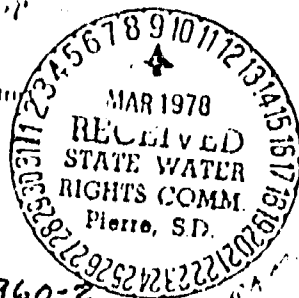


1630-2

1. Considered 3-28 19 78
2. Name of Applicant HARLAN HALVERSON
3. Post Office Address KENNEBEC
4. Amount of Water claimed 120 AC FT. ANNUALLY
5. Source of Water supply WHITE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 239.1
7. Water to be diverted and used in LYMAN County
about 165 miles of KENNEBEC
8. Proof of Publication
Received 3-24-78
Not Received _____
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
9. Application
10. Remarks:

No. 1630-2
 Map No. 1394-2 Water Division No. 2 WHITE RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

CHANGE DELIVERY
 SYSTEM - SEE PERMIT 960-2

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Harlan HalversonPostoffice address Kennebec State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work pump motor and reservoir4. Amount of water claimed (cubic feet per second) 3.735. Source of water supply White River

6. Location of point of diversion Found between the X's on the map. ON WHITE RIVER BETWEEN
POINTS IN NW⁴ NW⁴ and SE⁴ SW⁴ SECTION 36-T103N-R76W - PUMP TO
STORAGE RESERVOIR County Lyman

7. Annual period or periods during which water is to be used March - October8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use. Total number of acres to be irrigated 239.1

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.
same as description as on original		LOTS 1 & 2 SECTION 35	12.1
permit #960-2		NW ⁴ , SW ⁴ , W ² SE ⁴ &	
		SW ⁴ NE ⁴ SEC. 36-T103N-	127.0
		R76W	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Kennebec Advocate Leader

12. Principal Features of the Proposed Water Supply System.

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

Motor pump and reservoir

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

12" & 10" aluminum pipe

C. Works proposed to apply water to beneficial use.

10" gated pipeEstimated Total Cost \$ 35000.00

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

STATE OF SOUTH DAKOTA)

County of Lyman) ss.

I, Harlan Halverson 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 Harlan HalversonSubscribed and sworn to before me this 7th day of March, 1978

Notary Public (or other qualified officer)

This is an application to change the Delivery System by addition of a Storage Reservoir on existing Permit Number 960-2.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1630-2

HARLAN HALVERSON
(Applicant)

KENNEBEC
(Post Office Address)

SOUTH DAKOTA 57544
(State)

With the following modifications:

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

Approval of this permit authorizes storage of 120 acre feet of water annually.

Date of first receipt of application MARCH 9, 19 78

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

Date of receipt of corrected application —, 19 —

Approved MARCH 28, 19 78, Recorded in Book 19 Page 734

WATER RIGHT PERMIT NO. 1630-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1630-2 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 a right is MARCH 9, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 28, 19 78
3. The whole of said work is to be completed on or before MARCH 28, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 19 81
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 120 ACRE ANNUALLY ~~on the~~ feet ~~per annum~~; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 28, 19 81; said water to be used during the following described annual period: MARCH - JUNE 1

Witness my hand this 5TH day of APRIL, 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

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

D. Well Information or Estimates

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

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

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

G. Water Storage Dams.

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

Height- 35'

Maximum water depth- 35'

Surface Area- 10 acres

Storage Capacity- 120 acre feet



Arden Halverson
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water
SURFACE WATER

No. --1630-2--

Publish first publication, on or before March 15, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 9, 1978

Notice is hereby given that Harlan Halverson whose post office address is Kennebec, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 120 acre ~~XXXXX~~ ^{annually} ~~XXXXX~~ feet of water ~~XXXXX~~ ^{second of time} from the White River through the Halverson Project # 1, the point ~~of~~ ^{are} diversion of which ~~is~~ ^{XX} to be located ~~XXXXXX~~ on the White River between points in NW 1/4 NW 1/4 and SE 1/4 SW 1/4

of Section 36, Twp. 103N Range 70W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 1 and 2, Section 35, NW 1/4, NE 1/4 SW 1/4 and SW 1/4 NE 1/4 Section 36, T103N, R76W

This Application No. 1630-2 will be considered by the Water Rights Commission at The Guest House, Watertown SD upon the 23rd day of March, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: The final proof of publication WATER RIGHTS COMMISSION must be received before the hearing date for the Commission to take action.

Betty MacLund
Water Rights Specialist

cc: Harlan Halverson
Kennebec SD 57544

No. 1630-2

PROOF OF PUBLICATION:

STATE OF SOUTH DAKOTA)

County Lynn) ss.

I, E. J. Buckingham, Jr. hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Adams River

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

Train of Kennebec

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

March 16.

March 23

(Signature)

(Signature)

Paul R. L.
(Title)

(Title)

5/23/78

(Date Signed)

**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**

Pierre, SD 57501

March 9, 1978

Notice is hereby given that Harlan Halverson whose post office address is Kennebec, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 through 46-1-8; 46-2-9 through 46-2-11, 46-2-13; 46-5-1 through 46-5-8, 46-5-10 through 46-5-22, 46-5-41, and Commission Rules ARSD 52:01:01:01 through 52:01:01:13, for a permit to appropriate for beneficial use 120 acre feet of water annually from the White River through the Halverson Project #1, the points of diversion, which are to be located on the White River between points in NW1/4 NW1/4 and SE1/4 SW1/4 of Section 36, Twp. 103N Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 1 and 2, Section 35, NW
1/4 SW1/4, W1/2, SE1/4, and
SW1/4, NE1/4 Section 36, T103
N. R 76W.

This Application No. 630-2 will be considered by the Water Rights Commission at The Guest House, Watertown SD upon the 24th day of March, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

Water Rights Commission
Betsy Westlund
Water Rights Specialist
cc: Harlan Halverson
Kennebec, SD 57544

(March 16-23)



Permit No. 1630-2
White River - Water District

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

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

I have this day, 08/17/00, made a thorough examination of the water use system constructed by Harlan Halverson of Box 36 Kennebec, Lyman Co., SD 57544 holder of Water License No. 960-2 and Permit No. 1630-2, bearing the priority dates of 04/10/68 and 03/09/78 respectively.

Water License No. 960-2 authorizes the pumping of 3.73 cubic feet per second (cfs) of water from the White River during the annual April through October period at N18°W 2250 feet from the E¼ corner Section 35 T163n R76W for gravity spread irrigation of 239.1 acres.

Permit No. 1630-2 authorizes the diversion of water at 3.73 cfs from the White River for either irrigation to the land directly or for off-stream storage in a 120 acre-foot reservoir until June 1 of each calendar year. Said water to be used during the annual March to June 1 period for the irrigation of the same land described in Water License No. 960-2. This permit also authorized diversion points along the White River between the NE¼ NE¼ Section 35 and SW¼ SW¼ Section 36 all in T103N R76W.

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

A. Works used to divert the water:

Water is diverted from the river through a 12-inch line to the approximately 120 acre-foot storage reservoir. Storage reservoir water is gravity withdrawn through a 12-inch line and flood spread on the acreage through a 10-inch gated pipe.

Water may only be diverted from the river through June 1 to the storage reservoir or directly onto the land for irrigation. After June 1 there shall be no diversion from White River unless written authorization is issued by the Chief Engineer.

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

10-inch gated pipeline and ditches

C. Works used to apply water to beneficial use:

Gravity flooding

The system is in the following condition: Fair - Ditches were partially filled with silt from flooding in 1997 and the pump station at the river diversion point was damaged. Adequate moisture has been available since 1997 and the land has not been irrigated since flooding.

The points of diversion from the river are located between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36 T103N R76W. The diversion point for the storage reservoir is approximately 4850 feet East and 992 feet South of the NW corner of Section 35 T103N R76W. The dam crest of the storage reservoir is approximately 1114 feet due South of the NW corner of Section 36 T103N R76W. The works are capable of diverting and conveying to the place of use 3.73 cu. ft. per second of water and storing 120 acre-feet of water to be used for irrigation. Water has been put to beneficial use to the maximum extent for irrigation of portions of the following land:

<u>T103N R76W</u>	<u>Acres</u>
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35	8.0
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35	4.1
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	1.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	5.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	23.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36	32.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36	8.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	38.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	29.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	32.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36	30.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36	23.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36	5.0

comprising approximately 239.1 acres.

Water License No. 960-2 and Permit No. 1630-2 are for the irrigation of the same land and at the same diversion rate from the White River. The drainage area of the constructed storage reservoir is small and any additional captured water is insignificant. The applicable portions of Water License No. 960-2 and Water Permit No. 1630-2 should be incorporated into one license and issued with a priority date of 04/10/68 for the diversion of 3.73 cfs from the White River, at the points described in Permit No. 1630-2, for either irrigation to the land directly or for off-stream storage of 120 acre-feet until June 1 of each calendar year. This action will not interfere with or adversely effect existing diversions from the White River.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None

Donald E. Stroup

Donald E. Stroup

Natural Resources Engineer
DENR, Water Rights Program

10/19/00
Date

NAME: Harlan Halverson

ADDRESS: Box 36, Kennebec, SD

DATE: 8/24/00 **COUNTY:** Lyman **TELEPHONE:** (605)869-2470

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Permit Application No. 1630-2 was made to change the delivery system of existing Water License No. 960-2 by addition of a storage reservoir. Water License No. 960-2 authorized one diversion point from the White River. The diversion points along the river were incorrectly noticed for Water Permit Application No. 1630-2 as being between points in the NW¼ NW¼ and SE¼ SW¼ of Section 36 all in T103N R76W. A map filed with Water Permit Application No. 1630-2 correctly showed the diversion points between the NE¼ NE¼ Section 35 and SW¼ SW¼ Section 36 all in T103N R76W. No additional water was appropriated by Water Permit Application No. 1630-2.

- **If irrigation, no new land is irrigated**

No new land was irrigated.

- **Review of Existing Diversions**

This action does not interfere with existing diversions from the White River.

RECOMMENDED ACTION

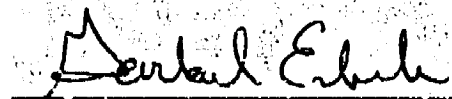
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed with points between the NE¼ NE¼ Section 35 and SW¼ SW¼ Section 36 all in T103N R76W.



Donald E. Stroup, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1630-2**

(1) Harlan Halverson, Box 36, Kennebec, SD 57544 made Application No. 1630-2, March 9, 1978 for a water permit to impound 120 acre feet of water annually from the White River, Lyman County, South Dakota for irrigation purposes. Permit No. 1630-2, with a priority date of March 9, 1978 was approved March 28, 1978 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 28, 1979 and for the application to beneficial use of said water on or before March 28, 1981.

The original application and advertising contained an error in the legal description of the diversion points. A map filed with the water permit application correctly showed the diversion points to be between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T103N, R76W. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in diversion point locations does not increase the potential for adverse effects to existing diversions.

Water Right No. 960-2, also held by Harlan Halverson, authorizes diversion of 3.73 cfs from the White River to irrigate 239.1 acres. Water Permit No. 1630-2 authorizes diversion of 3.73 cfs from the White River for either irrigation to the land directly (same acreage as No. 960-2) or for off-stream storage in a 120 acre feet reservoir. The applicable portions of Water Right No. 960-2 have been incorporated into this Water License No. 1630-2. A priority date of April 10, 1968 (established by No. 960-2) is retained for diversion directly from the White River. Diversion of water to storage retains a priority date of March 9, 1978 (established by No. 1630-2).

(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 3.73 cubic feet of water per second for beneficial use. The location of the diversion points are on the White River between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, T103N, R76W. The storage reservoir is located approximately 4,850 feet east and 992 feet south of the NW corner of Section 35, T103N, R76W.

(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 35, T103N, R76W		Section 36, T103N, R76W	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.1 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	5.0 acres
Section 36, T103N, R76W		SW $\frac{1}{4}$ NW $\frac{1}{4}$	23.5 acres
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	32.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	8.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	30.0 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.0 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	23.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0 acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	5.0 acres
Total irrigated acres 239.1			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harlan Halverson, Box 36, Kennebec, SD 57544 the holder and/or owner of Incorporated Water Right No. 1630-2 is issued a license to appropriate water, the right to use 3.73 cubic feet of water per second from the White River with storage of 120 acre feet annually with priority dates of April 10, 1968 (diversion from White River) and March 9, 1978 (storage) from the locations 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 Right No. 1630-2 and subject to South Dakota State Law.

Garland Erbele

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

MAY 09 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

1630-2

Harlan Halverson
Box 36
Kennebec, SD 57544

Dear Mr. Halverson:

Enclosed is Water License No. 1630-2. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

NOTE: The applicable portions of No. 960-2 are incorporated into Water License No. 1630-2.

enclosures

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

No. 1630-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lyman) ss.

I, E. J. Buckingham, Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Advocate Leader

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

Town of Kennebec

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

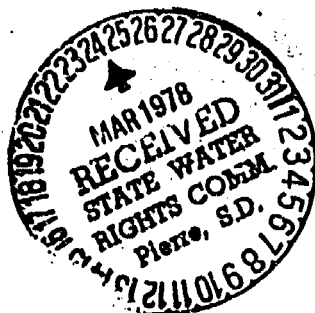
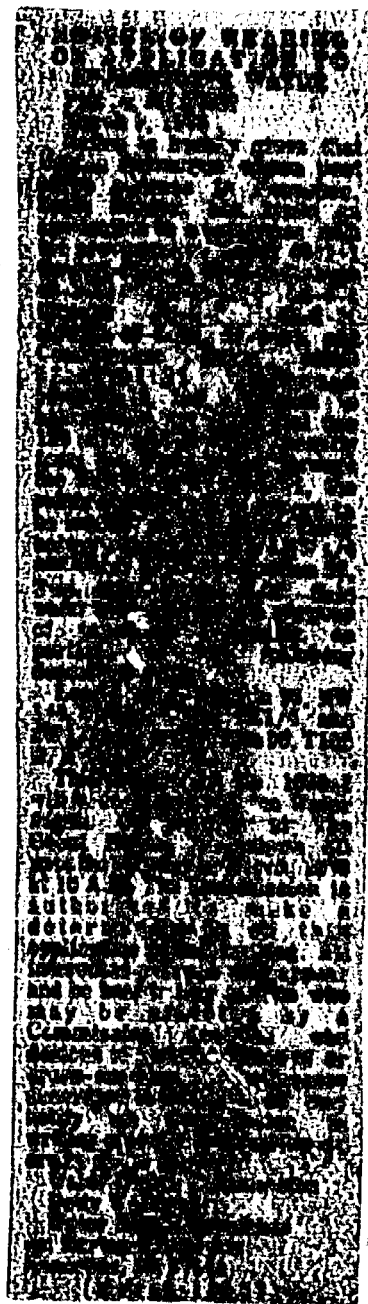
March 16

March 23

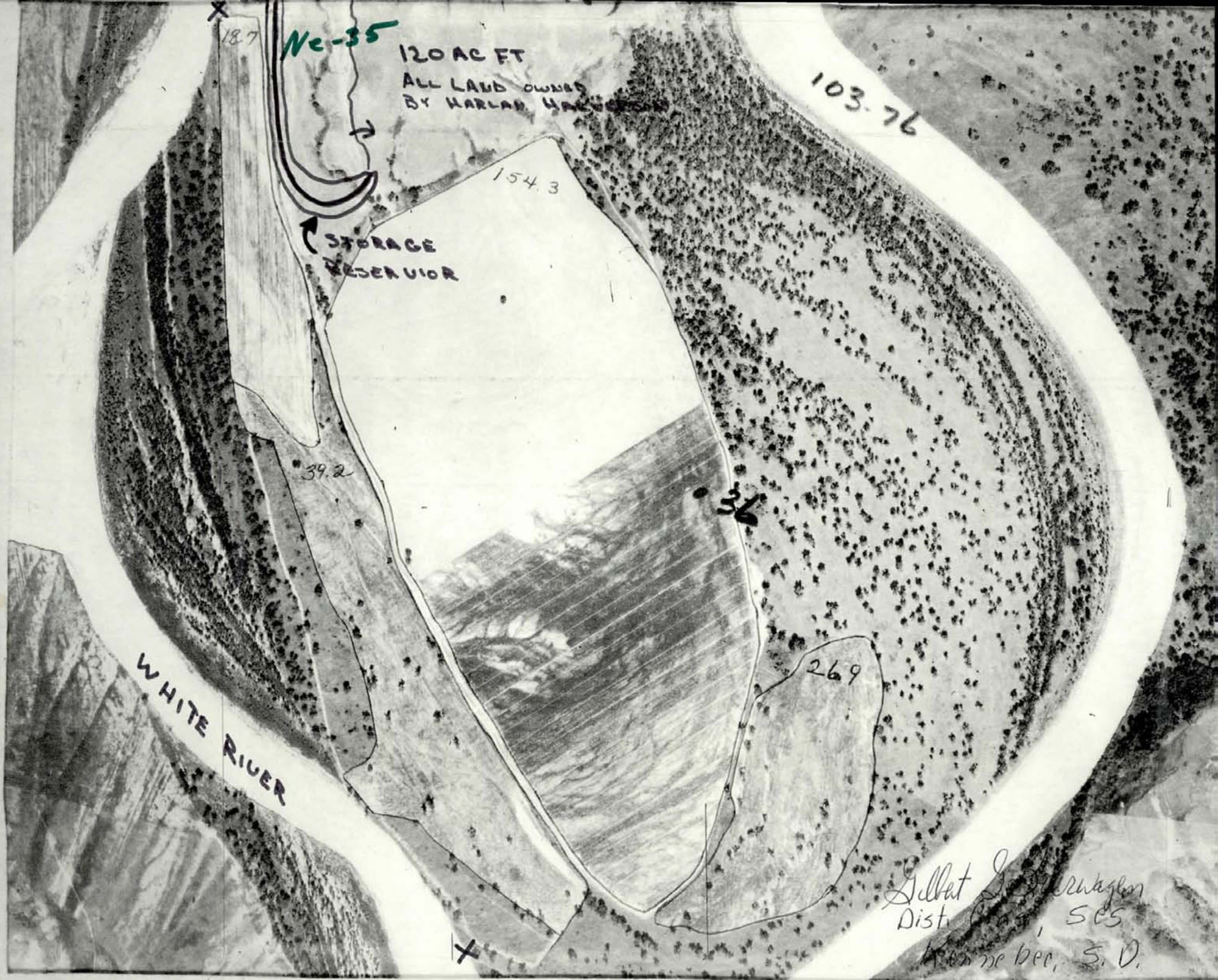
E. J. Buckingham, Jr.
(Signature)

Publisher
(Title)

5/23/78
(Date Signed)



MAP #1894-2
APPL. #1630-2



Nc-35

120 AC FT

ALL LAND OWNED
BY HARLAN HARRIS

103 76

154 3

STORAGE
RESERVOIR

39.2

269

WHITE RIVER

Gilbat
Dist
ne Dec, S. D.

MADE 10-14-2

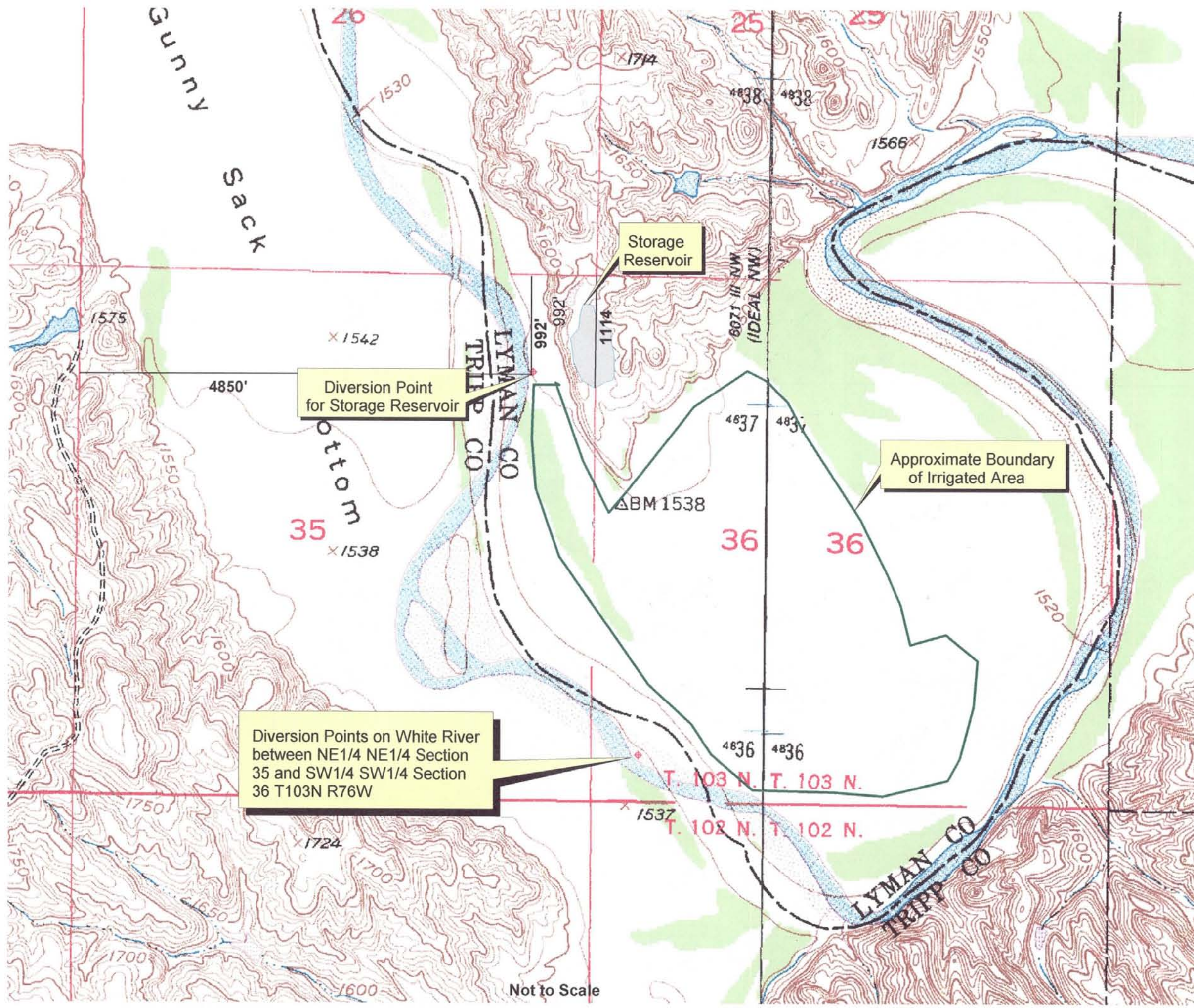
APPL. # 1630-2

Permit # 1630-2
Harlan Halverson
Box 36
Kennebec, SD 57544
869-2328

Diversion Point
for Storage Reservoir
SE1/4 NE1/4
Section 35
T103N R76W

Dam
Surface Area - 8 acres
Height - 25 feet
Crest Length - Apprx. 850 feet
□ (East and South
portions of dam)
Crest Width - 10 feet
Storage - 120 acre-feet
43.683 deg North
99.8814 deg West

Donald E. Strong 10/16/00
DENR Nat. Res. Eng



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Harlan Halverson, Box 39, Kennebec SD 57544

DATE: October 31, 2011

TELEPHONE: 605 869-2328

RE: irrigation

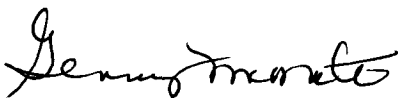
COMMENTS:

Water Right No. 1630-2 authorizes diversion of water from the White River for irrigation purposes. The water right also authorizes impoundment of water in a 120 acre-feet storage dam.

The 2011 irrigation questionnaire received from Mr. Halverson indicated the use had been abandoned. I called to visit with him about the status and was able to speak with Mrs. Halverson about the water right.

Mrs. Halverson indicated all of the irrigation equipment had been sold and they did not irrigate. I explained the cancellation process and told her we could schedule the irrigation component of the water right for cancellation and they could continue to use the storage dam for domestic use.

She was agreeable to cancellation of the irrigation portion of the water right. I explained that once the irrigation part was cancelled, the water license would be reissued to allow use of water for domestic use from the storage dam.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2011

NOTICE OF CANCELLATION

TO: Harlan Halverson, Box 39, Kennebec SD 57544

FROM: Garland Erbele, Chief Engineer
Water Rights Program

A handwritten signature in black ink, appearing to read 'Garland Erbele', written over the printed name and title.

SUBJECT: Cancellation of the Irrigation Component of Water Right No. 1630-2

Water Right No. 1630-2 authorizes impoundment of water from the White River for irrigation purposes. On October 31, 2011, Genny McMath with our program visited with Mrs. Halverson about the water right. It is our understanding the irrigation equipment has been sold and the land is no longer irrigated. The Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 1630-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation component of Water Right No. 1630-2 at 10:00 a.m., Wednesday, November 30, 2011 at the Chamber of Commerce Building, 800 West Dakota Avenue, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 a.m.)*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1630-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 21, 2011. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 21, 2011.

Prior to November 21, 2011, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 21, 2011.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 1630-2, HARLAN HALVERSON**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 1630-2.

The Chief Engineer is recommending cancellation of the irrigation component of the water right due to abandonment and/or forfeiture. The 2011 irrigation questionnaire submitted by the water right holder indicated irrigation use had been abandoned. On October 31, 2011, Genny McMath with the Water Rights Program spoke with Mrs. Halverson who confirmed the land was no longer irrigated. The storage dam is still in place.

Garland Erbele, Chief Engineer
October 31, 2011

Note:

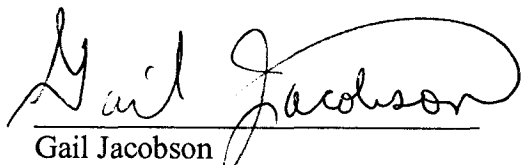
At such time as the Water Management Board takes action to cancel the irrigation component of the water right, the water license will be reissued authorizing continued use of the 120 acre feet storage dam for domestic use.

CERTIFICATION

I hereby certify that on October 31, 2011 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 31, 2011 regarding cancellations addressed as stated below:

Cornie Schelling, 52 S Dakota Ave., Corsica SD 57328
Water Permit No.'s 6464-3 & 6860-3

Harlan Halverson, PO Box 39, Kennebec SD 57544
Water Permit No. 1630-2



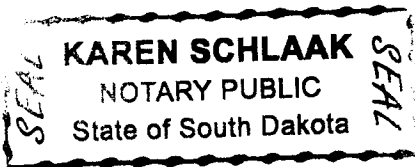
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 31st day of October, 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 1, 2011

1630-2

NOTICE

Harlan Halverson
Box 39
Kennebec SD 57544

Dear Mr. Halverson:

This will notify you that the Water Management Board cancelled the irrigation component of your Water Right No. 1630-2 on November 30, 2011. The water right had authorized impoundment of water from the White River for irrigation purposes.

The action to cancel the irrigation portion of the water right was taken under the conditions outlined in our notice to you dated October 31, 2011. The water license will now be reissued to authorize continued use of the storage dam for domestic use. The reissued license will be sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 1, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 1, 2011 regarding cancellations addressed as stated below:

Water Right No. 800-1: Anna Jane Mickelson, PO Box 728, Mobridge SD 57605-0728

Water Right No. 1630-2: Harlan Halverson, Box 39, Kennebec SD 57544

Water Right No. 3930-3: Bertha D & Mark J Johnson, 47865 166th St, Revillo SD 57259 5112

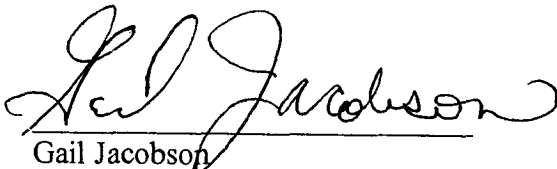
Water Permit Nos. 6464-3 & 6860-3: Cornie Schelling, 525 S Dakota Ave, Corsica SD 57328

Water Permit No. 6716-3, Bob Law Inc, 3812 SD Hwy 314, Yankton SD 57078

Water Permit No. 6755-3, Pete Brandner, Brandner Brothers, 1103 Main St N, Herreid SD 57632

Water Permit No. 6928-3, Marvin Post, 21242 461st Ave, Volga SD 57071

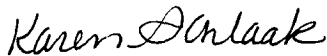
Water Permit No. 6976-3, David Diedrich, 7345 Valley View Rd, Brookings SD 57006



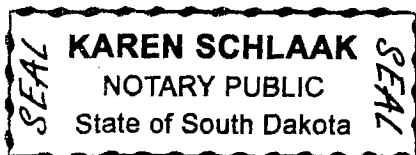
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of December, 20 11.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



Licensing of Irrigation Water Right for Stock Watering

NAME: Harlan Halverson

ADDRESS: Box 39, Kennebec SD 57544

DATE: December 15, 2011 **COUNTY:** Lyman

BOARD ACTION:

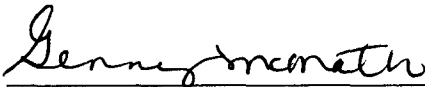
Pursuant to SDCL 46-1-12, on November 30, 2011 the Water Management Board took action to cancel the irrigation component of Water Right No. 1630-2. The action to cancel was based on the 2011 irrigation questionnaire and a follow-up phone conversation in which Mr. Halverson indicated he had sold all of his irrigation equipment and no longer irrigated. The storage dam is still in place and used for domestic purposes.

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

RECOMMENDED ACTION

Based on the Board action to cancel the irrigation portion of the water right, it is recommended that the water license be re-issued for stock watering.



Genny McMath
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

The addition of stock watering does not impair existing water rights and no diversion of water will be made from the storage dams. Licensing of the water right for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2011

1630-2

Harlan Halverson
Box 39
Kennebec SD 57544

Dear Mr. Halverson:

Enclosed is your Reissued Water License No. 1630-2.

On November 30, 2011, the Water Management Board took action to cancel the irrigation component of your Water Right. The enclosed license authorizes impoundment of water in the existing dam for livestock watering purposes.

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

Sincerely,

A handwritten signature in black ink, which appears to read "Garland Erbele". The signature is fluid and cursive.

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

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1630-2

(1) Harlan Halverson, Box 39, Kennebec SD 57544 was issued Water License No. 1630-2, May 9, 2001 for a water right to divert 3.73 cubic feet of water per second from the White River with storage of 120 acre feet of water annually in a storage dam, Lyman County, South Dakota for irrigation purposes. Water License No. 1630-2, with a priority date of March 9, 1978 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On November 30, 2011, the Water Management Board cancelled the irrigation portion of the water right. The storage dam is still in place and used for domestic livestock watering.

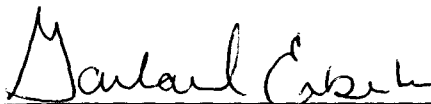
Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Water Law 46-5-30.1 Harlan Halverson, Box 39, Kennebec SD 57544 the holder and/or owner of Water Right No. 1630-2 is issued a license bearing a priority date of March 9, 1978 to impound 120 acre feet of water annually from the White River in a storage dam for domestic livestock watering purposes.

- The storage dam is located in the NE ¼ NE ¼ Section 35, T103N, R76W with water impounded in the NE ¼ NE ¼ Section 35 and NW ¼ NW ¼ Section 36, T103N, R76W;
- White River diversion point for storage dam: 992' south and 4850' east of the NW ¼ Section 35, T103N, R76W (NE ¼ NE ¼)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1630-2 and subject to the following qualifications:

- Approval authorizes storage of 120 acre feet of water annually.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The water right authorizes 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 diversion from the White River unless written authorization is issued by the Water Management Board or its legally appointed representative. Diversions under this water right shall be in accordance with any written orders issued by the Board or its representative.



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

DEC 15 2011
date



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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

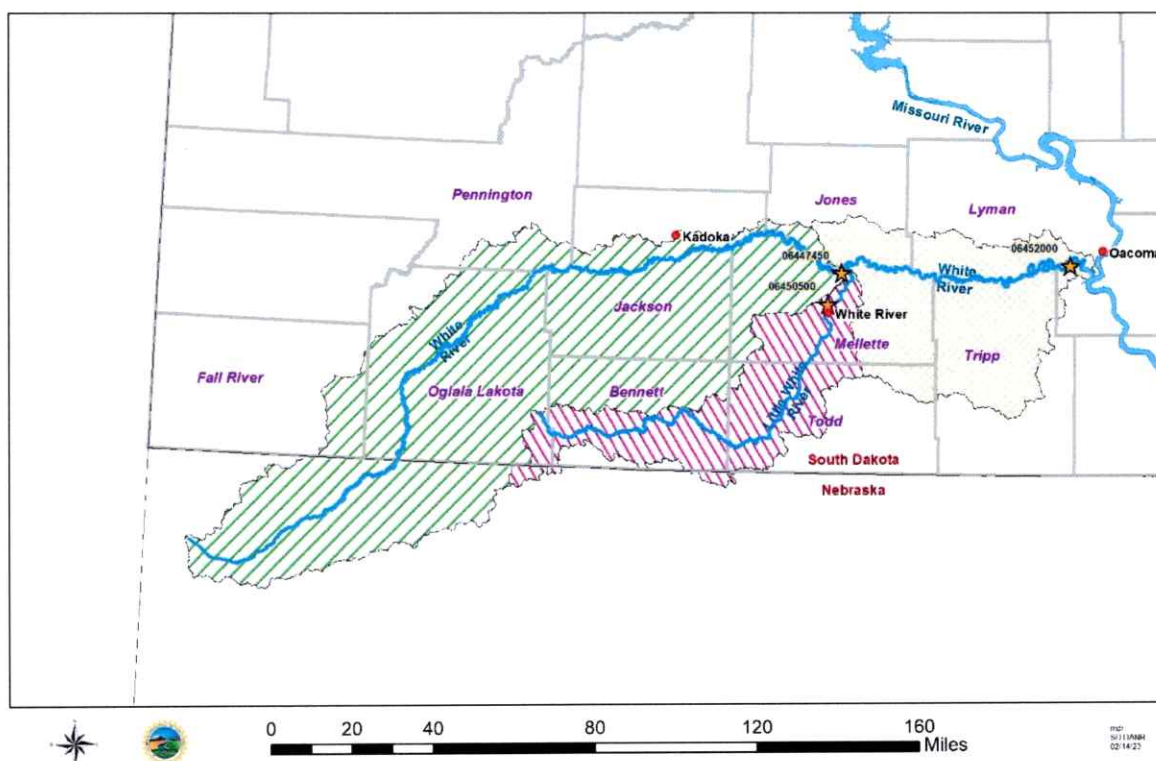


Figure 1. White River Watershed Map.

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

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

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

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

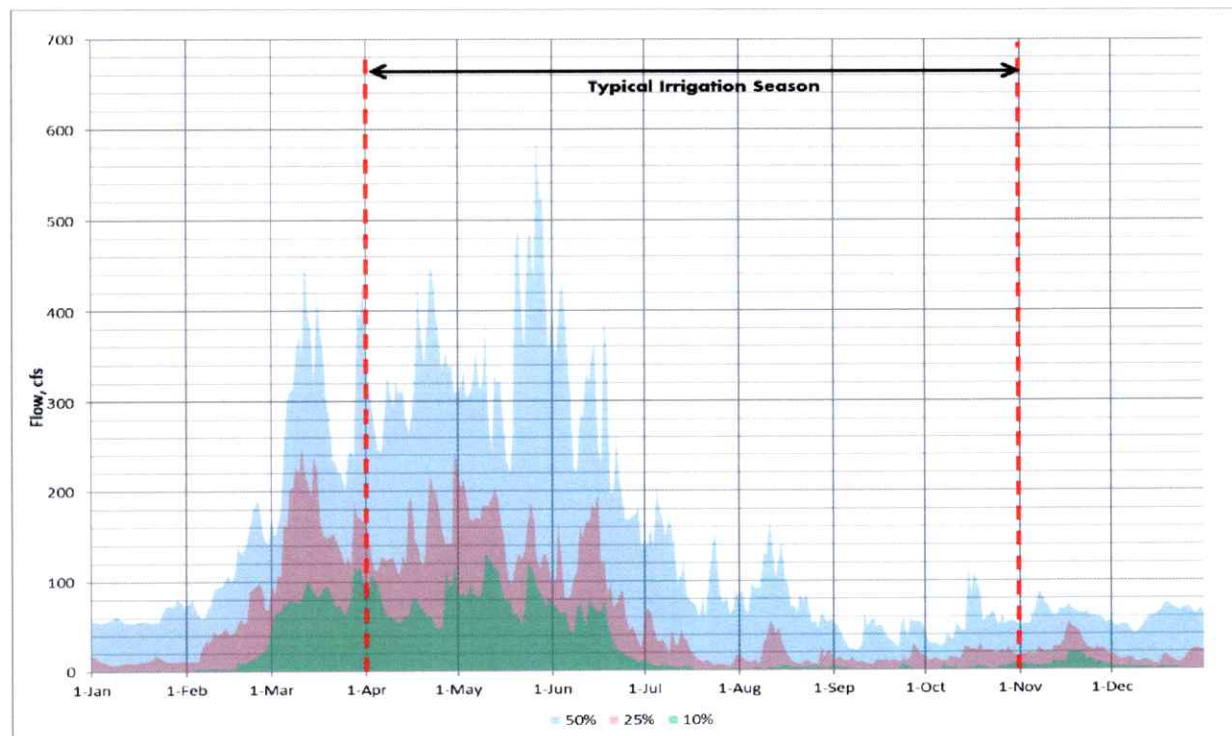


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

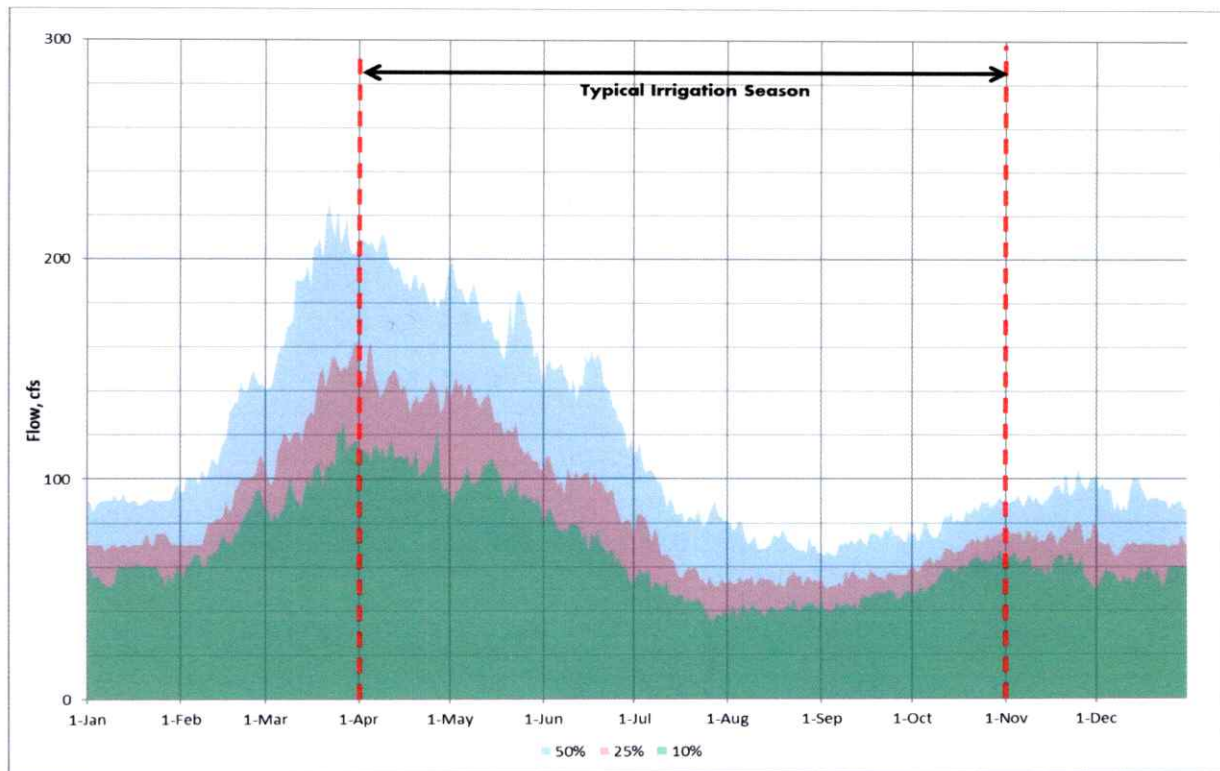


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

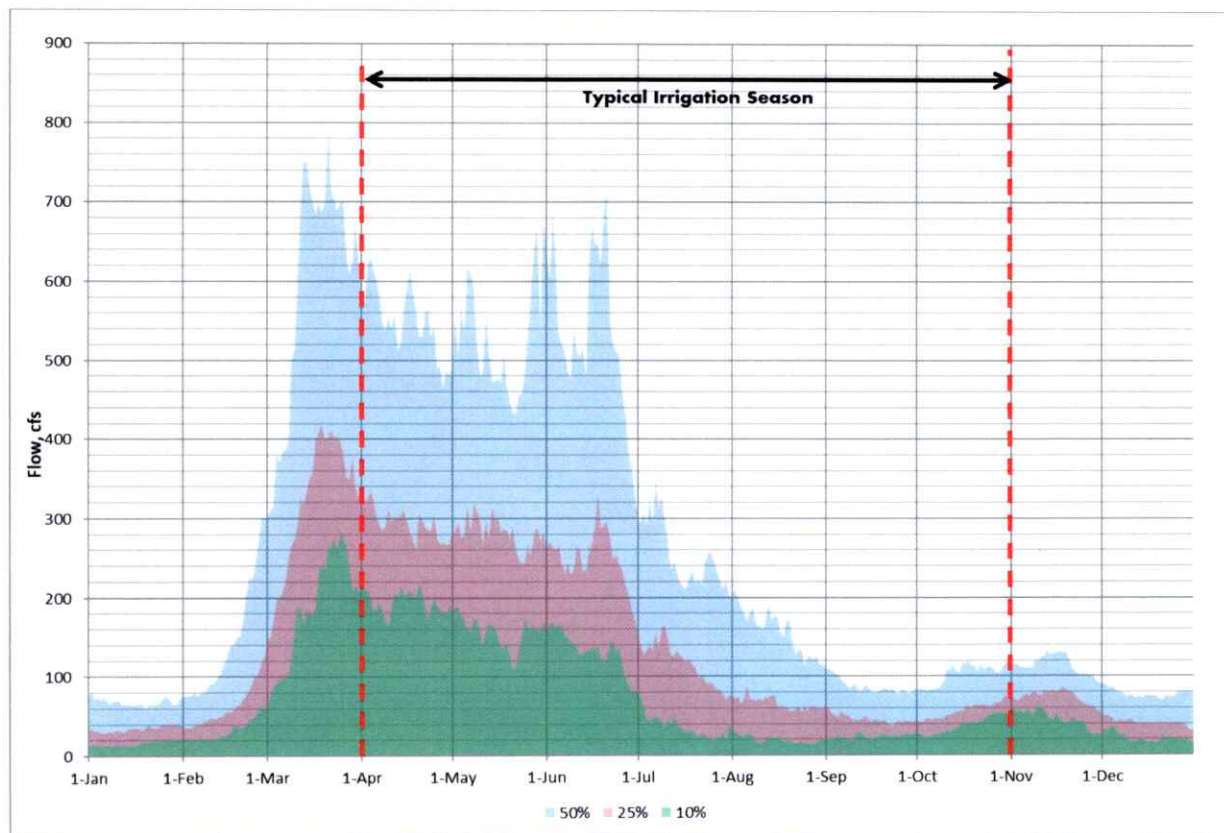


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

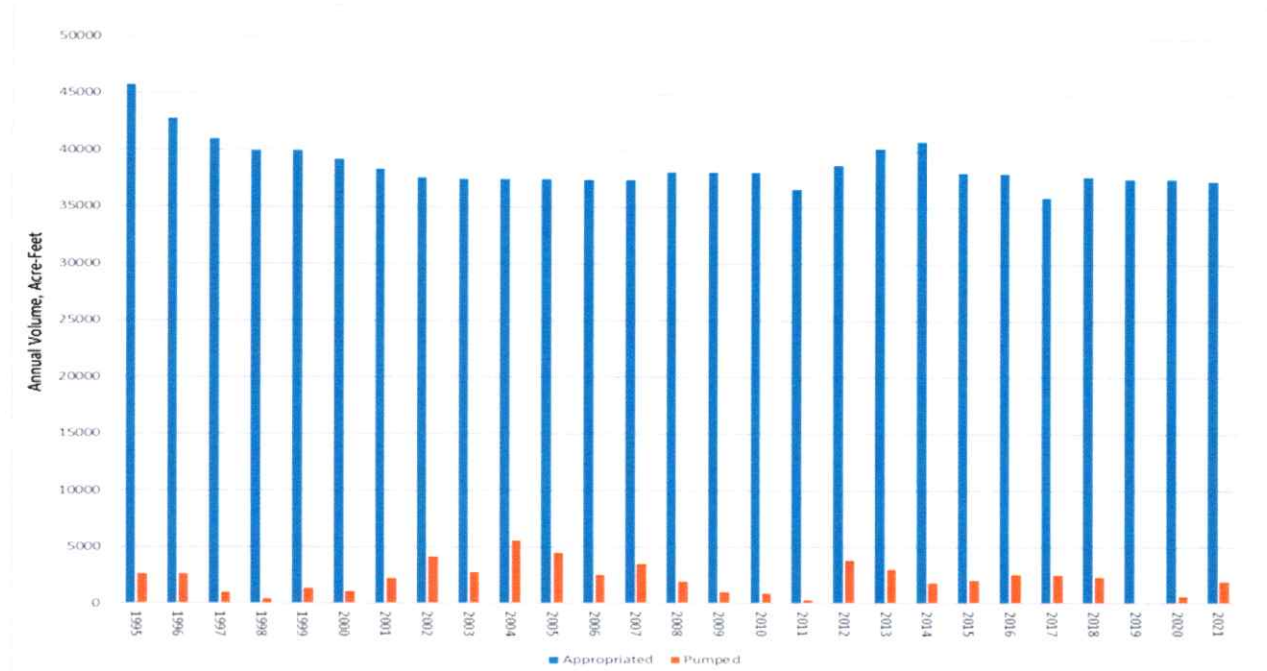


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

HARLAN HALVERSON
BOX 36
KENNEBEC SD 57544

Subject: Amendment of the Mandatory Shutoff Qualification on White River Water Right No. 1630-2

Dear Mr. Halverson,

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

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

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

A hearing before the Water Management Board is scheduled at 9:45 AM (Central Time), Wednesday, May 3, 2023, in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. Enclosed is the notice to be published on or before April 13, 2023, in one newspaper from each of the 7 counties that the White River flows through. This notice provides information on filing a petition opposing the proposed amendment or providing a comment. A petition must be postmarked by April 24, 2023, and allows you to participate in the May 3, 2023, hearing before the Board.

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

Sincerely,

Chief Engineer
Water Rights Program, DANR

Proposed Qualification Revisions

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

Amendment to the qualifications contained in Water Right No. 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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 5, 2023

STEVE HALVERSON
118 TERRI LN
PIERRE SD 57501

Subject: Water Management Board removes the mandatory June 1 shutoff qualification and adds a streamflow bypass qualification on White River Water Right No. 1630-2

Dear Mr. Halverson,

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

Deleted Qualification:

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

Added Qualifications:

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

The amendment designates a US Geological Survey streamflow gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed on-line at <https://waterdata.usgs.gov/sd/nwis/rt>.

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

Sincerely,

Chief Engineer
Water Rights Program, DANR

1630-2

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate May 5, 2023RECEIVED OF Steve Halverson 118 Terri Ln Pierre SD 57501

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>1630-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1630-2

Date: _____

I/We request that Water Right/Permit No. 1630-2 formerly owned by:
Harlan Halverson be transferred to:

New Owner Name: Steve Halverson
Address: 118 Terri Ln mobile: 605-222-0270
City, State, Zip Pierre SD 57501 email: halversonhunts@gmail.com

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

NE 1/4 NE 1/4 Sec 35 T103N-R76W, Sec 36 T103N-R76W

☒ I understand that the validity of Water Right/Permit No. 1630-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Steve Halverson, the new owner, certify that the above information is true and correct.

Steve Halverson
Steve Halverson (Apr 30, 2023 20:39 CDT)
(signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 8, 2023

1630-2

Steve Halverson
118 Terry Ln
Pierre SD 57501

Dear Mr. Halverson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1630-2.

The ownership change has been completed. Water Right No. 1630-2 formerly held by Harlan Halverson is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

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

encl