

Considered: _____

WATER PERMIT NO. 2104-2MAP No. same 433-5497Name of Applicant Wayne SampsonPost Office Address Box 31, Interior SD 57750Amount of Water Claimed 3.0 (no add'l) Total Acres same as 1266-2Source of Water Supply dry drawWater to be used for irrigation County JacksonAbout 1 1/2 miles W of Interior

PROOF OF PUBLICATION: Received _____ Not Received _____

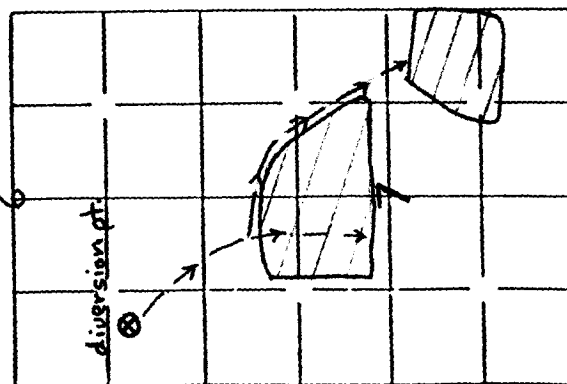
APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Oct 17, 1989 Fee \$50.00 Remarks Appl isto change a divpt location and for acreage correctionCorrected Application Received _____ Period of Annual Use Mar 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dry draw diversion: SW 1/4 SW 1/4section 6 - T4S - R18ELand to be Irrigated Acreage correction10 acres → SE 1/4 SE 1/4 (Lot 7) sec 7 - 4S -18EWell Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

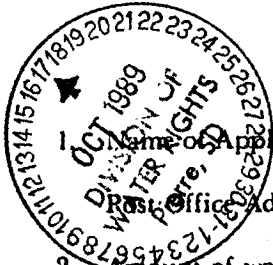
Type of Map topo PREPARED BY Vince Seaman Reviewed and the Numberassigned on October 18, 1989 By Ron Darvall

(See instructions)

No. 2104-2 Hydrologic Unit 10140202
Basin White River
Newspaper THE KADOKA PRESS
Box 309 (Wed) 57543

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☒ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____



1. Name of Applicant WAYNE SAMPSON Phone No. 605-433-5497
Post Office Address Box 31 INTERIOR State S.D.
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 3 cfs Total acres irrigated 710.5 7 add'l
3. Source of Water supply DRY STREAM BED
4. Location of point of diversion SEE ATTACHED MAP
1325' OF 80.3 Acs 35° 15' N, NE FROM THE SW
CORNER OF SEC 6, T4S R18E (SW 1/4 SW 1/4) County JACKSON
5. Counties where water will be used JACKSON
6. Annual period during which water is to be used MARCH 1 TO NOV 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

NO ADDITIONAL ACRES ARE BEING REQUESTED

Land Description	No. Acres Irr.
<u>SAME LAND AS IN</u>	
<u>ORIGINAL WATER RIGHT</u>	
<u>1266-2 (SEE ATTACHED MAP</u>	
<u>FOR SPECIFIC LAND FROM</u>	

Land Description	No. Acres Irr.
<u>SE 1/4 SE 1/4 (Lot 7) Sec 7-4S-R18E</u>	<u>10</u>
<u>NE 1/4 NW 1/4 Sec 7-4S-R18E</u>	<u>2</u>
<u>NW 1/4 NE 1/4 " "</u>	<u>3</u>
<u>NE 1/4 SE 1/4 " "</u>	<u>15</u>

THIS DIVERSION POINT Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ (Specify) 2
9. Crops to be Irrigated: ALFALA & GRASS
10. Give a description of proposed project. (Attach sheet if more space is needed)

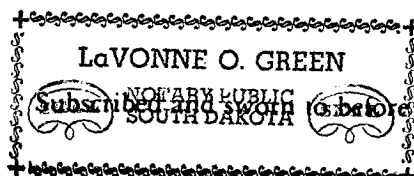
SEE ATTACHED SHEET

This application is to change a diversion point to the above described area, to correct the location of 11.5 acres, not specified on Permit No. 1266-2 and to add 7 new acres in the NE 1/4 NW 1/4, W 1/2 NE 1/4 Section 7-T4S-R18E.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of JACKSON)^{ss}

I, WAYNE SAMPSON, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.



Signed Wayne Sampson
me this 16th day of October 19 89
LaVonne O. Green
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2104-2 FOR IRRIGATION

Date of first receipt of application October 17, 1989.

Date Soil/Water Compatibility Permit received October 30, 1989.

The Water Management Board approved Water Permit Application No. 2104-2 on December 7, 1989 for Wayne Sampson, Box 31, Interior SD 57750 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2104-2 changes the location of a diversion point, specifies the correct location of 11.5 irrigated acres and adds 7 acres to be irrigated. Water Permit No. 1266-2 appropriates 3.00 cubic feet of water per second from the White River and a dry draw to irrigate 210.5 acres. This permit changes the location of the dry draw diversion point from section 7 to the SW1/4 SW1/4 section 6; all in T4S-R18E to irrigate portions of the acreage described on Permit No. 1266-2 located in the E1/2 NW1/4, W1/2 NE1/4, NW1/4 SE1/4, SW1/4 SE1/4 (Lot 6), NE1/4 SE1/4 section 7-T4S-R18E. This permit also corrects the location of 11.5 acres described on Permit No. 1266-2 and to add 7 acres to be irrigated. The 11.5 irrigated acres are located in the NE1/4 SE1/4, SE1/4 SE1/4 (Lot 7), and the 7 additional acres are located in the NE1/4 NW1/4, W1/2 NE1/4; all in section 7-T4S-R18E. No increase in diversion rate is authorized by this application.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - November 30.
3. The date from which applicant may claim right is May 2, 1975 (see Permit No. 1266-2), except for the 7 additional acres which have a priority date of October 17, 1989.
4. One-fifth of the construction is to be completed on or before June 7, 1992.
5. All construction is to be completed on or before December 7, 1994.
6. Water is to be put to beneficial use on or before December 7, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 6 1990

(date)

DESCRIPTION OF PROPOSED PROJECT:

TO CHANGE DIVERSION POINTS FROM N.W CORNER
OF SEC 7 TO SW CORNER OF SEC 6
A DIVERSION DITCH WOULD BE CUT
FROM THE NEW DIVERSION POINT TO THE
AREA THAT IS ALREADY BEING IRRAGATED
WITH AN IRRIGATION PUMP.

A GATE WILL INSTALLED SO THE WATER
FLOWING INTO THE DITCH CAN BE
CONTROLLED, THIS DIVERSION WILL BE
FROM A DRY STREAM BED. NO STORAGE
DAM WILL BE MADE.

THIS STREAM ONLY RUNS DURING HIGH
FLOW PERIODS, SO NO DOWNSTREAM
USERS SHOULD BE AFFECTED.

THE SURVEY FOR THIS DIVERSION DITCH
WAS DONE BY THE SOIL CONSERVATION
SERVICE.

THIS DRY STREAM DRAINS MOSTLY
GRASSLAND.

THE DITCH WILL BE ABOUT 3000 FEET
LONG WITH A 6 FOOT BOTTOM.
THE SLOPES ALONG THE DITCH WILL
BE $2\frac{1}{2}$ TO 1.

THE LAND ON WHICH THE DITCH
WILL BE MADE IS OWNED BY
ME.



Jayne Sampson

Conversation or File Documentation

NAME OF PERSON OR FILE: Wayne SampsonADDRESS: Box 31, Interior SD 57750 COUNTY JacksonDATE: October 18, 1989 TELEPHONE 433-5497RE: Irrigated acreage.

COMMENTS:

Contacted Wayne Sampson regarding acreage in Government Lot 7 (see map). I told Mr. Sampson this area was not on Permit No. 1266-2 due to the location of the White River. I informed Mr. Sampson that an acreage correction could probably be used since the acreage was developed as part of the original project. Mr. Sampson instructed me to make the needed correction if the original plat map confirmed the river location as shown on the topo map submitted by Vince Seaman.

10/19/89

The plat of the original survey confirmed that an acreage correction is needed for Lot 7 (10 acres) and for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ (1.5 acres). Contacted Mr. Sampson to determine if portions of the 210.5 acres on Permit No. 1266-2 had not been developed (Total acreage can not exceed 210.5 to do acreage correction). Mr. Sampson indicated that the W $\frac{1}{2}$ Area 5 and the N $\frac{1}{2}$ Areas 8 & 9 (gravel pit area) were not developed; total acreage is less than 210.5. Mr. Sampson also indicated that area above the creek (Areas 1, 2 & 4) may be irrigated in the future. These 7 additional acres need to be included on Application No. 2104-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

328
 Township 4d. Sec. Range 17E/18E.

East of the Black Hills Meridian.

CHAINS.

about bet. Sec 7 and 12

9.50 Road corner S.E. 1/4 N.W. 1/4
 14.00 Center of dry creek bed 60 links
 north corner S.
 40.00 Deposited a marked stone 12 ins.
 in the ground for 1/4 Sec. Cor.,
 dug pits 18x18x12 ins. about 1/4
 off Eir. 5 1/2 links. dist., and
 raised a mound of earth 1 1/2
 ft. high 3 1/2 ft. base over it.
 the 1/4 pit drove a stake 2
 ft. long, 2 ins. diameter, 12 ins.
 in the ground, marked
 1/4 S on N. face

71.75 Deposited a marked stone 12 ins.
 in the ground for N.E. 1/4 cor.
 Bank of White River. dug a
 pit 3 ft. square 12 ins. deep
 8 links north of cor., and

18

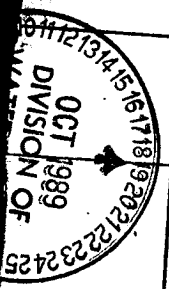
329
 Township 4d. Sec. Range 17E/18E

East of the Black Hills Meridian.

CHAINS.

raised a mound of earth
 2 ft. high, 4 1/2 ft. base over
 it. and pit drove a stake
 2 ft. long, 2 ins. diameter, 12
 ins. in the ground, marked
 S. 1/4 N. and N.
 P. R. 1. R. Mc and S.
 R. 18 E. S. 7 and E.
 R. 17 E S 12 on N. face

from which a cottonwood 16
 ins. diam. bears N. 15° 30' W.
 177 links dist. which marked
 3/4 S. R. 17 E. S. 12 R.T. Mc.
 a cottonwood 18 ins. diam bears
 N. 40° E. 265 links dist., marked
 S. 1/4 S. R. 18 E. S 7 R.T. Mc.
 sand rolling.
 soil 2 rods
 denting trees along river banks
 Oct 11 & 1898



238

Section of Township 4 South
East of the Black Hills Meridian.

CHAINS.

S. 89° 53' 10"

on a true line between
rolling land

99.46 Section marked at 1.3 miles from the ground
for 4.4000; dig pits 15 ft. deep, N. and S.
of pits 4 ft. high, and have mound of earth 4 ft.
high, 4 ft. high, and deposit

4 ft. pit down an ash stake 2 ft. long, and
dig 12 inches in the ground marked
N. S. on 1/2 in.

44.41 Descend Bank 1 ft. high, bears N. and S. 70° E.
53.20 Small drain, bears N. 70° E. and S. 70° E.

60.50 Road, bears N. 70° W. and S. 70° E.
69.50 Game Pond, bears N. 70° E. and S. 70° W.
70.50 Game Pond, bears N. 70° W. and S. 70° E.
71.00 Enter mountainous Bad Lands, descend
bears N. and S.

75.40 Top of ascent of 20 ft. bears N. and S. Descend
76.00 Foot of descent of 20 ft. bears N. and S. Same
mountainous, and enter rolling land

79.02 The top of 20 ft. bears N. and S.
Land, rolling from N. and S. mountain
on Bad Lands.

Soil, clay loam and strong Bad Lands; 2 ft. 2 ft.
No timber.

Mountainous land, 1.00 ch.

Section of Township 4 South
East of the Black Hills Meridian.

CHAINS.

S. 89° 50' 10"

on a random line between
Set traps, take in

25.45 Enter the body of the T. p. S. of the m.
of sites 1, 6, 7, and 12, which is described by
the surveyor general as a mound of earth
with pits and stake in pit. The pits are
nearly filled up, mound even nearly level,
and the stake was gone. Dig out the pits,
repair the mound, and in S. E. pit stake an
ash stake 2 ft. long, 2 inches, 2 inches in the
ground, marked

T. 4 S. 8. 6 on N. E.,

R. 1 E. S. 7 on S. E.,

S. 1/2 on S. W. and

R. 1 E. S. 1 on N. W. faces with stake in

land marked on bridge.

Thence to

48.45 S. 2 E.

on a true line between 6 and 7.

on rolling land

17.70 Small drain, course, S.

24.00 Drain, bears S. E.

30.75 Descend Bad Land, bears N. W. and S. E.

Enter mountainous land.

32.30 Top of ascent of 20 ft. bears N. and S. Descend

239

CHAINS

39.70 Foot of descent of 20 ft. bear N. and S.
 Some mountains and enter rolling land
 39.75 Deposit a marked stone 12 in. in the ground
 for 2.00. or; dig pits 15 ft. 2.00. or; 3. and 4.
 of ore, 4 ft. dirt, and raise a mound of earth
 15 ft. high, 1/2 ft. high, over deposit
 the deposit shows an ash stake 2 ft. long 2
 in. 1/2. 2 in. in the ground marked
 4 S. on N. face
 44.35 Pin Road, bears S. 70° W. and N. 70° E.
 44.40 Small stone, square, S.E.
 44.45 Small stone, round, S.
 44.50 The ore of ore. 15, 2, and 3.
 Land, rolling, granitic and mountainous
 hills.
 Soil, clay loam and strong black ash, 2 in.
 44.55 to 45.00
 No timber.
 Mountains on land 3.00 sho.
 S. 0° 0' 4' E.
 Over rolling land
 45.00 or descent back to 15 ft. high, bear N. 60° W. S.E.
 Gate dry bottom land, covered with soil
 heavy cottonwood timber with dense undergrowth

CHAINS

29.75 Large timber and scrub with bare N.
 and S.
 44.00 Deposit a marked stone 12 in. in the ground
 for 2.00. or; dig pits 15 ft. 2.00. or; 3. and 4.
 of ore, 4 ft. dirt, and raise a mound of earth
 15 ft. high, 1/2 ft. high, over deposit
 the S. pit shows an ash stake 2 ft. long, 2 in.
 1/2. 2 in. in the ground marked
 4 S. on N. face. From which
 A cottonwood, 3 in. diam, bears
 N. 80° 30' E., 1.96 ft. high, marked
 1/2 S. 13.71
 44.05 Another 5 ft. in thin limbs
 from this on Ribbles Horse bears
 S. 36° 10' W.
 44.10 Road, bears N. 75° E., and S. 75° W.
 44.20 Gate, cottonwood, cottonwood, timber, bear N. 60°
 44.25 Ribbles Horse fence, bears N. 60° and S. W.
 44.30 A cottonwood, 30 in. diam, 15 ft. high, marked
 with 2 cottonwood, 20 in. diam, 15 ft. high.
 44.35 Road, bears S. and W.
 44.40 To Right River of H. W. River, bears N. 70° high
 44.45 Gate, cottonwood, 12 in. diam, 15 ft. high
 ground for cottonwood, 15 ft. high, 15 ft. high
 44.50 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.55 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.60 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.65 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.70 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.75 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.80 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.85 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.90 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 44.95 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high
 45.00 Gate, 15 ft. 3 x 36 ft. 15 ft. high, 15 ft. high

CHAINS

barry 3 ft high near deposit
on pit down and ash stake 2 ft long
the 2 ft down the ground, marked

N. C. on S.

T. 4 S. on S.

R. 1 E. S. 7 m W.

S. 8 m E. face; From which

A cottonwood, 10 m high, down

S. 6 0' 37" E. 8 5' 22" dist. marked

T. 4 S. 13. 18 E. S. 8. M. C. 12. 77

A cottonwood, 13 m high, down

N. 9 0' 33' W. 1 39' dist. marked

T. 4 S. 18. 18 E. S. 9. M. C. 13. 77

Land nothing found and bottom land
dark, clay and sandy loam; 4 m high
Lumber cottonwood

Timbered land, with some underground

14. 7 5' ch.

From the old Little House here

N. 5 0' 50' W.

October 7: At the cor. S. set off 5' 53' S. a
the decl. acc. and at 11 m 476 m high
above the sea on the meridian; the
resulting lat. is 43 04 31" which is about
0.3 m more than the p. of lat.

CHAINS

To locate the line between T. 4 and T. 5

Down

S. 100 4' E.

on a blank line on station River
800 Marked on temp. point for cor. of cor. 7. 5. 13 m high
The old run

N. 8 1' 50' E.

on a blank line

To find Bank of Otter River, bank 2 ft high
but a marked station in the ground
for the middle cor. of road, near S. and 77
high pit 36 x 36 x 12 m, 8 ft E. of cor. and
raise a mound of earth, 4 ft high, 4 ft high
cor. deposit

the the pit on an ash stake 2 ft long, on
up to the in the ground, marked

M. C. on W.

T. 4 S. 18. 18 E.

R. 1 E. S. 8 m W.

S. 17 m S. face; from which

A cottonwood, 2 m high, down

S. 46 0' 50' E. 35' 22" dist. marked

T. 4 S. 18. 18 E. S. 17. M. C. 13. 77

A cottonwood, 13 m high, down

N. 23 0' 40' E. 34' 22" dist. marked

T. 4 S. 18. 18 E. S. 8. M. C. 13. 77

260
McAndrew Township 11 South Range 18
East of the Black Hills Meridian.

CHAINS

S. 60° 44' E. 200 ch. 13 mds. 7 ft high
N. 79° 04' E. 6.60
S. 77° 50' E. 57.90 13 mds. 10 ft high to mean
low water of 100 ft sea level
Land, river bottom
Soil, sandy loam; 2nd rate
Timber, cottonwood
Thence river, 7 ft
Over dry river bottom land
Through scattering timber
N. 81° 30' E. 260 ch. 13 mds. 7 ft high
N. 75° 25' E. 4.50
N. 68° 50' E. 11.50
N. 64° 55' E. 12.00
S. 67° 30' E. 7.00
S. 60° 15' E. 2.50
N. 42° 45' E. 2.50 Bank up high at 400 ch. dry
each some 25 ft from valley
cottonwood timber
S. 51° 55' E. 500
S. 55° 20' E. 4.30 Bank up high at 350 ch. river
fence, near N.E. at 400 ch. near
river river with some buffle
heavy meadow growth, dense N.E.
S. 42° 25' E. 3.50

McAndrew Township 14 South Range 18
East of the Black Hills Meridian.

CHAINS

S. 23° 45' E. 45.55 ch. 13 mds. 12 ft high. To river
over of fresh sea 7 and 11
Land, river bottom
Soil, sandy loam; 2nd rate
Timber, cottonwood
Dense meadow growth, 5.05 also
Thence river, 8
Over dry river bottom land
Through timber with dense meadow growth
S. 22° 45' E. 3.60 ch. Bank, 12 ft high
S. 16° 20' E. 5.22 To river over of fresh
sea, 5 and 17
Land, river bottom
Soil, sandy loam; 2nd rate
Timber, cottonwood
Dense meadow growth, 9.12 ch.
Thence river, 10
Over dry river bottom
Through timber with dense meadow growth
S. 12° 00' E. 5.25 ch. Bank, 2 ft high
S. 9° 45' W. 2.75 Bank, 12 ft high, 10 mds
over of fresh sea, 17 and 1
Land, river bottom
Soil, sandy loam; 2nd rate

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411942

Pierre, October 17, 1939

RECEIVED OF Wayne Sampson Box 31, Interior, SD 57750

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

Fee for Application for Permit No. <u>2104-5</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4421

WR#

OWNERS NAME: WAYNE SAMPSON

OWNERS ADDRESS: Box 31

COUNTY LAND LOCATED IN: Jackson

Interior, SD 57750

PHONE: (605) 433-5497

LEGAL DESCRIPTION:

1. LOCATION

Depth

SW1/4 SW1/4 6-T4S-R18E

☐ Well

☐ Dry Draw
☒ Surface

Legal Description		Acres	Legal Description		Acres
SE1/4 SE1/4 (Lot 7) 7-T4S-R18E		10	SW1/4 NE1/4 7-4S-R18E		2
NE1/4 NW1/4 7-4S-R18E		2			
NW1/4 NE1/4 7-4S-R18E		3			
NE1/4 SE1/4 7-4S-R18E		1.5			

2. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____
(Specify)

3. CROPS TO BE IRRIGATED: Alfalfa & Grass

WATER QUALITY:

4. WATER SAMPLE NUMBER: 88-0108

5. SALINITY (EC X 10⁶): _____

7. ADJUSTED (SAR): _____

6. SODIUM (SAR): _____

8. PERCENT SODIUM: _____

Requirements:

Water sample shall be taken during a period flowing water and submitted for analyses.
The maximum allowable limits of salt and sodium buildup in the profile at the root zone
(upper 12 inches of the soil profile) at the beginning of the growing season apply.
They become applicable upon the issuing of a soil-water compatibility permit by the
Division of the Commission.

[Signature]
Director, Division of Conservation

Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER

REQUIREMENTS

Soil/water permits will be recorded by the Department
of Agriculture, with the County Register of Deeds.



REFERENCE SLIP

10/12/89

TO

Wayne

☐

ACTION

☐

NOTE AND RETURN

☐

APPROVAL

☐

PER PHONE CALL

☐

AS REQUESTED

☐

RECOMMENDATION

☐

FOR COMMENT

☐

REPLY FOR SIGNATURE OF

☐

FOR INFORMATION

☐

RETURNED

☐

INITIALS

☐

SEE ME

☐

NOTE AND FILE

☐

YOUR SIGNATURE

REMARKS

Here are two
copies of a map
showing a new
point of diversion.
Enclose this map
with a copy of
your old map
with the application
to show them
that your water-
ing the same

FROM

(over)

land. It still
may not be a
bad idea to
make an appointment
with John Hatch
or Jim Winterton
or Del Broze and
explain your
situation, and why
it's important to get
started and maybe
you can get started.

Let me know
if I can be further
help with this
problem

Vince

The 7 acres added to Areas 1, 2 & 4 are considered as additional acreage and will receive a new priority date.

The 10 acres in Lot 7 and the 1.5 acres in Area 7 are considered as a correction of lands being irrigated. These areas were developed as part of the original project but were not specified on No. 1266-2 due to an incorrect location of the White River.

All lands described are owned by "Wayne & Standly Sampson"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE ¹ NW ¹	7	45	18E	18.0
2	NW ¹ NE ¹	7	4	18	58.0
3	SE ¹ NW ¹	7	4	18	40.0
4	SW ¹ NE ¹	7	4	18	37.0
5	Lot 15	7	4	18	1019.5
6	Lot 16	7	4	18	19.5
7	Lot 17	7	4	18	1018.5
8	Lot 20	7	4	18	14.5
9	Lot 19	7	4	18	23.0
10	Lot 18	7	4	18	18.0
11	Lot 6	7	4	18	171.5
TOTAL					210.5

10/20/89

Copy of map sent to Division of Conservation for purposes listing acreage needing S/W approval

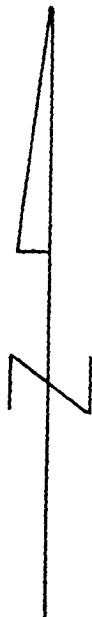
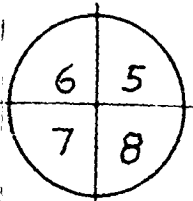
Tom Duvall

Scale: 1" = 660'

**SAMPSON IRRIGATION P
No. 1**

(Wayne & Standly Sam

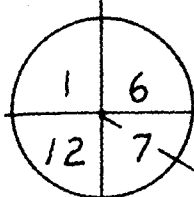
Jackson County, S. D.



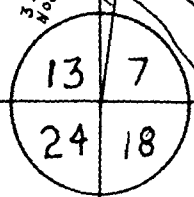
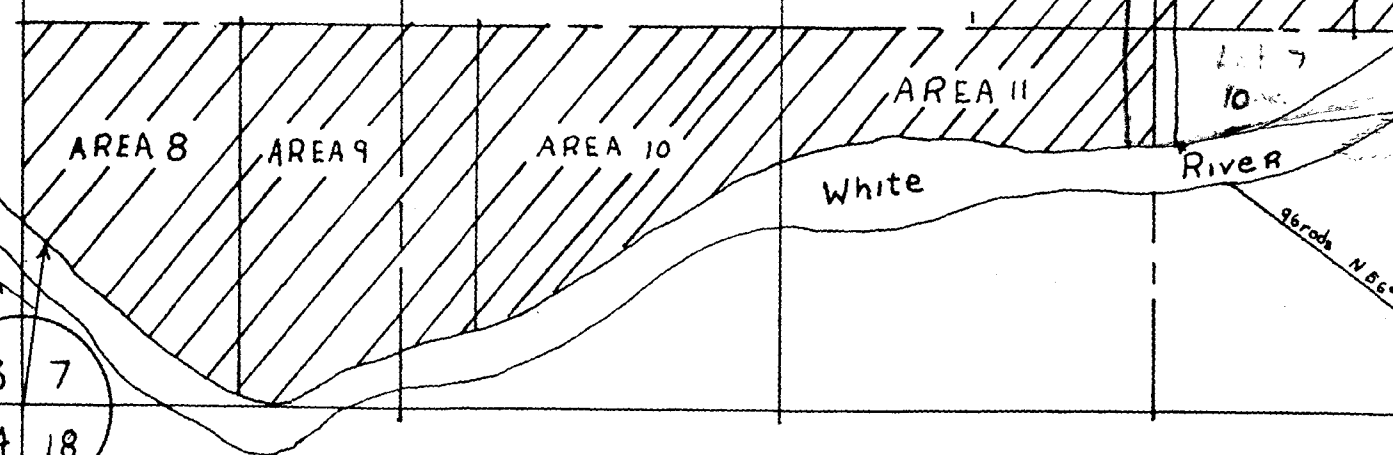
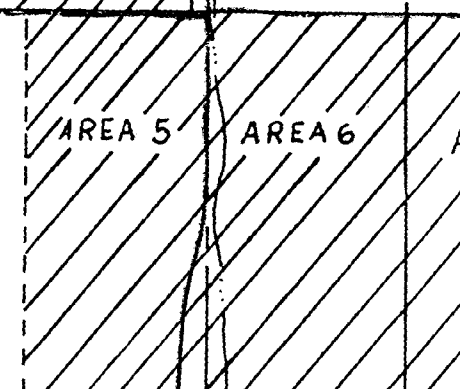
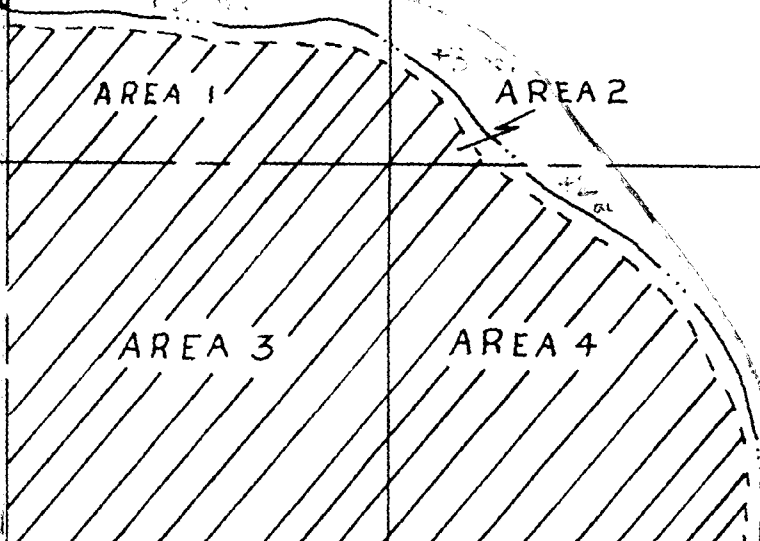
1266-2

R-18-E

T-4-S



93 rods S 59° 00' E



35 rods N 86° 00' E

96 rods N 86° 33' E

Report on Application No. 2104-2
Wayne Sampson
October 31, 1989

Application No. 2104-2 submitted by Wayne Sampson is to change the location of a diversion point, to specify the correct location of 11.5 irrigated acres and to add 7 acres to be irrigated. Water Permit No. 1266-2 appropriates 3.0 cubic feet of water per second (cfs) from the White River and a dry draw to irrigate 210.5 acres. This application is to change the location of the dry draw diversion point from section 7 to the SW1/4SW1/4 of section 6; T04S-R18E to irrigate portions of the acreage described on Permit No. 1266-2 located in the E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4, SW1/4SE1/4(Lot 6), and NE1/4SE1/4 of section 7; T04S-R18E. This application is also to correct the location of 11.5 irrigated acres not described on Permit No. 1266-2 and to add 7 acres to be irrigated. The 11.5 acres are located on the NE1/4SE1/4, SE1/4SE1/4(Lot 7) and the 7 additional acres are located in the NE1/4NW1/4, W1/2NE1/4 of section 7; T04S-R18E. No increase in diversion rate is authorized by this application.

DISCUSSION

According to the applicant, a diversion ditch would be cut from the new diversion point to the area that is presently being irrigated with an irrigation pump. A gate will be installed so the water flowing into the ditch can be controlled. This diversion is from a dry draw and no storage dam will be installed. The dry draw drains mostly grassland and only runs during high flow periods. Any adverse impacts to downstream users would be negligible.

The diversion ditch was surveyed by the SCS. The ditch will be approximately 3,000 feet long with a 6 foot bottom. The slopes along the ditch will be 2 1/2 to 1. All lands affected by the ditch are owned by the applicant.

The application is on the lower end of the dry draw. There are no other water rights located downstream on this draw. The dry draw contributes water to the White River only during periods of runoff when ample supplies of water are usually available in the White River.

CONCLUSIONS AND RECOMMENDATION

Water is available from the dry draw during runoff periods to meet the needs of the proposed 7 additional acres of irrigation as requested by Application No. 2104-2. Any adverse impacts to existing water rights downstream on the White River would be

minimal. The change in the point of diversion and correcting the location of 11.5 acres will not adversely affect existing water rights over what has occurred in the past. The Division of Water Rights has not received any complaints regarding the water use by the existing system. The 7 additional acres would hold a priority date of October 17, 1989 based on the date the application was received. The priority date for the remaining acres would be based on existing Water Permit No. 1266-2; May 2, 1975.

It is recommended that Application No. 2104-2 be approved as requested for use of water from a dry draw with the priority dates as stated above and with no qualifications.

A handwritten signature in cursive script, appearing to read "James Winterton".

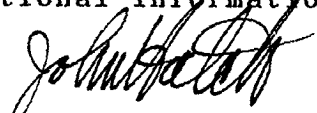
James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2104-2, Wayne Sampson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2104-2, Wayne Sampson, Box 31, Interior SD.

The Chief Engineer is recommending APPROVAL of Application No. 2104-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
November 1, 1989

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

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

November 2, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Wayne Sampson
Box 31
Interior SD 57750

Dear Mr. Sampson:

Water Permit Application No. 2104-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Kadoka Press printed at Kadoka SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

November 2, 1989

The Kadoka Press
Box 309
Kadoka SD 57543

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2104-2 to be published twice. Please publish the first notice on or before November 8, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Wayne Sampson, Box 31, Interior SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before November 8, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2104-2
to Change Diversion Point ~~and Application Water~~

Notice is given that Wayne Sampson, Box 31, Interior SD 57750 has filed an application for a water permit to change the location of a diversion point, to specify the correct location of 11.5 irrigated acres and to add 7 acres to be irrigated. Water Permit No. 1266-2 appropriates 3.0 cubic feet of water per second from the White River and a dry draw to irrigate 210.5 acres. This application is to change the location of the dry draw diversion point from Section 7 to the SW 1/4 SW 1/4 Section 6; all in T4S-R18E to irrigate portions of the acreage described on Permit No. 1266-2 located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4 (Lot 6), NE 1/4 SE 1/4 Section 7-T4S-R18E. This application is also to correct the location of 11.5 irrigated acres not described on Permit No. 1266-2 and to add 7 acres to be irrigated. The 11.5 acres are located in the NE 1/4 SE 1/4, SE 1/4 SE 1/4 (Lot 7) and the 7 additional acres are located in the NE 1/4 NW 1/4, W 1/2 NE 1/4; all in Section 7-T4S-R18E. No increase in diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2104-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Jackson) ss.

I, Ronda K. Eckert

certify that the attached printed Notice was taken
 from the Kadoka Press

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

City of Kadoka

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

Nov. 9, 1989

Nov. 16, 1989

Ronda K. Eckert
 (Signature)

Legal Advertising Manager
 (Title)

November 15, 1989
 (Date Signed)

Cost of Printing: \$42.43

Novile

NOTICE OF HEARING
 on Application No. 2104-2
 to Change Diversion Point
 and to Appropriate Water

Notice is given that Wayne Sampson, Box 31, Interior, SD 57750 has filed an application for a water permit to change the location of a diversion point, to specify the correct location of 11.5 irrigated acres and to add 7 acres to be irrigated. Water Permit No. 1266-2 appropriates 3.0 cubic feet of water per second from the White River and a dry draw to irrigate 210.5 acres. This application is to change the location of the dry draw diversion point from Section 7 to the SW 1/4 SW 1/4 Section 8; all in T4S-R18E to irrigate portions of the acreage described on Permit No. 1266-2 located in the E 1/2 NW 1/4, W 1/2 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SE 1/4 (Lot 6), NE 1/4 SE 1/4 Section 7-T4S-R18E. This application is also to correct the location of 11.5 irrigated acres not described on Permit No. 1266-2 and to add 7 acres to be irrigated. The 11.5 acres are located in the NE 1/4 SE 1/4, SE 1/4 SE 1/4 (Lot 7) and the 7 additional acres are located in the NE 1/4 NW 1/4, W 1/2 NE 1/4; all in Section 7-T4S-R18E. No increase in diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2104-2 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining the witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (805 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.





Department of Water & Natural Resources

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

APR 6 1990

Wayne Sampson
Box 31
Interior, SD 57750

Dear Mr. Sampson:

Enclosed is Water Permit No. 2104-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 5, 1993

Permit No. 2104-2

Wayne Sampson
P.O. Box 31
Interior, SD 57750

Dear Mr. Sampson:

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 Nos. 1266-2 and 2104-2, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 1266-2 will be incorporated into 2104-2.

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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

RECEIPT

413851

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 9, 19 93

RECEIVED OF Wayne Sampson, Box 31, Interior, SD 57750

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>2104-2</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 Hald*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1992

Wayne Sampson
Box 31
Interior, SD 57750

Dear Mr. Sampson:

Enclosed is a copy of an aerial photo of Section 7-T4S-R18E and a copy of the application maps for Water Permit Nos. 1266-2 and 2104-2. Please outline the land that is being irrigated from the White River and your diversion from the dry draw drainage.

I am kind of confused because the application maps indicate different amount of land being irrigated. The total should be 210.5 acres possibly with an additional 7 acres described in Water Permit Application No. 2104-2.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Division
(605) 773-3352

encl

Permit No. 1266-2 and 2104-2**White River - Water District****Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Wayne Sampson of P.O. Box 31 Interior, SD 57750 holder of Permit No. 1266-2 and 2104-2, bearing the priority of May 2, 1975 and October 17, 1989 authorizing the diversion of 3.00 cu. ft. per second of the waters of White River and Dry Draw for Irrigation purposes, in Jackson County.

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

- A. Works used to divert the water:
12 inch Crisafulli Pump--Model CP12--Serial No. 6796 and
60 HP John Deere PTO Motor--Model JDR
- B. Works used to transport water to place of use:
Approx. 1000 ft. of 15 inch Rolled Plastic Pipe
- C. Works used to apply water to beneficial use:
Approx. 1000 ft. of 15 inch Rolled Plastic Pipe

The system is in the following condition Good. The point of diversion is located Dry Draw--820 ft. East & 1100 ft. North of SW corner of Sec. 6-T4S-R18E (SW 1/4 SW 1/4) and White River--Between pts. located 4890 ft. West & 500 ft. North (Lot 4) and 1320 ft. West & 750 ft. North (Lot 6) of the SE corner of Sec. 7-T4S-R18E. The works are capable of diverting and conveying to the place of use 10 to 20 cu. ft. per second of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows: All in Section 7-T4S-R18E

Dry DrawWhite River

NE 1/4 NW 1/4	15 Acres	NW 1/4 SE 1/4	6 Acres
NW 1/4 NE 1/4	5	NE 1/4 SE 1/4	39.5
SE 1/4 NW 1/4	40	Lot 4	10.0
SW 1/4 NE 1/4	33	Lot 5	32.0
NW 1/4 SE 1/4	11.5	Lot 6	16.0
		Lot 7	5.0

comprising a total of 213 acres of land and the license should be issued for 3.00 cfs.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are:

Date: October 13, 1992


 Timothy G. Schaal, P.E.

Natural Resources Engineer III
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1266-2 and 2104-2

DATE: October 13, 1992

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: Dry Draw--820 ft. East & 1100 ft. North of SW corner of Sec. 6-T4S-R18E (SW 1/4SW 1/4) and White River--Between pts. located 4890 ft. West & 500 ft. North (Lot 4) and 1320 ft. West & 750 ft. North (Lot 6) of the SE corner of Sec. 7-T4S-R18E.

Pump:

- 1) Make Crisafulli
- 2) Model CP12 Serial #6796
- 3) Size 12 inch
- 4) Capacity 10 to 20 CFS

Motor:

- 1) Make John Deere PTO
- 2) Model No. JDR
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Plastic--Rolled
- 2) Size 15 inches
- 3) Length Approx. 1000 feet

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

CHECK LIST FOR FIELD INSPECTION

Permit Number #1266-2 ; #2104-2 Date Oct. 13, 1992

Other permit(s) associated with the project _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

1. Diversion point legal location: Dry Draw - 820 ft East & 1100 ft North of SW corner of Sec. 6-T4S-R18E (SW 1/4 SW 1/4) and White River - Between pts. located 4890 ft West & 500 ft North (Lot 4) and 1320 ft West & 760 ft North of the SE corner of Sec. 7-T4S-R18E.
(Lot 6)

2. Well Information: Well Drilling Firm _____

No. of Wells _____ Depth(s) _____

- | | |
|------------------------------------|---|
| a) Casing 1) diameter _____ inches | b) Screen 1) type _____ |
| 2) length _____ feet | 2) length _____ feet |
| 3) type _____ | c) Pump 1) make <u>Crisafulli</u> |
| d) Static Water Level _____ feet | 2) model <u>CP12</u> Serial # <u>6796</u> |
| e) Motor: | 3) size <u>12</u> inches |
| 1) make <u>John Deere PTO</u> | 4) capacity _____ GPM |
| 2) model No. <u>IDR</u> | 5) turbine pump - No. of stages _____ |
| 3) horsepower rating <u>60 HP</u> | 6) operating pressure _____ PSI |

3. Distribution lines or canals:

a) type Plastic - Rolled b) size 15" c) length Approx 1000 ft

4. System Type:

a) Sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____ inches
- 3) sprinkler spacing _____ feet

b) Towline:

- 1) length _____ feet
- 2) sprinkler spacing _____ feet

4. System Type (continued):

c) Siphons:

1) size _____ inches

2) number _____

e) Center pivot:

1) make _____

2) overall length _____ feet

3) number of towers _____

4) distance between towers _____ feet

5) end gun _____ (Y/N)

6) high or low pressure _____

7) capacity _____ GPM

d) Gated pipe:

1) length _____ feet

2) diameter _____ inches

3) spacing of gates _____ inches

f) Gun:

1) make _____

2) nozzle size _____ inches

3) capacity _____ GPM

4) hose size _____ inches

5) hose length _____ feet

5. Dam Information:

a) height to crest _____ feet

b) height to primary spillway _____ feet

c) height to secondary spillway _____ feet

d) crest width _____ feet

e) crest length _____ feet

f) spillway length _____ feet

g) spillway width _____ feet

h) approx. storage _____ ac-ft

i) approx. storage to crest _____ ac-ft

j) date constructed _____

k) outlet tubes:

1) diameter _____ inches

2) type _____

3) valved _____ (Y/N)

4) valve type _____

5) location on structure _____

l) category of dam _____ (I,II,III)

m) inspection sheet completed _____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

b) main line check valve _____ (Y/N)

d) low pressure drain _____ (Y/N)

f) interlock type _____

g) injection pump type _____ h) injection check valve _____ (Y/N)

i) injection line check valve or positive displacement pump _____ (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)

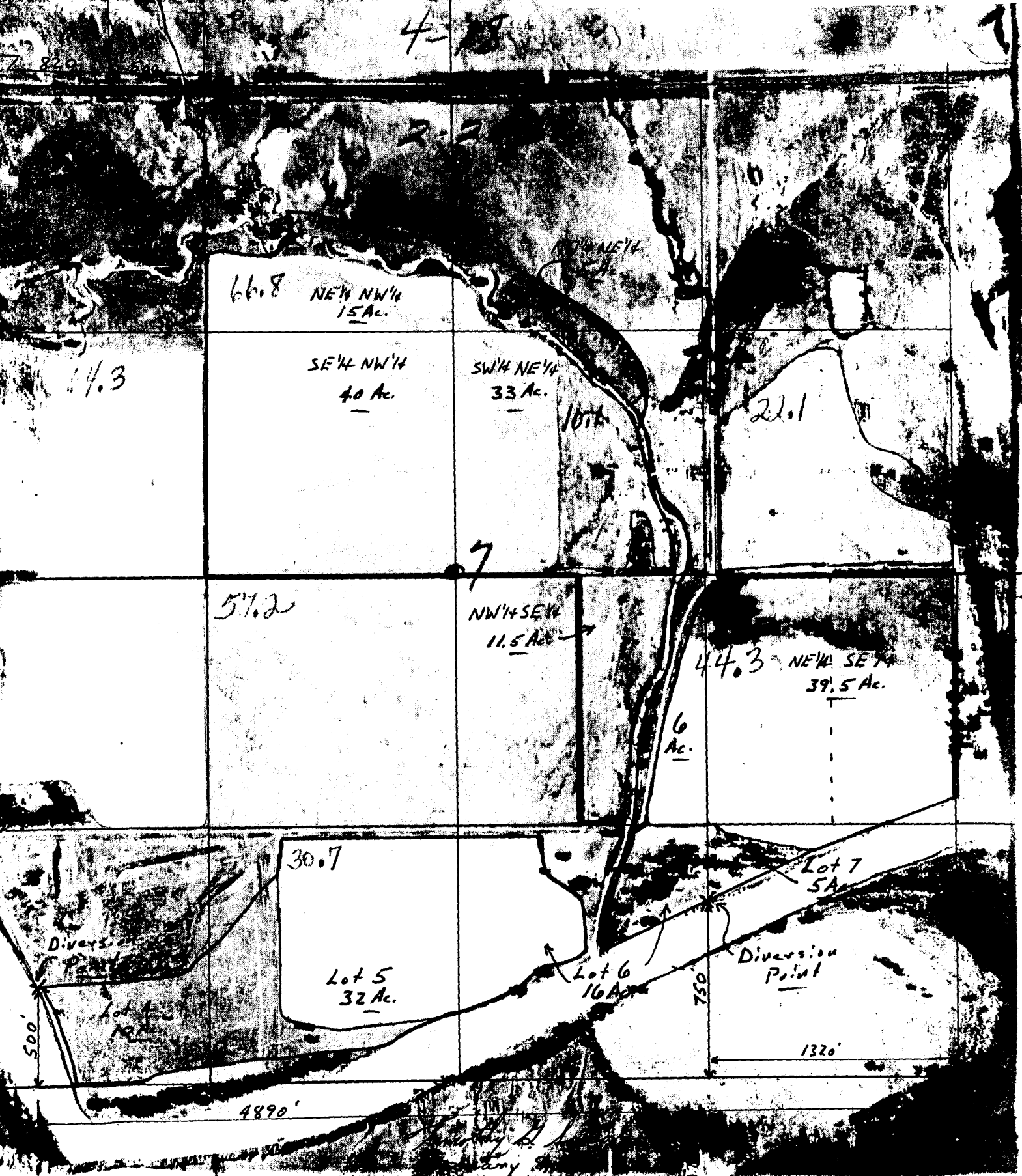
k) comments :

a) does chemigate _____ (Y/N)

c) inspection port/air relief _____ (Y/N)

e) discharge is 20' from source _____ (Y/N)

2104-2



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2104-2

(1) Wayne Sampson, of PO Box 31, Interior, SD 57750-0031 made Application No. 2104-2, October 17, 1989 for a water permit to appropriate no additional cubic feet of water per second from the White River and a dry draw, Jackson County, South Dakota for irrigation purposes. Permit No. 2104-2, with priority dates of May 2, 1975 and October 17, 1989 was approved December 7, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 7, 1994 and for the application to beneficial use of said water on or before December 7, 1998.

Water Permit No. 2104-2 was obtained to change the location of the diversion point, specify the correct location of irrigated acreage and to add 7 acres to the project developed under Water Permit No. 1266-2. No increase in the diversion rate was authorized. The applicable portions of Water Permit No. 1266-2 have been incorporated into this Water License No. 2104-2.

(2) It is certified that the applicant 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 3.00 cubic feet of water per second for beneficial use. The location of the diversion points are on a dry draw: 820 feet east and 1100 feet north of the SW corner of Section 6, T4S, R18E (SW 1/4 SW 1/4) and on the White River: between points located 4890 feet west and 500 feet north (Lot 4) and 1320 feet West and 750 feet north (Lot 6) of the SE corner of Section 7, T4S, R18E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in Section 7, T4S, R18E**

Dry Draw:		White River:	
**NE 1/4 NW 1/4	15.0 acres	NW 1/4 SE 1/4	6.0 acres
**NW 1/4 NE 1/4	5.0 acres	NE 1/4 SE 1/4	39.5 acres
SE 1/4 NW 1/4	40.0 acres	Lot 4	10.0 acres
**SW 1/4 NE 1/4	33.0 acres	Lot 5	32.0 acres
NW 1/4 SE 1/4	11.5 acres	Lot 6	16.0 acres
		Lot 7	5.0 acres
		TOTAL	213.0 acres

** Seven of the acres described in these areas retain a priority date of October 17, 1989.

The remaining acreage described above retains a priority date of May 2, 1975 as established under Water Permit No. 1266-2.

WATER LICENSE NO. 2104-2
WAYNE SAMPSON
PAGE 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wayne Sampson of PO Box 31, Interior, SD 57750-0031 the holder and/or owner of Incorporated Water Permit No. 2104-2 is issued a license to appropriate water, the right to use 3.00 cubic feet of water per second from a dry draw and the White River with priority dates of May 2, 1975 and October 17, 1989 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. 2104-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

DEC 20 1993

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 1993

2104-2
1266-2

Wayne Sampson
PO Box 31
Interior, SD 57750-0031

Dear Mr. Sampson:

Enclosed is your Water License No. 2104-2 and Receipt No. 413851 in the amount of \$50.00. Water License No. 2104-2 is the final document which completes the 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.

Very truly yours,

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

gm
enclosures

Note: The applicable portions of Water Permit No. 1266-2 have been incorporated into Water License No. 2104-2.



**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.

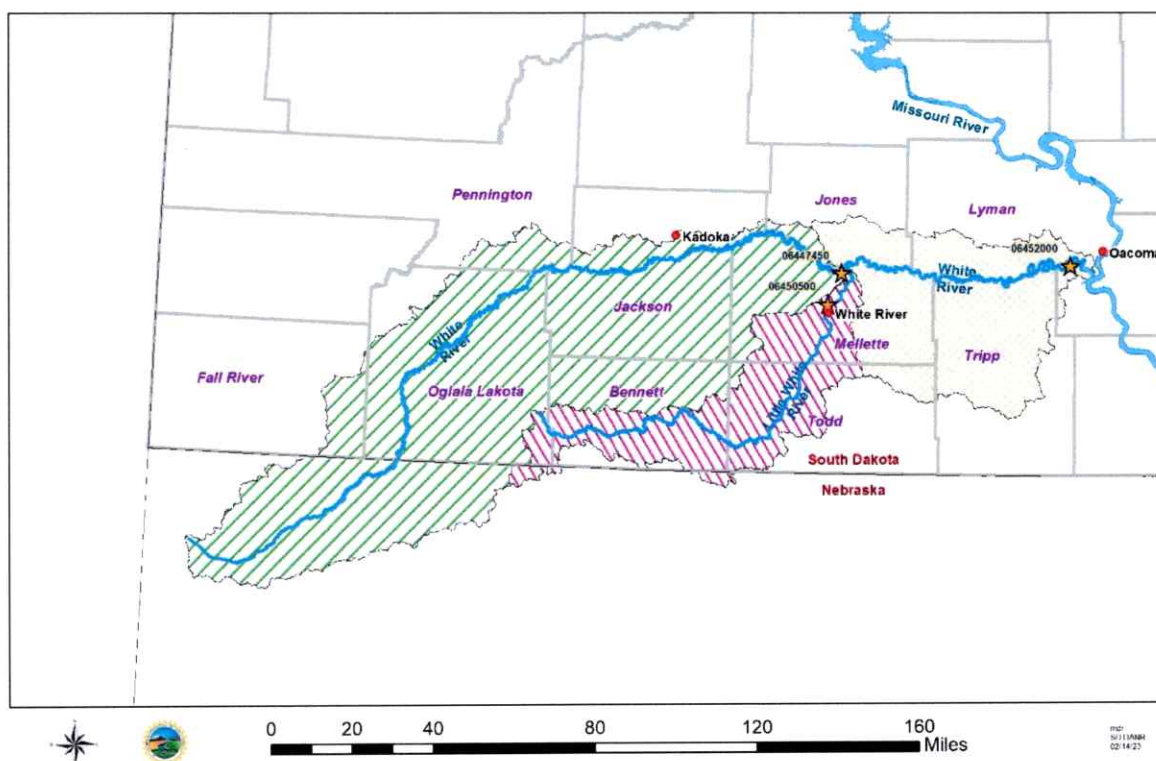


Figure 1. White River Watershed Map.

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.

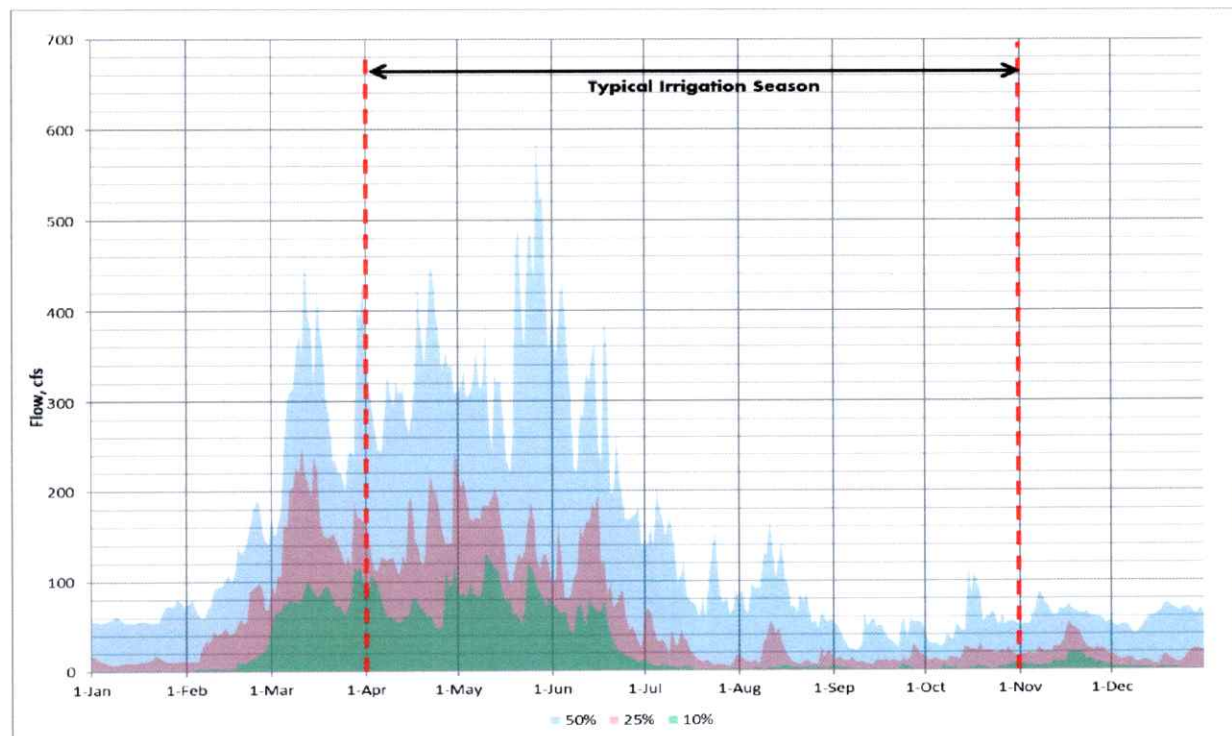


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

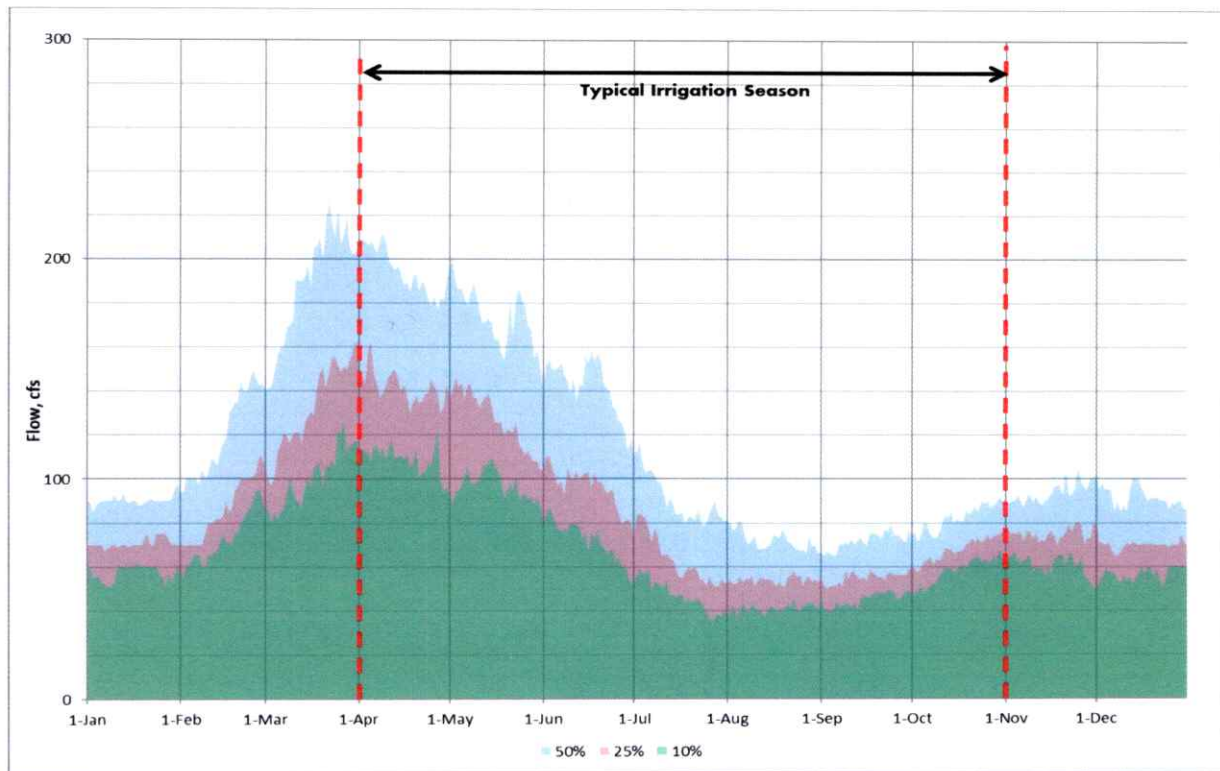


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

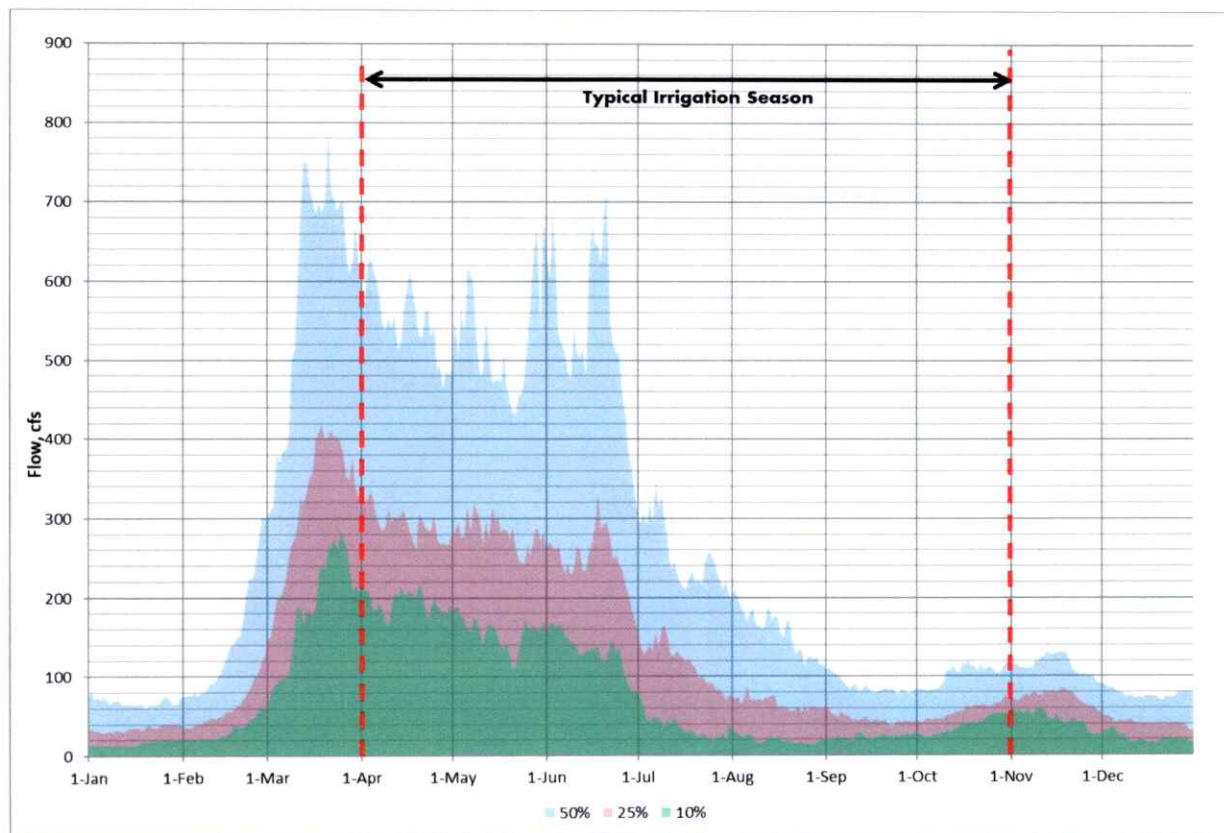


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

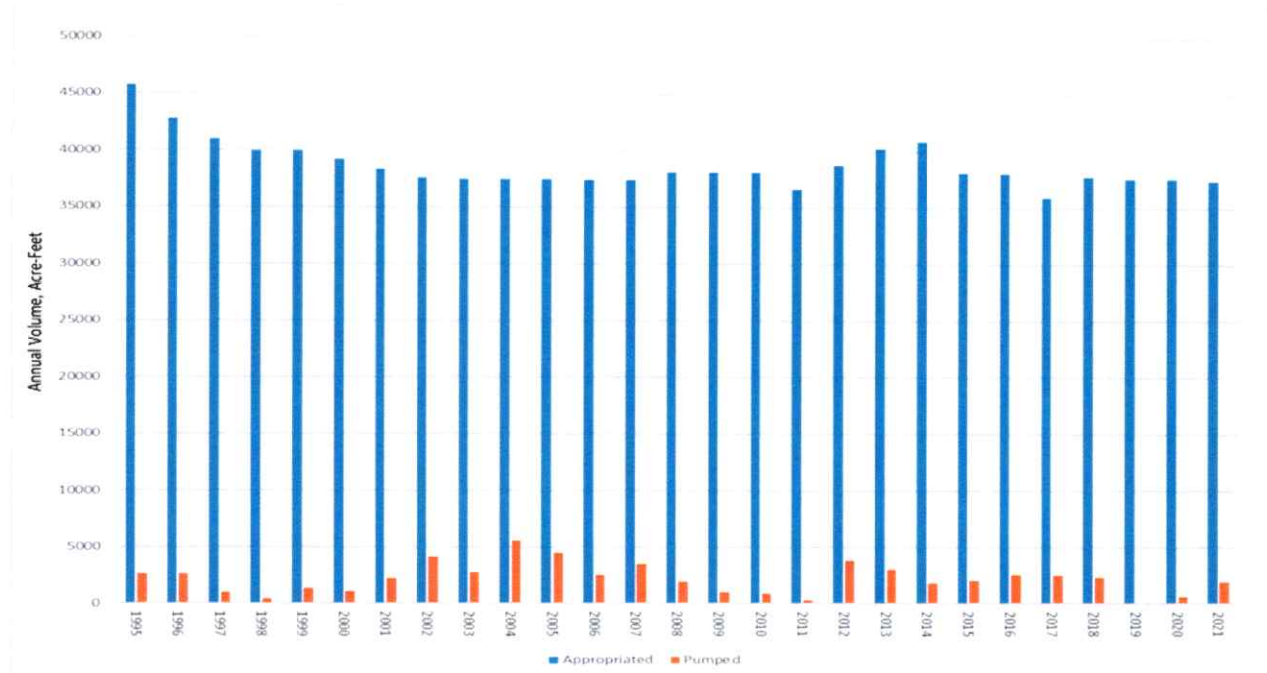


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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
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PIERRE SD 57501-3182
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April 14, 2023

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

Dear White River Water Right Holder,

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

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

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

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

Sincerely,

Chief Engineer

Water Rights Program, DANR