.

Mr. Young also indicated that James Halligan is renting the land. For purposes of the annual irrigation questionnaire, I will list him as renter. This does not alter ownership; it merely allows us to send the questionnaire to someone other than the owner.

I have enclosed a copy of the water right. You may keep this for your records. If you have any questions, please contact me.

Sincerely,

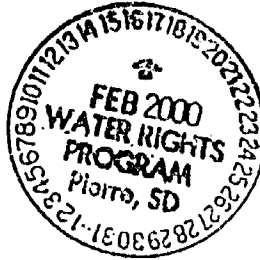
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

c: James Halligan

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1501-2



Date: FEB 4, 2000

I/We request that Partial Vested Water Right No. 1501-2

formerly owned by: James Halligan

be transferred to: (name & address) Gene & Sammy Vieh Family Trust, Gene Vieh - President, PO Box 10, Kaycee, WY 82639-0010

Telephone No. 307.738.2294

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

202 acres - NW 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4, S 1/4 NE 1/4, N 1/4 SW 1/4, SW 1/4 SW 1/4 Section 6, T4S, R31E; E 1/4 SE 1/4 Section 1, T4S, R30E

I/We understand that the validity of Partial Vested Water Right No. 1501-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

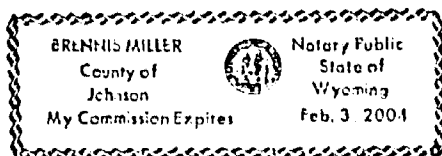
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF ^{WY}~~SOUTH DAKOTA~~)
County of Johnson)

I/We GENE VIEH 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 14 day of Feb., 2000.



[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

ND 416388

Pierre, _____

February 18, 2000

RECEIVED OF Gene & Sammy Vieh, P.O. Box 10, Kaycee, WY 82639-0010
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 Partial Vested Water Right No. 1501-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Michael J. [Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 2000

1501-2

Gene & Sammy E Vieh Family Trust
%Gene Vieh, President
PO Box 10
Kaycee, WY 82639-0010

Dear Mr. Vieh:

Thank you for following up on the ownership change for Partial Vested Water Right No. 1501-2. The transfer has been completed and the vested right is now listed in the name of "Gene & Sammy E Vieh Family Trust".

Enclosed is your Receipt No. 416388 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1501-2Date: 8/25/00I/We request that Water Permit/Right No. 1501-2formerly owned by: Gene & Suzanne Vich Family Trust (Formerly owned by James Halligan)

be transferred to: (name & address) Michael D. Rykhus, 231 Hayden
E. Vanston Wyo 82930 Telephone No. 307-789-9351

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

202 acres - NW 1/4 N 1/2 SE 1/4 SW 1/4 SE 1/4 S 1/2 NE 1/4 N 1/2 SW 1/4 SW 1/4
Section 6 T 4 S R 31 E E 1/4 SE 1/4 Section 1 T 4 S, R 30 E

I/We understand that the validity of Water Permit/Right No. 1501-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

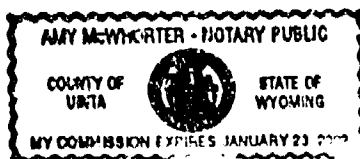
Wyoming
STATE OF ~~SOUTH DAKOTA~~

County of Lincoln

I/We Michael D. Rykhus 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.

Michael D. Rykhus
(Signed)

Subscribed and sworn to before me this 28 day of August, 2000.



Amy McWhorter
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416618

Pierre, _____ Sept 5 _____, 2000

RECEIVED OF Mike Rykhus, PO Box 1163, Evanston, WY 82931
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 No. 1501-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By [Signature] Sharon E. Ebbels



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2000

1501-2

Michael D Rykhus
231 Hayden
Evanston, WY 82930

Dear Mr. Rykhus:

Thank you for following up on the ownership change for Partial Vested Water Right No. 1501-2. The transfer has been completed and No. 1501-2 is now listed in your name.

Each year in October, we mail out annual irrigation questionnaires to irrigators in South Dakota. The form requests information on the amount of water pumped for that particular year. It is my understanding that James Halligan still leases the land and will continue to be the contact person with regard to the annual irrigation questionnaire. I will forward Mr. Halligan the questionnaires for completion until you notify me otherwise.

Enclosed is your Receipt No. 416618 in the amount of \$2.50, which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 5, 2002

1501-2
1529-2

Michael Rykhus
PO Box 1163
Evanston WY 82931

Dear Mr. Rykhus:

Thank you for calling about the irrigation questionnaires for Water Right Nos. 1501-2 and 1529-2. Both questionnaires are on file and no additional forms need to be filed for this year.

I looked through the questionnaires and found the reason Mr. Halligan did not receive a form for 1529-2 (Mellotte County) is because we have it coded as being in CRP. You do not lose your water right for placing the land in CRP. We simply put mailing the irrigation questionnaires for that specific water right on hold until the land comes out of CRP.

As you requested, future questionnaires will be sent directly to you. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



1501-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: MICHAEL D RYKHUS, PO BOX 1163, EVANSTON, WY 82931

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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 8:30 am, March 3, 2004, 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) 1501-2 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 27, 2004, 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.



1501-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8855

Your item was delivered at 9:16 am on January 27, 2004 in EVANSTON, WY 82931. The item was signed for by M RYKHUS.

[Shipment Details >](#)

Notification Options

- Track & Confirm by email [What is this?](#) [Go >](#)
► Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8855

MICHAEL D RYKHUS
PO BOX 1163
EVANSTON WY 82931

mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)



1501-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2004

1501-2

Michael D Rykhus
PO Box 1163
Evanston WY 92931

Dear Mr. Rykhus:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 1501-2.

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

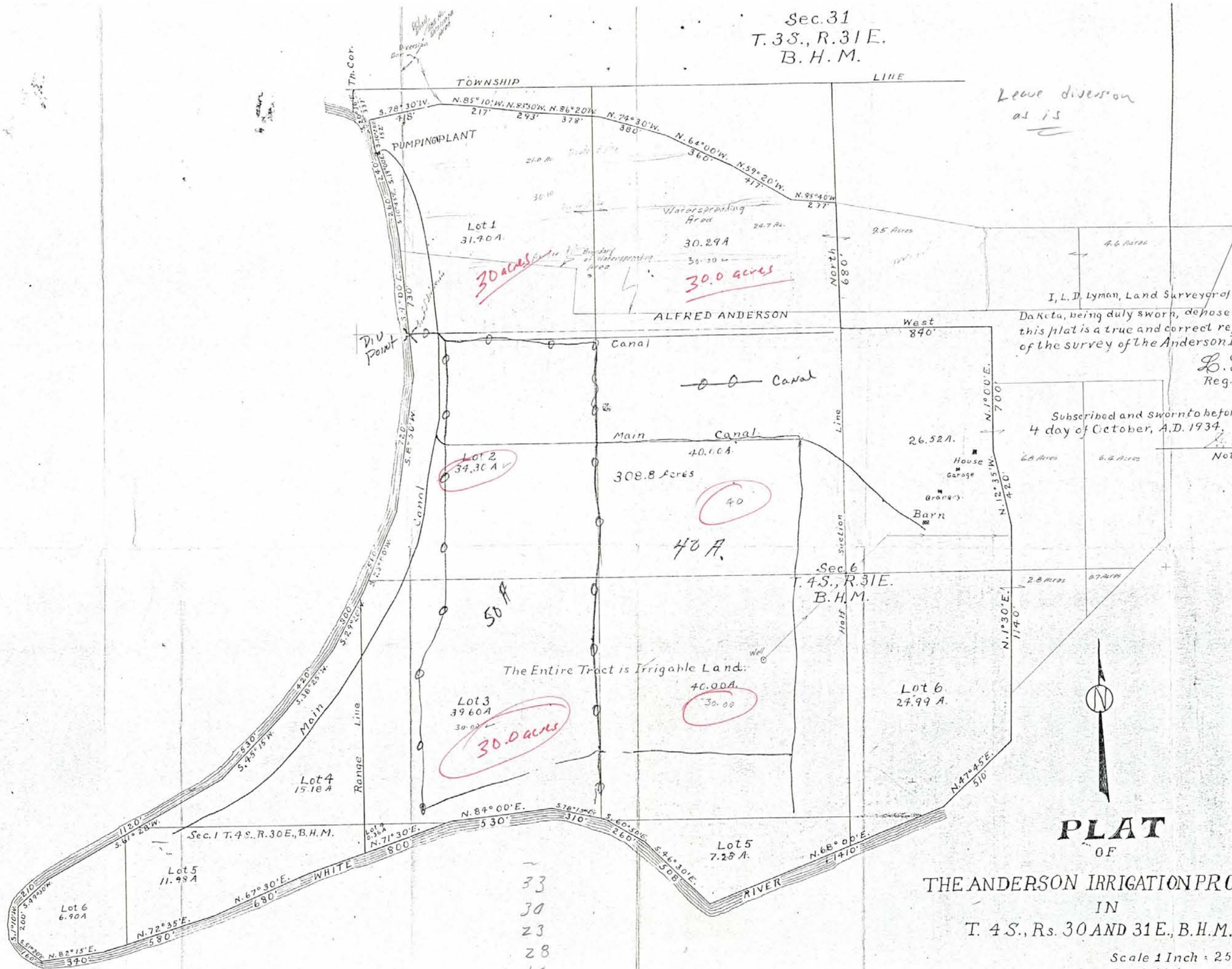
If you have any questions, please contact me.

Sincerely,

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

Sec. 31
T. 3 S., R. 31 E.
B. H. M.

Leave diversion
as is



I, L. D. Lyman, Land Surveyor of the State of South Dakota, being duly sworn, depose and say that this plat is a true and correct representation of the survey of the Anderson Irrigation Project.

L. D. Lyman,
Reg. Land Surveyor,
Reg. No. 84.

Subscribed and sworn to before me this
4 day of October, A.D. 1934.

Notary Public.

PLAT
OF

THE ANDERSON IRRIGATION PROJECT
IN
T. 4 S., Rs. 30 AND 31 E., B. H. M.

Scale 1 Inch = 250 Ft.
Aug. 7, 1934
L. D. Lyman
Reg. Land Surveyor,
Reg. No. 84.

316-2

(WR 862-2)

33
30
23
28
14
50
182

1989

2-176L
Q-160

T-1760

33.1
(83)

10

14.6

15.9
(68)

34.4
(83)

6.7 9

6

21.0

1.0

8

18.1

4

18.1
(83)

6 78.7

5

8.0

17.8

3

3

22.6
(65)

13.3

45-31

165.1
(85)

939

122.1

T-

T-1755

T-1904

mette

PAH

NW $\frac{1}{4}$ NW $\frac{1}{4}$
33.7 acres
(83)

10 HEL

NE $\frac{1}{4}$ NW $\frac{1}{4}$
23 acres

2-176 L
Q-16

T-1760

1991

34.4
(83)

6.79

4.6

7

15.9
(68)
HEL

T-1900

SW $\frac{1}{4}$ NW $\frac{1}{4}$
24 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres

21.0

1.0

8

NW $\frac{1}{4}$ SW $\frac{1}{4}$
27 acres
HEL

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres
78.7

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

NW $\frac{1}{4}$ SE $\frac{1}{4}$
34 acres

HEL NE $\frac{1}{4}$ SW $\frac{1}{4}$
18.17 acres
(83)

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

5 HEL

PT B

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

3

3

17.8

22.6
(65)

SW $\frac{1}{4}$ SW $\frac{1}{4}$
1 acre

SE $\frac{1}{4}$ SE $\frac{1}{4}$
4 acres

45-31

Prepared By:
Melvin H. Boy, PE
Natural Resources
Engineer
Water Rights

Program
1501-2 H65.1
1149-2 (85)

1991

T-1760

2-176L
Q-16

PT A

NW $\frac{1}{4}$ NW $\frac{1}{4}$
33.1
19 acres
(83)

NE $\frac{1}{4}$ NW $\frac{1}{4}$
23 acres

10 HEL

34.4
(83)

6.7 9
HEL

HEL 7

15.9
(68)
HEL 6

SW $\frac{1}{4}$ NW $\frac{1}{4}$
24 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres

21.0

8

HEL

NW $\frac{1}{4}$ SW $\frac{1}{4}$
27 acres
HEL
(65)

HEL 4
NE $\frac{1}{4}$ SW $\frac{1}{4}$
18.1
17 acres
(83)

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8 acres
78.7

SE $\frac{1}{4}$ NE $\frac{1}{4}$
2 acres

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

NW $\frac{1}{4}$ SE $\frac{1}{4}$
34 acres

5 HEL

PT B

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

SW $\frac{1}{4}$ SW $\frac{1}{4}$
1 acre

SE $\frac{1}{4}$ SE $\frac{1}{4}$
4 acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$
1 acre

45-31

Prepared By:
Melvin W. Broy, PE
Natural Resources
Engineer
Water Rights
Program
1501-2 H65.1
1149-2 (85)

2-176L

20.3
(91)

68.5
(68)

35-31

1

2

Q-16

69.8
(91)

T-1757

1 HEL

2 NHEL

41.4
(91)

3

35-31

2-176L

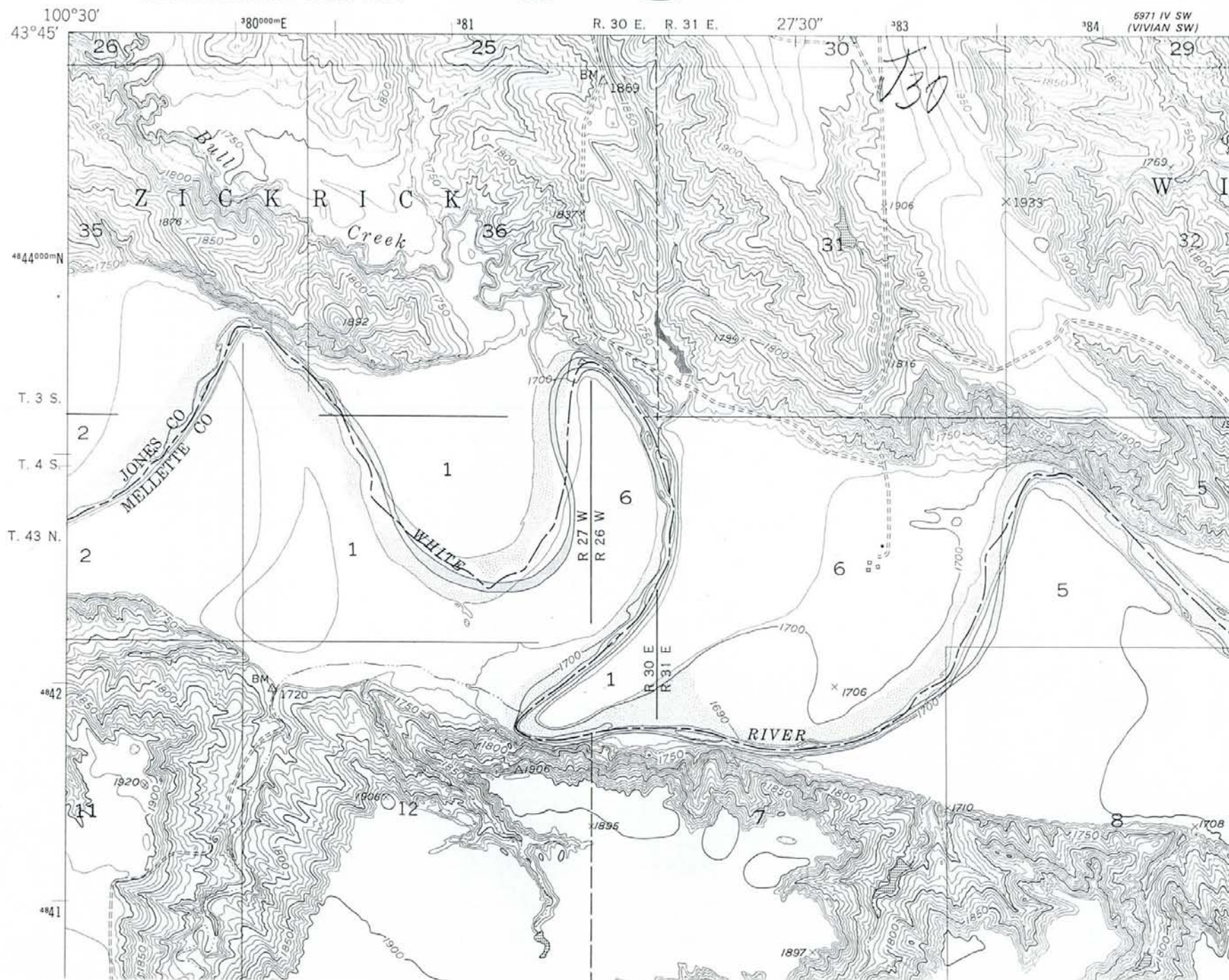
Q-16

33.1
(83)

T-1760

5621 1 SE
(MURDO SE)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY





1501-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: MICHAEL D RYKHUS, PO BOX 1163, EVANSTON, WY 82931

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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 10:30 am, March 7, 2007, 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) 1501-2 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 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



1501-2

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February 13, 2007

1501-2

Michael D Rykhus
231 Hayden
Evanston WY 92930

Dear Mr. Rykhus:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1501-2.

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



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January 18, 2008

NOTICE

TO: MICHAEL D RYKHUS, 231 HAYDEN, EVANSTON, WY 82930

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 11, 2008**, 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) 1501-2 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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

1501-2

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February 11, 2008

1501-2

Michael D Rykhus
231 Hayden
Evanston WY 82930

Dear Mr. Rykhus:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1501-2.

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



1501-2
DEPARTMENT of ENVIRONMENT
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January 24, 2014

NOTICE

TO: MICHAEL D RYKHUS, 25335 RYKHUS PLACE, DRAPER, SD 57531

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2, 1529-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

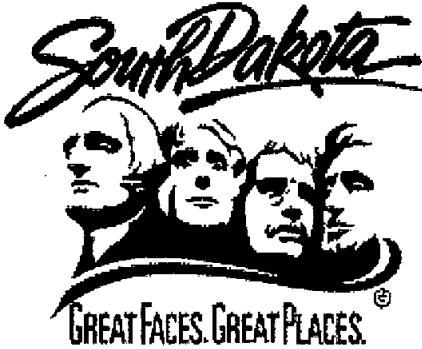
The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1501-2, 1529-2 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 3, 2014**, 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.



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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 10, 2014

1501-2
1529-2

Michael Rykhus
25335 Rykhus Place
Draper SD 57531

Dear Mr. Rykhus:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 1501-2 and 1529-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and leaving a message on my phone about the CRP term for Water Right No. 1529-2. I will make a notation on the form that says the term expired in 2013. The reason I had asked was that if it was going to be in CRP for a longer term, I would hold up mailing you the annual irrigation questionnaire. Since the land will be eligible for irrigation this year, I will leave everything the way it is for our October mailing.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



1501-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: MICHAEL D RYKHUS, 25335 RYKHUS PLACE, DRAPER, SD 57531

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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 2, 2022 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) 1501-2 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NTUMRH**

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.

1501-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 24, 2022

1501-2

Michael D Rykhus
25335 Rykhus Place
Draper SD 57531

Dear Mr. Rykhus:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No.1501-2. 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
Water Rights Program
605 773-3352
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.

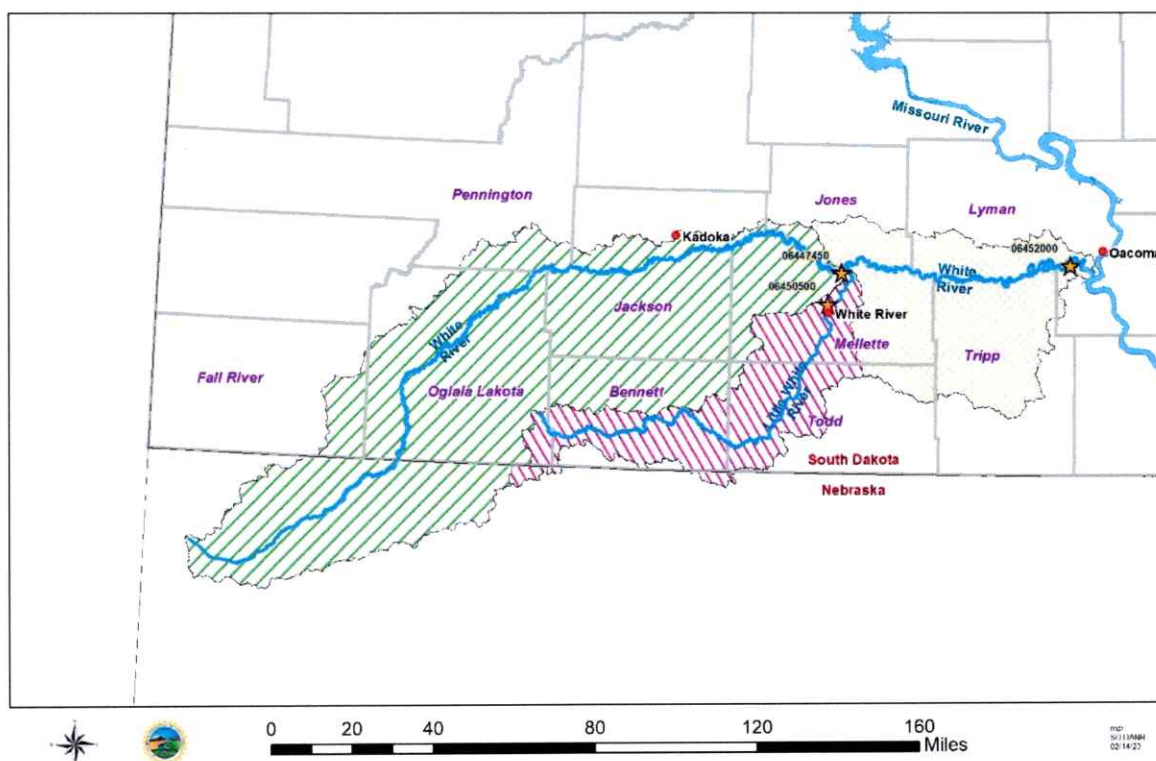


Figure 1. White River Watershed Map.

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.

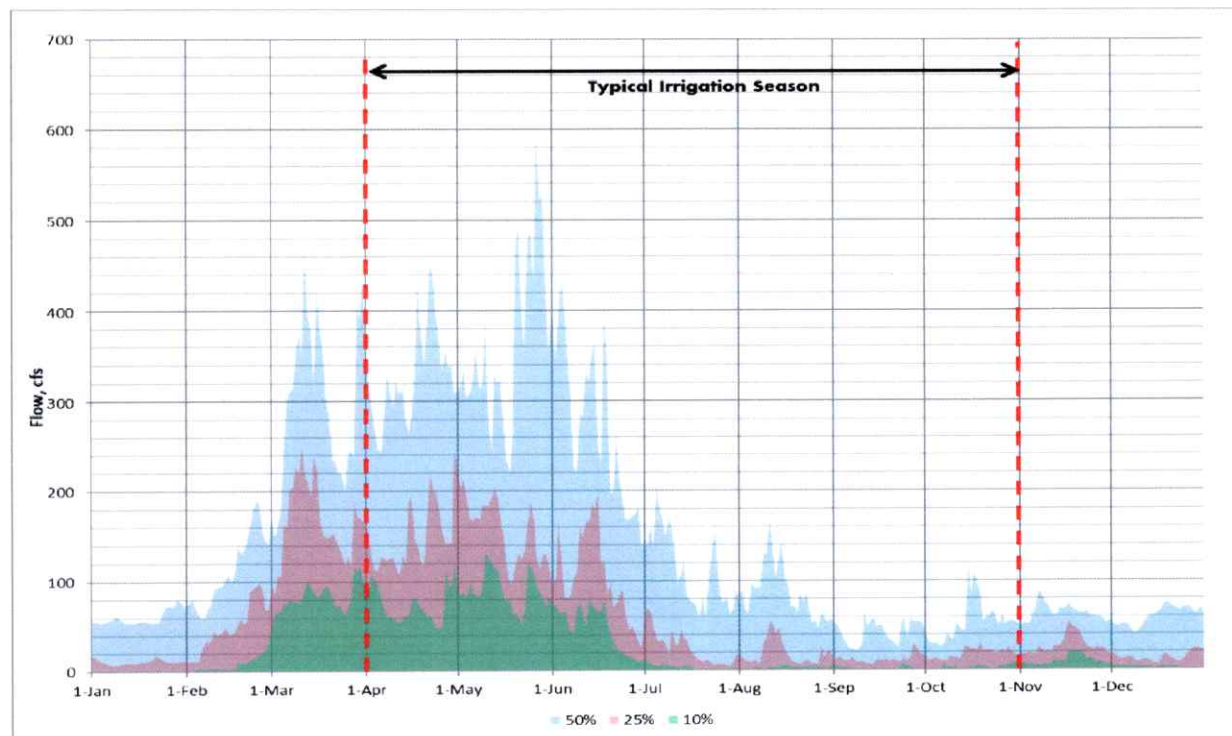


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

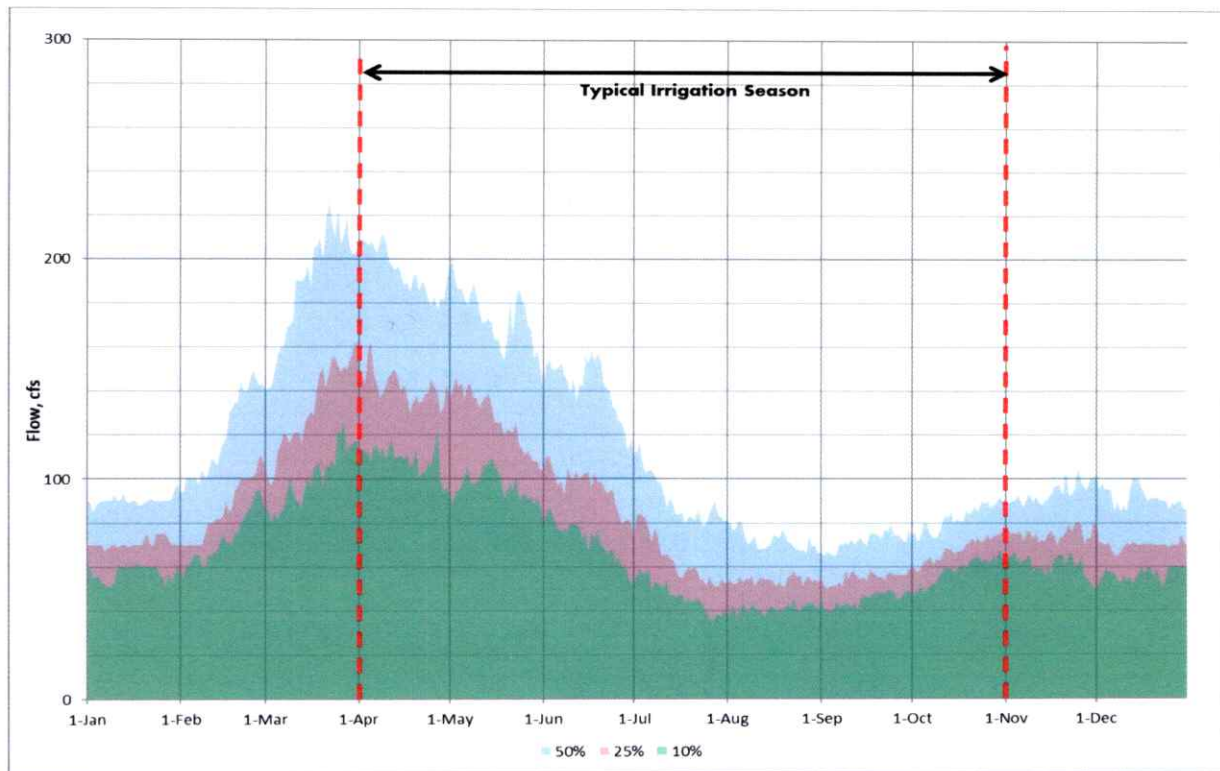


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

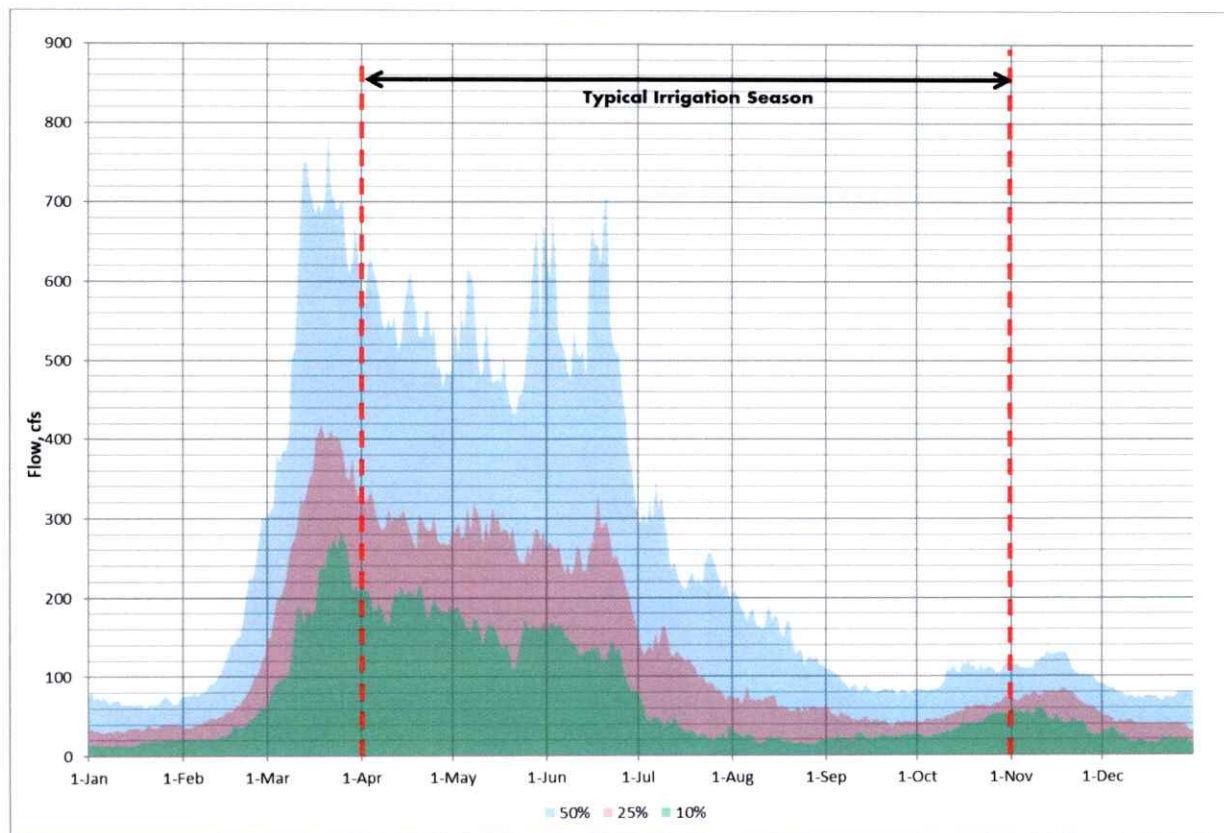


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

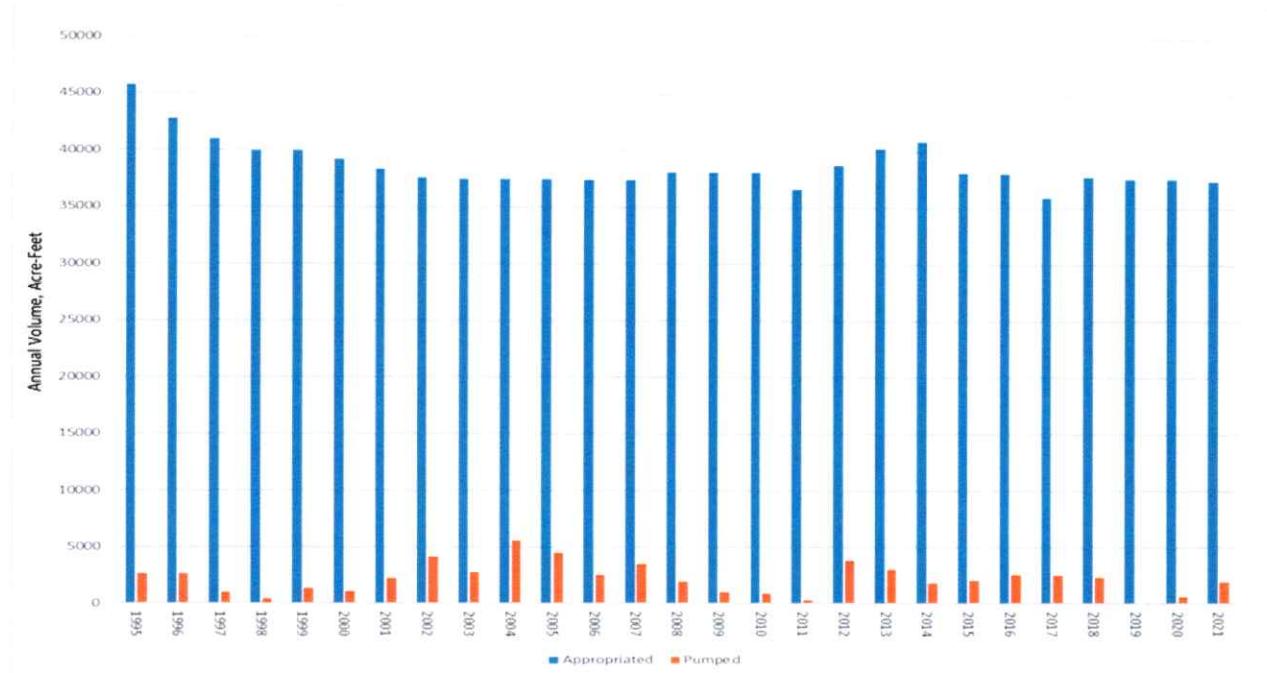


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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
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danr.sd.gov

April 14, 2023

MICHAEL D RYKHUS
25335 RYKHUS PLACE
DRAPER SD 57531

Subject: Amendment of the Mandatory Shutoff Qualification on White River Water Right No. 1501-2&1529-2

Dear Mr. Rykhus,

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 Nos. 1501-2 & 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 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
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May 5, 2023

MICHAEL D RYKHUS
25335 RYKHUS PLACE
DRAPER SD 57531

Subject: Water Management Board removes the mandatory June 1 shutoff qualification and adds a streamflow bypass qualification on White River Water Right Nos. 1501-2 & 1529-2

Dear Mr. Rykhus,

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

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January 14, 2025

NOTICE

TO: MICHAEL D RYKHUS, 25335 RYKHUS PL, DRAPER, SD 57531

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 1501-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1501-2 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 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: FQSWUT**

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

January 24, 2025

1501-2

Michael Rykhus
25335 Rykhus Pl
Draper SD 57531

Dear Mr. Rykhus:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1501-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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