

OFFICE OF STATE ENGINEER
FILE COPY

Form 2—application for Permit to appropriate Water—Original

NO. 313-2

Water Division No. 2 White River
(Blanks to be filled by the State Engineer.)

District

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

MAR 4 1917

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Otto E. Prokop
Postoffice address Wadena County Jackson State S. Dak.

I. If a corporation

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct Labor
(b) Cash on hand, \$ 500.00 (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Otto E. Prokop Irrigation Project

3. Quantity of water claimed 2.174 cubic feet per second

4. Source of water supply White River, Jackson County, S. Dak.

5. Location of point of diversion S. 61° 15' E. 2725' from the N. W. Corner of Sec. 35, T. 3 S., R. 22 E. on Left bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used April 15 to October 15

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 11.23 acres

(b) Legal subdivisions to be irrigated 11.23 Acres in Lot 3, Sec. 35, T. 3 S., R. 22 E.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with average thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use
(b) Amount of power to be generated horse power
(c) Location of plant
(d) Method of developing power
(e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$25.00..... (b) Pumping plant, \$100.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$200.00..... Rock, \$.....
 (e) Other structures \$..... Total, \$325.00.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping Plant and Ditch

II. Dimensions of works:

- (a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET OF	CAPACITY ACRE- FEET

(c) Head gate: Width 1.0 feet; height 1.0 feet;
 Material Concrete and tin.

(d) Canal: Total length 3.25 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0-0.17 Mile	1.0 feet	3.0 feet	7.5 feet	15.84 feet
At 0-0.153 Mile	1.0 feet	3.0 feet	5.5 feet	5.28 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 1/2 years.

11. Time required for complete application of water to the proposed beneficial use 2 1/2 years.

12. Choice of newspaper for publication of notice of intention to appropriate
 Kadoka Press, Kadoka, S. Dak.

STATE OF SOUTH DAKOTA

County of Jackson

ss.

I, Otto E. Prokop, being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of
 Owner, that I have read the above and forgoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are true.

Signed Otto E. Prokop

Subscribed and sworn to before me this 3rd day of March, 1917.

Edna T. Richardson
 Notary Public (or other qualified officer.)

OTTO PROKOP IRRIGATION PROJECT

JACKSON COUNTY S.D.

SCALE 1"=100'

LOT 4- SEC.33

S61°15'E. 2775'

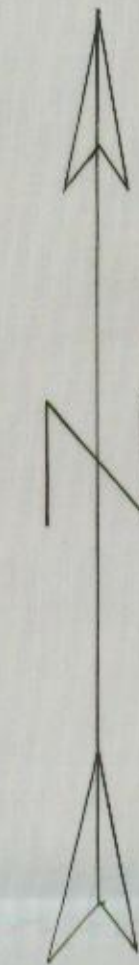
SURVEYOR'S CERTIFICATE

I, J.R. Richardson Registered Professional Engineer and Land Surveyor No. 219, do hereby certify that I have made a careful and complete survey of the Otto Prokop Irrigation Project and that the attached plat is a true and correct representation of the same.

J. R. Richardson
Registered Professional Engineer and Land Surveyor No. 219

Subscribed and sworn to before me this 4th day of January 1947 A.D.

Edna F. Richardson
A Notary Public



OLD
WHITE RIVER CHANNEL

LOCATION OF LAND IRRIGATED

LOCATION	SEC	TWP	RANGE	E	ACRES
LOT 3	33	3S	20E	11.23	22 E

LOT 3-SEC. 33
11.23 ACRES

HEAD GATES AT 0150
NORTH & EAST

POINT OF DIVERSION
PUMP STATION
0100

WHITE

RIVER

WR# 313-2

MAP# 346-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of HUGHES

} ss.

Pierre, South Dakota, April 29, 1947.

This is to certify that the foregoing application was received at this office at 4:00 o'clock
P. m. upon the 4th day of March, 1947. and that after examination it
was found to comply with the Water Laws of South Dakota, was duly advertised and
no objections filed.

Dean W. Loucks
Dean W. Loucks, State Engineer.

Number of permit 313-2

Date of first receipt of application March 4, 1947.

Date of return to applicant for correction ", 19".

Dated of receipt of corrected application ", 19".

Date from which applicant may claim right March 4, 1947.

Approved April 29, 1947, Recorded in Book 2 Page 570-571.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before July 29, 1948.

2nd. The whole of said work is to be completed on or before October 29, 1949.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 29, 1949.

4th. The water appropriated shall be used for the purpose of irrigation.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 0.17 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 October 29, 1949; said water to be used during the following described annual period:

April 15th to October 15th

Witness my hand this 29th day of April, 1947.

Dean W. Loucks
Dean W. Loucks, State Engineer.

No. 313-2

Division No. 2

White River District

PERMIT

to appropriate water from

White River

Jackson County, South Dakota.

Name of applicant

Otto F. Prokop

Name of diversion works Otto F.

Prokop Irrigation Project

Date of first receipt at office of State

Engineer March 4, 1947

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

March 4, 1947

Recorded in Book 2 Page 579-1

One-fifth of work to be completed

July 29, 1948

Whole work to be completed

Oct. 29, 1949

Final proof of use of water

Oct. 29, 1949

Approved April 29, 1947

Dean W. Loucks, State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 313-2

WHEREAS, On the 3rd day of March A. D. 1947.

Otto F. Prokop

of Kakola County of Jackson and State of South Dakota duly made application (No. 313-2) to me for a permit to use 0.174 cubic feet per second of the waters of White River County of Jackson State of South Dakota, for irrigation purposes; and

WHEREAS, On the 29th day of April A. D. 1949

Permit No. 313-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 29th day of October A. D. 1949 and for the application to beneficial use of said water on or before the 29th day of October A. D. 1949 and,

WHEREAS, On the 1st day of September A. D. 1949

the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.17 cubic feet per second of said waters, as evidenced by my Certificate No. 313-2 dated September 19, 1949 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.17 cubic feet per second of water, with date of priority of March 4, 1947 and,

WHEREAS, On the 2nd day of September A. D. 1949

proof was duly made of the application to beneficial use of 0.17 cubic feet per second of said water;

11.23 acres in

Lot 5, Sec. 33, Twp. 38., Range 22E.,

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Otto F. Prokop

of Kadoka, South Dakota the holder and owner of said permit No. 313-2

a water right, dating from March 4, 1947 to the use of 0.17

cubic feet per second of the waters of White River

in the County of Jackson and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 18°-15' E.,

2775 feet from the N.W. Cor. of Sec. 33, Twp. 3S., Range 22E.,

and conducted to and upon Lot 3, Sec. 33, Twp. 3S., Range 22E.

for the purpose of irrigation.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota,

this 19th day of September A. D. Nineteen

Hundred and forty-nine.



DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 313-2

To Otto F. Prokop

Source of Supply

White River

County Jackson

Amount 0.17 Sec. Feet

Point of Diversion Sec. 33, T. 3S.,

R. 22E.

Place of Use Lot 3, Sec. 33, T. 3S.,

R. 22E.

Purpose Irrigation

Date of Priority March 4, 1947

Recorded

in Book 2 of Office of Page 570-1
State Engineer

Permit No. 313-2

Water Division No. 2

White River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Otto F. Prokopof Kadoka, County of Jackson, and State ofSouth Dakota, the holder of Permit No. 313-2, issued upon ApplicationNo. 313-2, bearing date of priority of March 4, 1917, authorizing the diversion of0.17 second-feet of the waters of White RiverCounty of Jackson, State of South Dakota, at a point S 16°-16'E.,2775 feet from the N.W. cor. of Section 33, Twp. 3S., Range 22E.for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.17

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: Lot 8, Sec. 33, Twp. 3S., Rge 22E., comprising a total of 11.23 acres of land.Witness my hand this 19th day of September A. D. 1919

Edmund Loucks
EDMUND W. LOUCKS State Engineer of South Dakota.

Permit No. 313-2.

Water Div. No. 3 White River Water Dist.

**Certificate of Completion
of Works.**

Dated September 19, 1949.

Stream White River

County Jackson

Amount 0.17 cu. ft. per second

Date of priority March 4, 1947

Recorded in Book 2

of Office of State Engineer page 570-1

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., March 5, 194 7

Notice is hereby given that Otto F. Prokop whose postoffice address is Kadoka, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.17 cubic feet of water per second of time from the White River through the Prokop Irrigation Ditch, the point of diversion of which is to be located on the left bank of said stream in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 33 Twp. 3.8 Range 22 E. Said water to be used for the purpose of providing irrigation

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 12th day of April, 194 7, at 10:00 AM. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,
State Engineer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF JACKSON

} ss

Clark Briggs

of said County and State, being duly sworn on his oath says: THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA in said County and State by him and has been such newspaper during the times hereinafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I, the undersigned, am Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts in this affidavit; and that the advertisement headed "Appropriation of Water"

a printed copy of which is hereto attached, was printed and published in the said newspaper for4..... successive issues, the first publication being made on March 13, 1947; and the last publication on April 3, 1947; the 1st publication on Mar. 13, 1947 the 5th publication on 1947. the 2nd publication on Mar. 20, 1947 the 6th publication on 1947. the 3rd publication on Mar. 27, 1947 the 7th publication on 1947. the 4th publication on April 3, 1947 the 8th publication on 1947. and that \$11.25 being the full amount of the fee for publication of the annexed notice, inures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Clark Briggs
Subscribed and sworn to before me this 11th
day of April, 1947.
Harold P. Gehrman
Notary Public, South Dakota

APPROPRIATION OF WATER

No. 3132

Office of State Engineer,
Pierre, So. Dak. March 5, 1947
Notice is hereby given that Otto F. Prokop whose postoffice address is Kadoka, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate beneficial use 0.12 cubic feet of water per second of time from the White River through the Prokop Irrigation Ditch, the point of diversion of which is to be located on the left bank of said stream in the SE¼ of the NW¼ of Section 32 Twp. 3 S Range 22 E. Said water to be used for the purpose of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 12th day of April, 1947, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,
State Engineer
Publish March 13, 20, 27, April 3.

Permit No. 313-2..

Water Division No. 2.....White River.....Water District

Certificate of Examination of Works

Report of Examining Engineer

RECEIVED

SEP 3 1949

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 22, 1949, I have this day made a thorough examination of the diversion works constructed by Otto F. Prokop, of Kadoka, Jackson County, South Dakota holder of permit No. 313-2, issued upon application No. 313-2, bearing date of priority of April 29th, 1947, authorizing the diversion of 0.17 second feet of the waters of White River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Good, New Pumping Plant, Field Laterals and

Irr. board

and the system is in the following condition: Good

The point of diversion is located on the left bank of White River S. 61 degrees and 15' E., 2775.0 feet from the N. W. Corner of Sec. 33, T. 35, R. 22 E. F.H.M.

The works are capable of diverting and conveying to the place of use 0.17 second-feet of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: Lot 3, Sec. 33, T. 35, R. 22 E.,

comprising a total of 11.23 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 1st day of September, A. D. 1949.

J. R. Richardson

Examining Engineer.

RECEIVED

SEP 3 1949

Location No. 313-2

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Water Division No. 2 White River Water District.

Proof of Application of Water to Beneficial Use

Petition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Otto F. Prokop, Kadoka, S. Dak., Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Myself as owner

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. April 29, 1947

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Left bank of White River, S. 61 degrees and 15' E. 27.5' from the NW corner of Sec. 33, T. 3 S., R. 22 E. B7E.M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Good, new pumping plant, field laterals ditches: Name of diversion works, Otto F. Prokop Irrigation Project, Completed August 1, 1949, Conveys 0.17 C.F.S.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation, Lot 3, Sec. 33, T. 3 S., R. 22 E., 11.23 acres

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 0.17 C.F.S.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Original Applicant

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Month of August, 1949, by gravity and pumping, 0.17 C.F.S.

Irrigated 11.23 acres.

(Sign)

Otto F. Prokop

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Kadoka, County of Jackson

State of South Dakota, on this 2nd.

day of September

A. D. 19149

Louis J. Peckas

Ernest C. Nelson

Witnesses.

Herbert A. Gilchrist

Notary Public, South Dakota

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

E. Maleski Stroom

Location No.

Proof of Application of Water in

Beneficial Use

PETITION OF HOLDER

Amount of water second feet

Source

County

Purpose

Place of use

Date of recording

Received and filed

South Dakota
Department of
Water & Natural Resources

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

November 29, 1990

313-2

Otto F Prokop
Box 15
Kadoka, SD 57543

Dear Mr. Prokop:

Enclosed is your 1990 irrigation questionnaire pertaining to Water Right No. 313-2. In order for us to calculate the amount of water you used during this past irrigation season, you will need to complete the questionnaire with additional information.

The following will need to be completed:

1. The number of days pumped in each specific month you irrigated,
2. The average number of hours per day pumped,
3. The average pump rate in gallons per minute,
4. The crop (or crops) irrigated

Please complete the enclosed questionnaire and return it to our office prior to December 21, 1990. If you need assistance in completing the form, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



313-2

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

November 3, 1993

No. 313-2

Lois J. & Veryl D. Prokop
Box 15
Kadoka, SD 57543

Dear Mr. and Ms. Prokop:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 313-2. The water right is currently listed in the name of Otto F. Prokop.

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

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

If you have any questions, please contact me.

Sincerely,

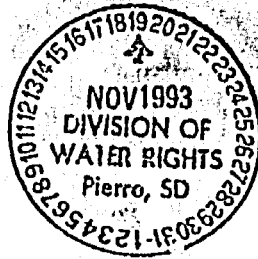
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

313-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 313-2

Date: 11-19-93

I/We request that Water Right No. 313-2

formerly owned by: Otto F Prokop

be transferred to: (name & address) Louis J. & Veryl D. Prokop

(Telephone No) 637-2671

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

11.23 acres in Lot 3 of Section 33, T3S, R22E

I/We understand that the validity of Water Right No. 313-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Jackson)

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

Louis J. Prokop
(Signed)

Subscribed and sworn to before me this 19th day of November, 19 93

Nancy Peterson
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

313-2
413946

Pierre, November 19 93

RECEIVED OF Lois J Prokop, Box 15, Kadoka, SD 57533

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 Water Right No. 515-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Lois J Prokop
Chief Engineer



313-2
DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES
ICE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

December 2, 1993

No. 313-2

Lois J. and Veryl D. Prokop
Box 15
Kadoka, SD 57543

Dear Mr. and Ms. Prokop:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 313-2.

Our records now show you as the owner of Water Right No. 313-2.

Sincerely,

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

enclosure



313-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 1997

313-2

Lois & Veryl Prokop
PO Box 15
Kadoka, SD 57543-0015

Dear Mr. & Mrs. Prokop:

Enclosed is your 1997 irrigation questionnaire. I noticed when reviewing the form that you wrote on the front of the form that 12 acres were irrigated. In order for the questionnaire to be considered complete, the back side of the form needs to be filled out.

Please indicate on the back side of the form which months the 12 acres were irrigated, approximately how many days in each month and the number of hours per day the system was run. We also need the pump rate in gallons per minute in order to determine how much water was used from your particular source of water.

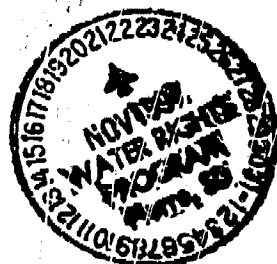
Upon completion, please return the form to our office by December 1, 1997. If you have any questions, please get in touch with me.

Sincerely,

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

encl

This irrigated 12 acres is a gravity flow system - watered from a pipe through a dam. When there is an abundant rain the dam lets the water out and runs onto the grassland. It depends on the amount of rain fall. The past year most of the rain came in July.

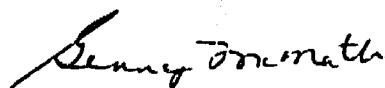


**WATER RIGHTS PROGRAM
FILE DOCUMENTATION****NAME OF PERSON OR FILE:** Lois J Prokop**ADDRESS:** PO Box 15, Kadoka, SD 57543-0015**COUNTY:** Jackson**DATE:** December 2, 1997**TELEPHONE:** 605 837-2671**RE:** irrigation questionnaire requirement**COMMENTS:**

The 1997 irrigation questionnaire submitted by the Prokop's indicated they irrigated 12 acres using a flood system. I called and spoke with Lois Prokop about their irrigation system. She said they used to have pumping equipment, but now use just the flood system. She said it is very difficult to figure water use for their system.

I explained to her that if the system was strictly flood or water spreading, they would not be required to submit a yearly irrigation questionnaire. I indicated to her that I would take their name off of the list of people to receive questionnaires and explained that this would not jeopardize their water right, it would only mean they did not have to report annual irrigation use.

She indicated that sometime in the future, depending on who manages the farm, they may or may not go back to a pumping system. I told her to let us know if that occurred and I could add them back to the questionnaire listing.



Genny McMath
Environmental Scientist

Water Rights Division -DENR
Conversation or File Documentation

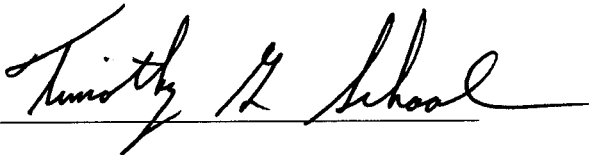
NAME OF PERSON OR FILE: Lois J/Veryl Prokop

ADDRESS: PO Box 164, Kadoka, SD 57543 COUNTY: Jackson

DATE: October 10, 2002 TELEPHONE: XXXXXXX

RE: Irrigation Questionnaire Investigation

I talked to Veryl Prokop on June 3, 2003 about Water Right No. 313-2 and the reports on the Irrigation Questionnaires indicating the system was not constructed and/or the land being flood irrigated. He indicated that his mother (Lois) was reporting wrong and maybe was a little confused about the irrigation systems. They have a dam (LN651-2) and flood irrigate the same land, approximately 12 acres, with this dam as they do with Water Right No. 313-2 out of the White River. They have not used the White River lately, because of low water in the river, or the land gets flood irrigated from the dam. He asked that the Irrigation Questionnaires be mailed to him at PO Box 164, Kadoka, SD. I told him we would do that, and he should be sure to report why on the questionnaires, if they do not use Water Right No. 313-2.

A handwritten signature in black ink, reading "Timothy G. Schaal", written over a horizontal line.

Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
Water Rights Program



**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.

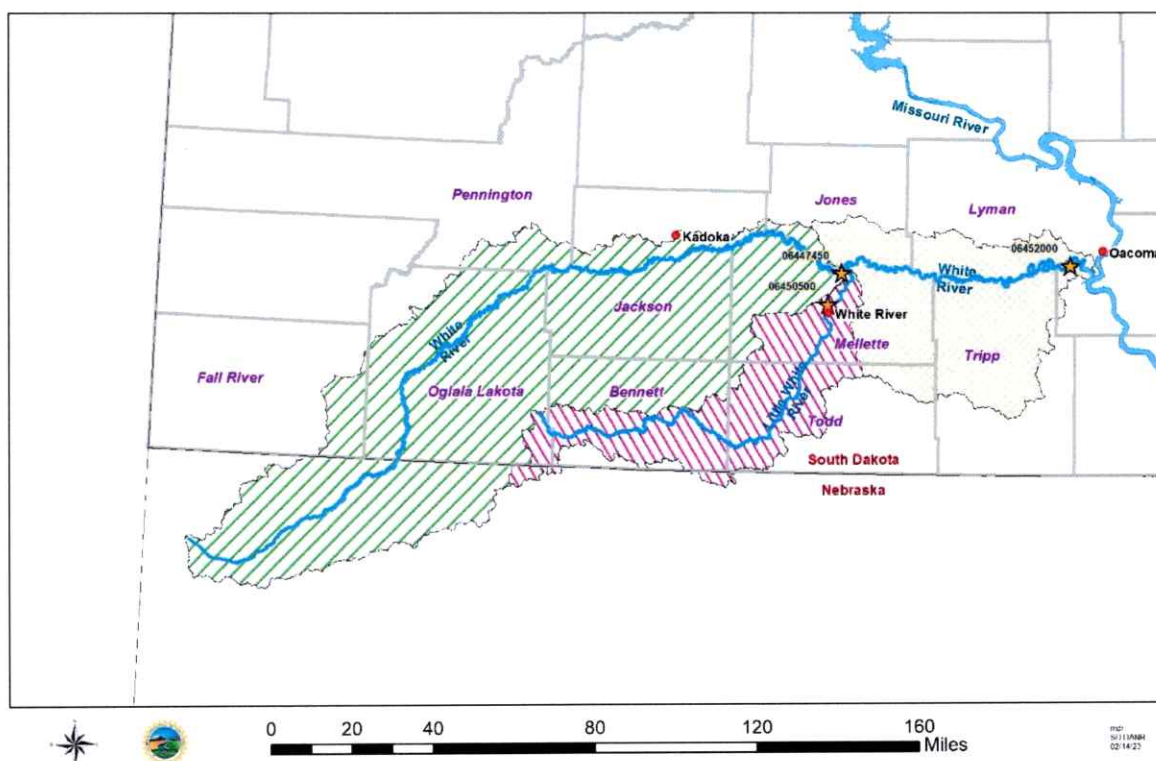


Figure 1. White River Watershed Map.

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.

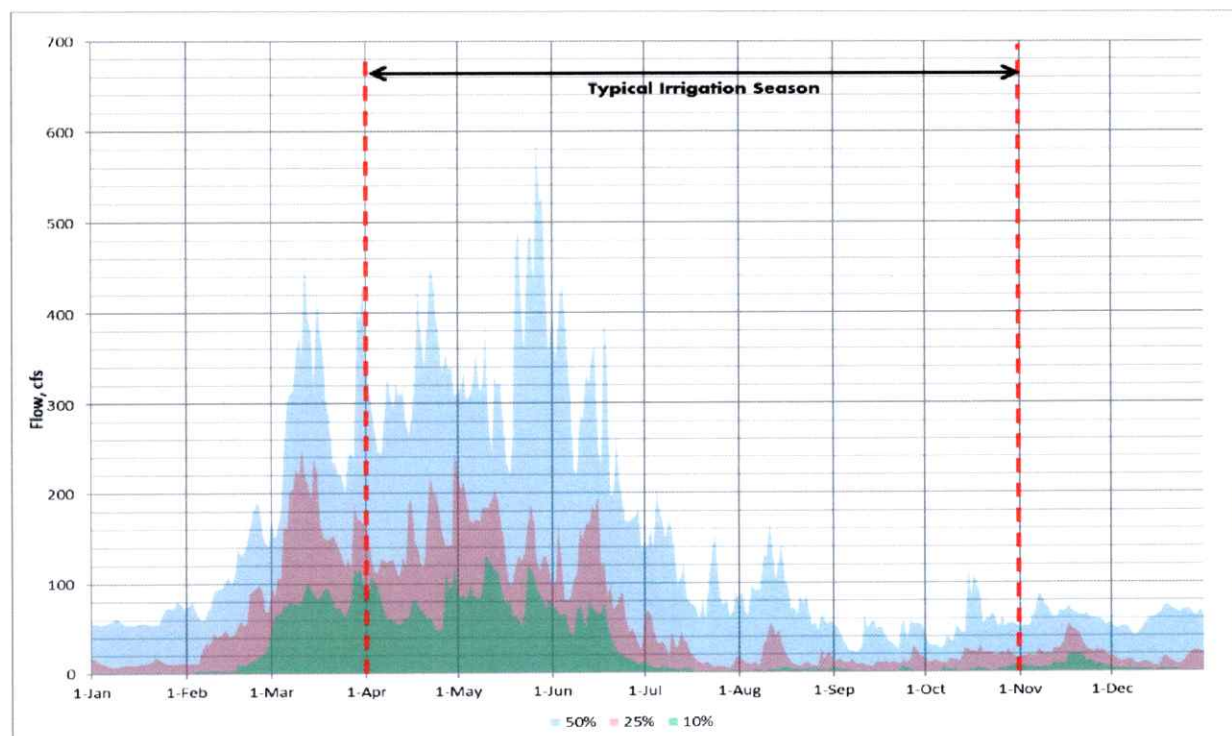


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

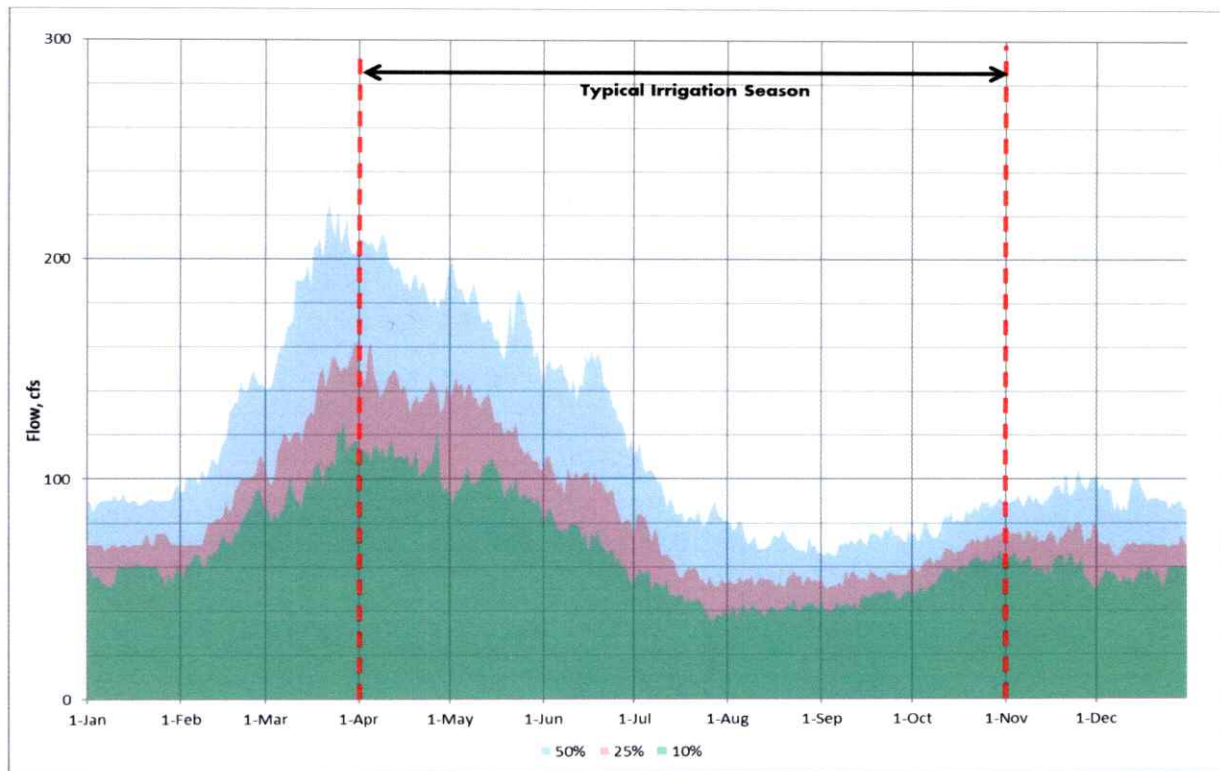


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

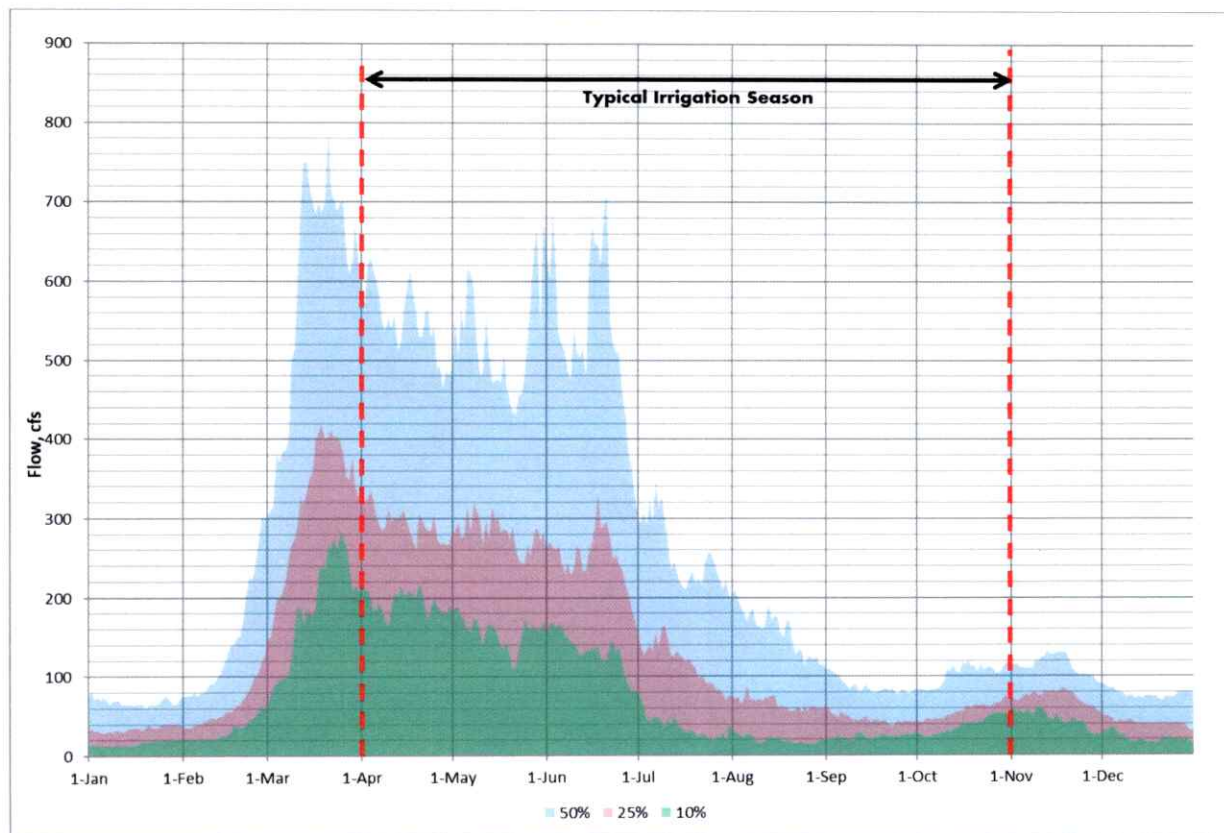


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

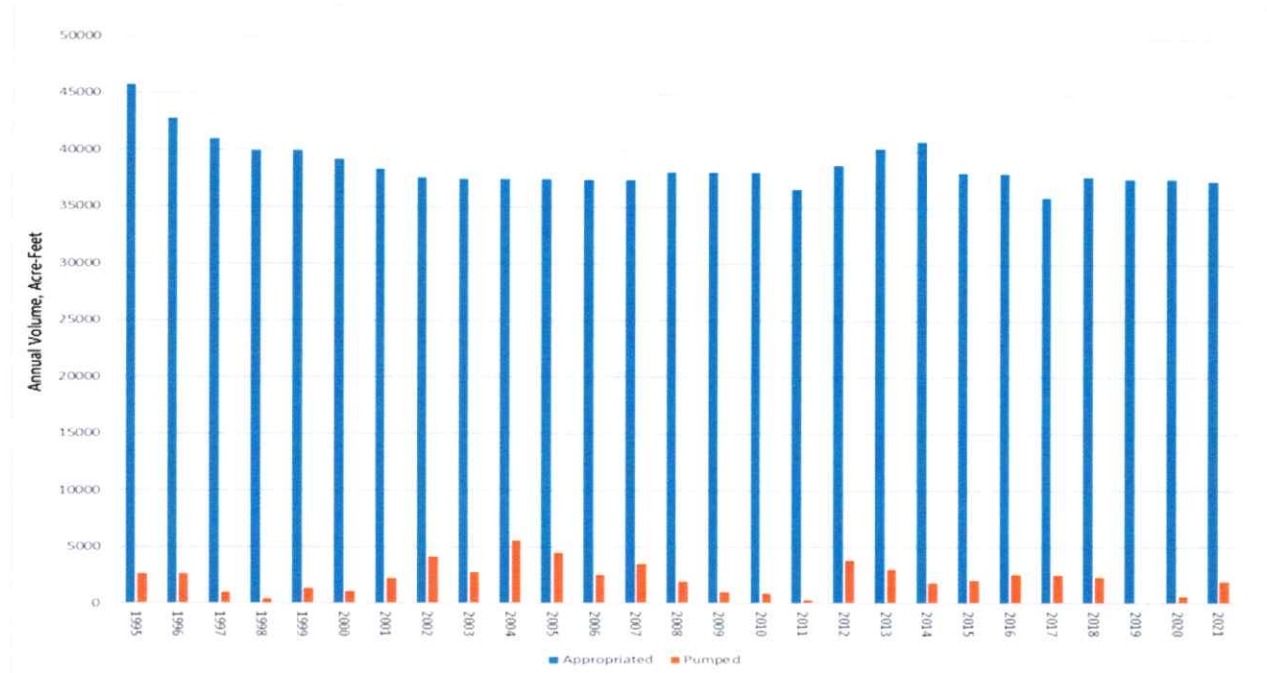


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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

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