

Received
March 3, 1948
9:00 AM

NO. 317-2

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

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant Lawrence R. Kruse
Postoffice address Interior, County Hammington, State South Dakota

I. If a corporation NONE

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and addresses 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, \$1000.00 (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work K-5 Irrigation Project
3. Quantity of water claimed 1.663 cubic feet per second.
4. Source of water supply White River
5. Location of point of diversion 2250 ft., S. 02° 22' 17" of the NW Corner of the SW of Section 14, T. 48, R. 17E on Left bank.
(Right or left bank looking down stream.)
6. Annual periods during which water is to be used April to October
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 115.73 acres.

- (b) Legal subdivisions to be irrigated See attached sheet

(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.) NONE

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

- (a) Nature of use NONE
(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, \$..... (b) Pumping plant, \$350.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$500.00..... Rock, \$.....
 (e) Other structures Marshall Flume.....\$150.00..... Total, \$1000.00.....

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 feet; height feet; Material

(d) Canal: Total length 1.525..... miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0.000.....Mile	1.0.....feet	3.0.....feet	4.0.....feet	10.56.....feet
At 0.3125-0.55.....Mile	0.8.....feet	3.0.....feet	4.0.....feet	5.28.....feet
At 0.3125-0.88.....Mile	0.8.....feet	3.0.....feet	4.0.....feet	5.28.....feet
At 0.88-0.98.....Mile	0.8.....feet	3.0.....feet	4.0.....feet	10.56.....feet
At 0.88-0.98.....Mile	0.8.....feet	3.0.....feet	4.0.....feet	10.56.....feet
AtMile	feet	feet	feet	feet

(give dimensions where reductions in size are made.)

10. Time required for completion of work2..... years.

11. Time required for complete application of water to the proposed beneficial use3..... years

12. Choice of newspaper for publication of notice of intention to appropriateWall Courant, Wall, South Dakota.....

STATE OF SOUTH DAKOTA

County of Jackson.....} ss.

I, Lawrence R. Kruse....., 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 foregoing 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, Lawrence R. Kruse

Subscribed and sworn to before me this 1st..... day of March....., 19 48

Edna F. Richardson

Notary Public (or other qualified officer.)

K-5 IRRIGATION PROJECT PENNINGTON COUNTY, S.D.

SCALE 1"=200' ~ 1948

NW Cor. of the
SW 1/4 of Sec 14,
Twp 4S, R.17E

NE 1/4 SW 1/4, SEC 14
Inundated = 18.46 Ac.

SW 1/4 NE 1/4, SEC 14
Inundated = 0.73 Ac.

Lot 2, SEC. 14
Inundated = 18.47 Ac.

NW 1/4 SW 1/4, SEC. 14
Inundated = 24.28 Ac.

SE 1/4 SE 1/4, SEC 15
Inundated = 15.45 Ac.

SW 1/4 SW 1/4, SEC. 14
Inundated = 38.34 Ac.

10+50
Weir
Location

Lot 2
Sec. 22

0+00
PUMP

White River

SURVEYOR'S CERTIFICATE

I, J. R. Richardson, Registered Professional Engineer and Land Surveyor, No. 219, State of South Dakota, do hereby certify that I have made a careful and complete survey of the K-5 Irrigation Project and that the accompanying Plat is a true and correct representation of the same.

Witness my hand and Seal this 29th day of February 1948 A.D.

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

Subscribed and Sworn to before me this 29th day of February 1948 A.D.

Edna F. Richardson
A Notary Public

Location	Sec	Twp	RGE	Acres
NW 1/4 SW 1/4	14	4S	17E	24.28
SW 1/4 SW 1/4	14	4S	17E	38.34
NE 1/4 SW 1/4	14	4S	17E	18.46
Lot 2	14	4S	17E	18.47
SW 1/4 NE 1/4	14	4S	17E	.73
SE 1/4 SE 1/4	15	4S	17E	15.45
Total				115.73

W R 317-2

Map 223122

Remarks by State Engineer:

STATE OF SOUTH DAKOTA
County of Hughes

Pierre, South Dakota, May 3, 1948

This is to certify that the foregoing application was received at this office at 9:00 o'clock
a.m. upon the 3rd day of March, 1948 and that after examination it
was found to comply with the water laws of South Dakota; that there was water
available for irrigation for a large percentage of the time and except short periods
during which without storage, water for irrigation will not be available; that the
notice of appropriation was duly advertised and a time set for consideration of any
objection and that no objections were received. In view of the above consideration,
the application is hereby approved.

Dean W. Loucks State Engineer.

Number of permit 317-2

Date of first receipt of application March 3, 1948

Date of return to applicant for correction - - - - - 19 - -

Dated of receipt of corrected application - - - - - 19 - -

Date from which applicant may claim right March 3, 1948

Approved May 3, 1948, Recorded in Book 2 Page 588-589

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 May 3, 1949

2nd. The whole of said work is to be completed on or before May 3, 1950

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is May 3, 1951

4th. The water appropriated shall be used for the purpose of irrigating lands as described
in the application and indicated on the accompanying plat

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-
kota, 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 1.65 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 neces-
sary for the production of crops in the exercise of the best husbandry; and further, said appropria-
tion 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 May 3, 1951; said water to be used during the following described an-
nual period:

April to October inclusive when available, after prior rights have
been satisfied.

Witness my hand this 20 day of May, 1948

Dean W. Loucks State Engineer.

No. 317-2

Division No. 2

District

PERMIT

to appropriate water from

White River

Pennington County, South Dakota.

Name of applicant

Lawrence R. Kruse

Name of diversion works

K-5 Irrigation Project

Date of first receipt at office of State

Engineer March 3 19 48

Returned to applicant for Correction

..... 19 ..

Corrected application received

..... 19 ..

Date of water right

March 1 19 48

Recorded in Book 2 Page 588-589

One-fifth of work to be completed

May 3 19 49

Whole work to be completed

May 3 19 50

Final proof of use of water

May 3 19 51

Approved May 3 19 48

Dean W. Loucks
Dean W. Loucks State Engineer.

Location	Sec.	Twp.	Rge.	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	14	4S	17E	24.26
SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	4S	17E	38.34
NE $\frac{1}{4}$ SW $\frac{1}{4}$	14	4S	17E	18.46
Lot 2	14	4S	17E	18.47
SW $\frac{1}{4}$ NE $\frac{1}{4}$	14	4S	17E	.73
SE $\frac{1}{4}$ SE $\frac{1}{4}$	15	4S	17E	15.45
Total				115.73

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 317-2

WHEREAS, On the 3 day of March A. D. 1948

LAWRENCE R. KRUSE

of Interior County of Pennington and State of

South Dakota duly made application (No. 317-2) to me for a permit to use 1.65

cubic feet per second of the waters of the White River

County of Pennington State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 20th day of March A. D. 1948

Permit No. 317-2 was issued to said applicant for the diversion of said water, and providing for the com-

pletion of the works of diversion therein described on or before the 3rd day of

May A. D. 1950 and for the application to beneficial use of said

water on or before the 3rd day of May A. D. 1951

and,

WHEREAS, On the 24th day of August A. D. 1950

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.65

cubic feet per second of said waters, as evidenced by my Certificate No. 317-2

dated August 24th confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.65 cubic feet per second of water,

with date of priority of March 3, 1948 and,

WHEREAS, On the 19th day of August A. D. 1950

proof was duly made of the application to beneficial use of 1.65 cubic feet per second of

said water;

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 Lawrence R. Kruse of Interior, South Dakota the holder... and owner... of said permit No. 317-2 a water right, dating from March 3, 1948 to the use of 1.65 cubic feet per second of the waters of the White River in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 2990.0 feet S. 02° 22' W. of the N. W. Corner of Sec. 14, T 4S, R. 17E, R1M and conducted to and upon the SE 1/4 of Sec. 15; NW 1/4 of Sec. 15; SW 1/4 of Sec. 15; NE 1/4 of Sec. 15; Lots 2, Sec. 14, T 4S, R 17E. 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 30th day of August A. D. Nineteen Hundred and 50

NCS:W

DEAN T. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 317-2

To LAWRENCE R. KRUSE
Interior, S. Dak.

Source of Supply

White River

County Pennington

Am't 1.65 Sec. Feet

Point of Diversion 2990.0 feet S. 02° 22' W. of the N. W. Corner of Sec. 14, T 4S, R 17E, R1M

Place of Use SE 1/4 of Sec. 15; NW 1/4 of Sec. 15; SW 1/4 of Sec. 15; NE 1/4 of Sec. 15, Lot 2, Sec. 14, T 4S, R 17E

Purpose irrigation

Date of Priority March 3, 1948

Recorded May 3, 1948

in Book 2 of N.R. Page 538-89

Permit No. 317-2

Water Division No. 2 White River Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That LAWRENCE R. KRUSE

of Interior County of Pennington, and State of
 South Dakota the holder of Permit No. 317-2, issued upon Application
 No. 317-2, bearing date of priority of March 3, 1948, authorizing the diversion of
 1.65 second-feet of the waters of the White River
 County of Pennington, State of South Dakota, at a point 2990.0 feet
 S 02° 22' W. of the N. W. Corner of Sec. 11, T 4S, R 17E, B1M
 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 divert-
 ing and conveying to the place of intended use 1.65

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

to-wit: SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 18-4S-17E
 NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14-4S-17E
 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14-4S-17E
 NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 14-4S-17E
 SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 14-4S-17E
 Lot 2 Sec. 14-4S-17E

Witness my hand this 30th day of August A. D. 19 50

INVESTIGATION OF WATER RIGHT 317-2

On July 27, 1967, Mr. Lawrence Kruse was contacted concerning this permit. He stated that the water had been in regular use and that he had a letter to our office the day before to that affect.

Also on talking with him, it was determined that he owned all the land covered by the permit. The Gold Brothers own only adjoining land.

Mr. Kruse stated that he also irrigated from a stock dam on a dry draw. A vested right application was filled out for him and he is to submit it as soon as it is notarized. The dam shows on the 7½ Degree U.S.G.S. Quadrangle for that area.

August 3, 1967

RICHARD SCHMIDT
Water Right Specialist

Interior *Very pushed away*
West 5 miles - Within last week
of Interior
Lawrence Kruse - Irrigator

my
Johnston - near Interior
Does not irrigate but
have cattle along the river
Cuts out complete flow

L. R. 433-5385
M. R. 433-5385

Mr Lane Johnston ?

Discussed by phone with Mr L. Kruse
on June 27. He has not even begun
put in channel, not even within river
beds. He is preparing not taking water there.
He thinks there are water holes downstream from
all stretches of White River. He said he
would stop everything on morning of June 28, 1972

AK

Talked to Mrs. Kruse
she said he was not working
any more and was
in the hospital now also

she said he was not working
any more and was
in the hospital now also 317-2

**LAWRENCE KRUSE
HAS CUT OFF CHANNEL
ON WHITE RIVER -
HAS CATTLE BELOW**

→ **CHARLES CARLBOM
INTERIOR
433-5380**

**Cullen
2:45 on 7-1-72**

433-5355

Now, near Johnston made contact
about mid June 27, 1972.

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., March 13, 1948.

Notice is hereby given that Lawrence R. Kruse whose postoffice address is Interior, 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 1.65 cubic feet of water per second of time from the Little River through the K-5 Irrigation Project, the point of diversion of which is to be located on the left bank of said stream in the N.E. $\frac{1}{4}$ of the E.1. $\frac{1}{4}$ of Section 22 Twp. 4 S Range 17 E. Said water to be used for the purpose of providing irrigation upon lands in Sections 14 and 15 of said township.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 27th day of April 1948, at 3:00 P. 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

W. H. 317-2

AN EASEMENT FOR AN IRRIGATION DITCH AND PUMPING PLANT

This agreement made and entered this 25 15 day of July, 1950, by and between _____, Party of the first part, and Lawrence Kruse, Interior, S. Dak., party of the second part, both of Pennington County, South Dakota.

Whereas, the party of the second part has erected and constructed a pumping plant and an irrigation ditch on and across the land of the party of the first part.

Witnesseth that for and in consideration of the sum of \$1.00 (One Dollar) and other valuable considerations in hand paid by the party of the second part to the party of the first part, the party of the first part hereby grants, bargains, sells, conveys and permits to the party of the second part the right to operate and maintain the said pumping plant and irrigation ditch over and upon the premises of the party of the first part described as follows, to wit:

A tract of land 50' (Fifty Feet) wide, the centerline of which is described as follows: Beginning at a point 58' (Fifty-Eight feet) due west of the northeast corner of section 22, township 4 south, range 17 east of the Black Hills Meridian, Pennington County, South Dakota, Thence due South for a distance of 347' (Three Hundred-Forty-Seven Feet), more or less, to a point where the above described centerline intersects the north bank of the White River. The above described tract of land contains $\frac{1}{2}$ 0.40 acres, more or less.

Party of the first part hereby waives every and all claims and demands for damages caused by the erection, construction and operations described above.

It is mutually agreed that in the event the party of the second part vacates the project through non-use that all rights, title and interest in the aforesaid premises hereby granted the party of the second part shall revert to the party of the first part, his heirs and assigns.

Signed Amy Hansen
Party of the first part

Signed Lawrence Kruse
Party of the second part

On this 18 of July, 1950, personally appeared before me The above and _____, who deposed and acknowledged the above document in my presence.

Charles Johnson
Notary Public Ex. 7-21-51

RECEIVED

AUG 22 1950

Permit No. 317-2

Water Division No. 2

White River

Water District

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Interior, S. Dak.

(Date) August 9, 1950

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

1.653 second feet of the waters of the state from White River
through the K-5 Irrigation Project
for Irrigation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Lawrence Kruse

2. The postoffice address of such person or the place of business of such corporation is Interior
County of Pennington State of South Dakota

3. The number of such permit is 317-2 and the date set for the completion of such work is
August 22, 1950

4. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.653 cubic feet per second.

6. The amount of land for which said water is available is 115.73 acres,
particularly described as follows: NW $\frac{1}{4}$ Sec. 14, 24.28, SE $\frac{1}{4}$ Sec. 14, 38.34, NE $\frac{1}{4}$ Sec. 14, 13.46, Lot 2 13.47,
SW $\frac{1}{4}$ Sec. 14, .73, Sec. 14, and SE $\frac{1}{4}$ Sec. 15, 15.45, Sec. 15, All in T. 4 S., R. 17 E,
B.H.M.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

(Signature) Lawrence R. Kruse Engineer.

Permit No. 317-2

RECEIVED
MAR 22 1950

Water Division No. 2 White River Water District 22 1950

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

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

Ans. Lawrance Kruse, Interior, Rancher, Interior, S. Dak.

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. Owner and Partner

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 317-2, Dated Mar. 3, 1943. Priority Date Mar. 3, 1943

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

Ans. White River. 2990.0 feet S. 02 Degrees and 22 minutes W. of the NW corner of Sec. 14, T. 4 S. R. 18 E. B.H.M.

Ques. 5. Describe your works of diversion, 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.

Ans. Pumping plant, Field Laterals Ditches, Measuring Wier. All capable of conveying 1.653 cubic feet per second of water

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. NW $\frac{1}{4}$ Sec. 24.33. SW $\frac{1}{4}$ Sec. 33.34. NW $\frac{1}{4}$ Sec. 18.46. Lot 2 13.47, SW $\frac{1}{4}$ Sec. 0, 73. all in Sec. 14 and SW $\frac{1}{4}$ Sec. 15 15.45 Ac. all in T. 4 S. R. 17 E

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. 1.653 cubic feet per second

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. July 1948, June and July 1949, June and July 1950 by means of field

lateral ditches the water was conveyed and spread over the land above described

in the amount of 1.653 second feet for watering alfalfa.

(Sign.)

(Sign.) Lawrence R. G. Jones

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 Madoka, County of Jackson

State of South Dakota, on this 19th day of Aug, A.D. 1950

Edna Richardson

Notary Public

Permit No

Proof of Application of Water to Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water ----- second feet

Source

County

Purpose

Place of Use

Date of priority

Received and filed

Permit No. 317-2...

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

RECEIVED

AUG 26 1950

Certificate of Examination of Works

 FILE OF STATE ENGINEER
 PIERRE, S. DAK.

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 23 1950, I have this day made a thorough examination of the diversion works constructed by

Lawrence Kruse of Pennington

County, South Dakota, holder of permit No. 317-2, issued upon application No. 317-2, bearing date of priority of March 3, 1948, authorizing the diversion of 1.653 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: Pumping plant, field lateral ditches and measuring weir.

and the system is in the following condition: Excellent

The point of diversion is located 2990.0 feet S. 02°-22' West of the N.W. Cor. of Sec. 14, T. 4 S., R. 17 E., BHM

The works are capable of diverting and conveying to the place of use 1.653 second-feet of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: NW 1/4 SW 1/4, 24.38 Acres, SW 1/4 SW 1/4, 38.34 Acres, NE 1/4 SW 1/4, 18.46 Acres, Lot 2, 18.47 Acres, SW 1/4 NE 1/4, 0.73 Acres all in Sec. 14, SD 1/4 Sec. 15, 15.45 Acres, all in Township 4 South, Range 17 East of the Black Hills Principal Meridian in Pennington County, South Dakota

comprising a total of 115.73 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 21th day of August

A. D. 1950

J. R. Richardson

Examining Engineer.

WATER PERMITS OF WHITE RIVER
LISTED FOR INVESTIGATION OF PERMIT NO. 317-2
MARCH - 1948

Dean W. Loucks
State Engineer

Priority	No.	Name	cu.ft.	Location	
8-7-11	93-2	Wm. Hickox	2.45	25-3S-22E	1.
11-1-11	121-2	Fred H. Sears	1.7	10-3S-24E	2.
11-20-11	128-2	Martin Johnson	4.5	27-3S-10E	3.
11-22-11	129-2	Geo. W. Dunkel	1.4	30-3S-30E	4.
12-27-11	139-2	Weaver Bros	2.3	34-3S-29E	5.
2-26-12	150-2	Geo. E. Brookens	2.2	17-4S-19E	6.
3-4-12	151-2	Stephen Jones	2.2	27-3S-29E	7.
3-4-12	152-2	Minnie C. Jacobs	2.2	10-4S-18E	8.
3-15-12	156-2	Zeske Bros	4.4	6-4S-32E	9.
3-15-12	157-2	Zeske Bros + Loan Co.	2.2	1-43N-26W	10.
9-23-12	189-2	Staley Co. Ab'st	6.6	12-4S-17E	11.
9-30-12	190-2	Wm. Noviland	2.2	6-4S-21E	12.
12-1-12	193-2	O. E. Snodgrass	4.4	14-4S-18E	13.
12-11-12	194-2	Wm. Hickox	2.2	22-3S-22E	14.
1-15-13	195-2	Edward B. Kelly	6.6	8-103N-73W	15.
1-29-13	167-2	E.W. Thode	4.4	17-3S-24E	16.
1-29-13	168-2	E.W. Thode	4.4	13-3S-24E	17.
3-24-13	197-2	W.C. White	2.2	32-3S-28E	18.
11-8-13	192-2	Fred H. Sears	2.2	17-4S-17E	19.
7-1-15	215-2	Henry Thompson	0.35	12-4S-17E	20.
3-4-14	222-2	Horn Gessler	4.0	7-43N-29E	21.
		Anthony Gessler			
4-22-18	231-2	Gertrude J. Simon	2.3	7-4S-21E	22.
2-5-35	268-2	Melvin A. Anderson	3.9	7,12-43N-26E	23.
3-26-35	271-2	Melvin A. + F.A.	5.53	7,8-43N-23W	24.
4-24-36	US 11-2	Dep't Indian Affairs	1.5	7-38N-47W	25.
3-21-40	283-2	E.A. Thomas	1.7	1,2-4S-18E	26.
4-23-40	512-2	Dept of Interior Nat'l Park Service	0.1	15-4S-18E	27.
11-8-40	287-2	Frank McCurdy Lyder Vyk	6.5	2-4S-28E	28.
4-5-45	303-2	Allen Smith	3.0	23-3S-22E	29.
6-6-45	304-2	Donlad Lytle	0.37	4-42N-36W	30.
7-15-45	305-2	Glen Whidby and Son	1.4	31-3S-22E	31.
11-20-46	311-2	John B Byre	2.1	10-103-73	32.
3-4-47	312-2	Otto F. Prokop	0.17	33-3S-22E	33.
			96.67 cu. ft. Sec.		
3-3-48	317-2	Lawrence Kruse	1.65	14-4S-17E	
			<u>98.32</u>		

Stream flow records indicate that there is water available to satisfy application 317-2 for a large percentage of the time. There will however be short periods during which, without storage, water for irrigation will not be available.

117-2
July 26, 1967
Interior, S D.

Water Resources Commission
Pierre,
South Dakota 57501

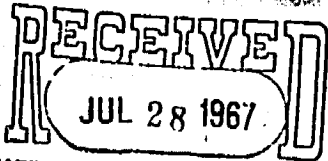
Dear Mr. Schmoyer:

We received your letter dated July 18th, 1967 in regard to the K-5 irrigating project no. 317-2. We do still irrigate under this license approximately that same amount of acreage. We have used this water from White River all but two years since we got the water right and this year is one because of the ample rain fall. Some years ago we also bought the second place covered by this same license of which we also irrigate. If there is any other information you would like to know we will gladly cooperate with you.

Sincerely,

Lawrence R. Kruse

Lawrence R. Kruse



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA



Department of Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

October 6, 1982

Kruse Partnership
Lawrence Kruse
Box 64
Interior SD 57750

Dear Mr. Kruse:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50) for each permit.

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name. (\$5.00 total for the two permits).

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosures

NO. 317-2

NOTICE OF TRANSFER OF WATER PERMIT

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: 02/14/1982

This is to notify you that the title to the lands described as follows:

115.73 acres - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 2

Section 14, T4S, R17E

formerly owned by Lawrence Kruse

has been transferred to Kruse Partnership, Box 64, Interior SD 57750

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 317-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
) ss.
)

County of Pennington

I, Lawrence R. Kruse 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 I know of my own personal knowledge that the information herein stated is true.

Lawrence R. Krue
(Signed)

Subscribed and sworn to before me this 14 Day of October, 1982.

Edmund H. Day
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

No 4 8981

State of South Dakota

PIERRE, October 15, 1982

Lawrence R. Kruse, Mgr.

RECEIVED OF Kruse Partnership, Box 64, Interior, SD 57750

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer of WR# 317-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (ms)

No. 317-2

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

November 3, 1982

Lawrence R. Kruse, Manager
Kruse Partnership
Box 64
Interior, South Dakota 57750

Dear Mr. Kruse:

Enclosed is receipt No. 4 8981 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 317-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

WNR-821-7/7?
Receipt & Notice of filing of Transfer of Water Right

317-2

1994 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 16, 1994

317-2
KRUSE PARTNERSHIP
~~LAWRENCE KRUSE~~ *Levin Kruse, mgr.*
BOX 85
INTERIOR, SD 57750

CHANGES TO ADDRESS LABEL, IF ANY:
←

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS DIVISION AT 523 E CAPITOL, PIERRE, SD 57501-3181 (805) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES ☒ NO ☒

DID YOU IRRIGATE IN 1994? YES ☒ NO ☐ IF YES, NUMBER OF ACRES IRRIGATED 100 ac.

SOURCE OF WATER irrigation dam

DID YOU CHEMIGATE IN 1994? YES ☐ NO ☒



TYPE OF SYSTEM (CHECK ALL THAT APPLY):
CENTER PIVOTS ☐ TOWNLINES ☐ BIG GUN ☐
FLOOD ☒ SPRINKLERS ☐ OTHER ☐

COMMENT SECTION:
*We were unable to irrigate from White River - low or no water.
Are you interested about water from irrigation dam - gravity flow? (Small stock claim)*

THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY					
	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GATED PIPE @ 3000 GPM) FOR 10 DAYS - 20 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 500 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	10	20
	BEANS	60	500 GPM	10	24

NOTE: PLEASE SPECIFY UNDER HOURS PUMPED WHETHER YOU ARE REPORTING IN REGULAR HOURS OR KILOWATT HOURS.

317-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 1995

317-2

Kevin Kruse
Kruse Parthnership
Box 85
Interior, SD 57750

Dear Mr. Kruse:

I am writing in regard to irrigation you may do from a stock dam. On the 1994 irrigation questionnaire you submitted for Water Right No. 317-2, you inquired whether or not we were interested in water use from a small stock dam. In reviewing the file, I realized I had not answered your inquiry..

Irrigation questionnaires are not required for water use systems that are strictly gravity flow. The reason for this, of course, is that the irrigator can not measure how much water is being diverted. Questionnaires are required for systems with pumps or other types of measurement equipment.

Even though questionnaires are not required for water spreading systems, the system must still be covered under a water permit. I have reviewed our records and found permits exist (under the name of Charles Kruse, Daniel Kruse, Lily Kruse or Lawrence Kruse) for dams located in Section 11, T4S, R16E; and Sections 6, 15, 16 & 17, T4S, R17E. If the dam you inquired about is not located in the above legal descriptions, you would need to file for a new water permit.

Hopefully I have answered your question concerning submission of irrigation questionnaires. I do apologize for the late reply. If I can answer any other questions for you, please contact me.

Sincerely,

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



January 22, 1999

317-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: KRUSE PARTNERSHIP, KEVIN KRUSE, MGR, BOX 85, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 317-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 317-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

317-2

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

KRUSE PARTNERSHIP
KEVIN KRUSE, MGR
BOX 85
INTERIOR SD 57750

4a. Article Number

2119141688

4b. Service Type

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

7. Date of Delivery

1-26-99

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X *Kevin M. Kruse*

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

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1999

317-2

Kevin Kruse, Mgr
Kruse Partnership
Box 85
Interior, SD 57750

Dear Mr. Kruse:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 317-2.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 19, 2002

317-2
1958-2

Kevin Kruse
PO Box 85
Interior SD 57750-0085

Dear Mr. Kruse:

Thank you calling about the ownership changes for Water Right No. 319-2 and Water Permit No. 1958-2. Enclosed is a copy of each.

A transfer form was submitted at the end of November for No. 1958-2. All that is needed to finalize the transfer is a \$2.50 filing fee.

Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change for Water Right No. 317-2. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50.

A total of \$5.00 is required for filing the ownership changes. The check or money order for the fee can be made payable to the Water Rights Program. Please return the filing fee and the transfer form for No. 317-2 to our office. You may keep the copies of the water right and the permit.

If you have any questions, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 317-2

Date: 2/4/03

I/We request that Water Right No. 317-2

formerly owned by: Kruse Partnership

be transferred to: (name & address) Philip J. Kruse

20055 E Hwy 44

Sioux Falls, SD 57100

Telephone No. 605-433-5582

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

115.73 acres - SE 1/4 SE 1/4 Section 15, W 1/2 SW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4 and Lot 2 of Section 14

all in T4S, R17E

I/We understand that the validity of Water Right No. 317-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Philip J. Kruse, the new owner, certify that the above information is true and correct.

Philip J. Kruse
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed 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.

RECEIVED

FEB - 6 2003

WATER RIGHTS
PROGRAM

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date February 6, 20 03

RECEIVED OF Philip J Erue, 20055 E Hwy 44, scenic SD 57780

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>317-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL		2.50

No. 000005

By D. Ireland
Chief Engineer

gms



February 10, 2003

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

317-2
1958-2

Philip J Kruse
20055 E Hwy 44
Scenic SD 57780

Kevin Kruse
PO Box 85
Interior SD 57750-0085

Dear Sirs:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for Water Right No. 317-2 and Water Permit No. 1958-2.

The transfers have been completed as follows:

- Water Right No. 317-2, formerly held by Kruse Partnership, is now listed in the name of Philip J Kruse. No. 317-2 authorizes irrigation of 115.73 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, W $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 2 of Section 14, all in T4S, R17E.
- Water Permit No. 1958-2, formerly held by Lawrence R Kruse, is now listed in the name of Kevin Kruse. No. 1958-2 authorizes irrigation of 357.2 acres in Lots 1, 2, 3, 4 & 5, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T43N, R40W.

Enclosed are Receipt Nos. 000645 and 000646 in the amount of \$2.50 each which were paid to cover the filing fees (these are included in the letter to Philip).

If I can answer any questions for you, please let me know.

Sincerely,

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



317-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: PHILIP J KRUSE, 20055 E HWY 44, SCENIC, SD 57780

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 317-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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

1. Amend Permit No(s) 317-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2014

317-2

Philip J Kruse
20055 E Hwy 44
Scenic SD 57780

Dear Mr. Kruse:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 317-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



317-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: PHILIP J KRUSE, 20055 E HWY 44, SCENIC, SD 57780

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 317-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 317-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 3, 2016

317-2

Philip J Kruse
20055 E Hwy 44
Scenic SD 57780

Dear Mr. Kruse:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 317-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

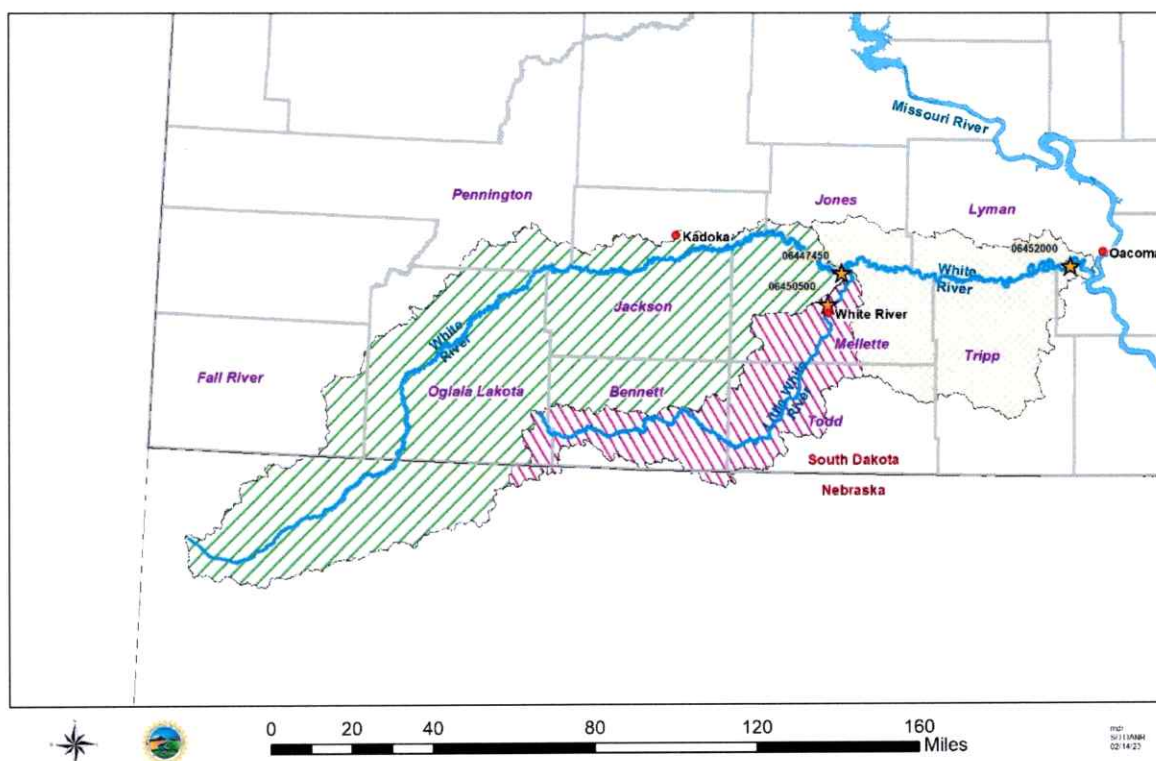


Figure 1. White River Watershed Map.

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

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

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

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

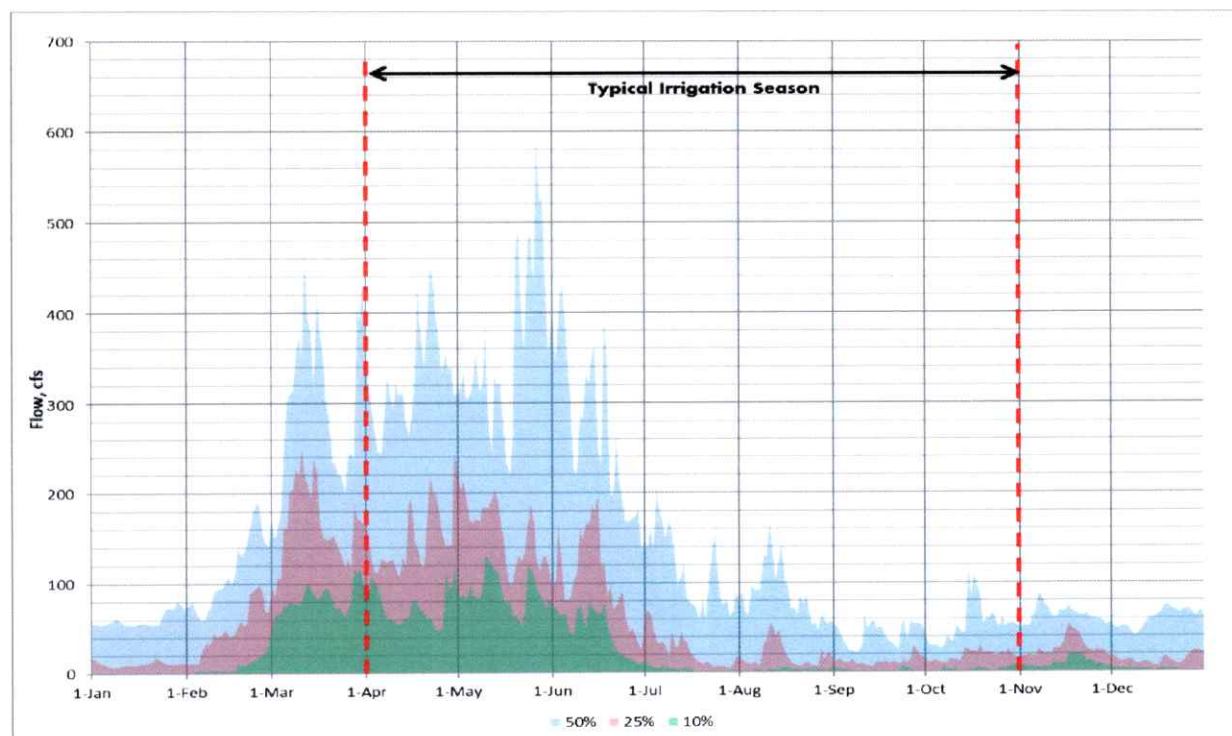


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

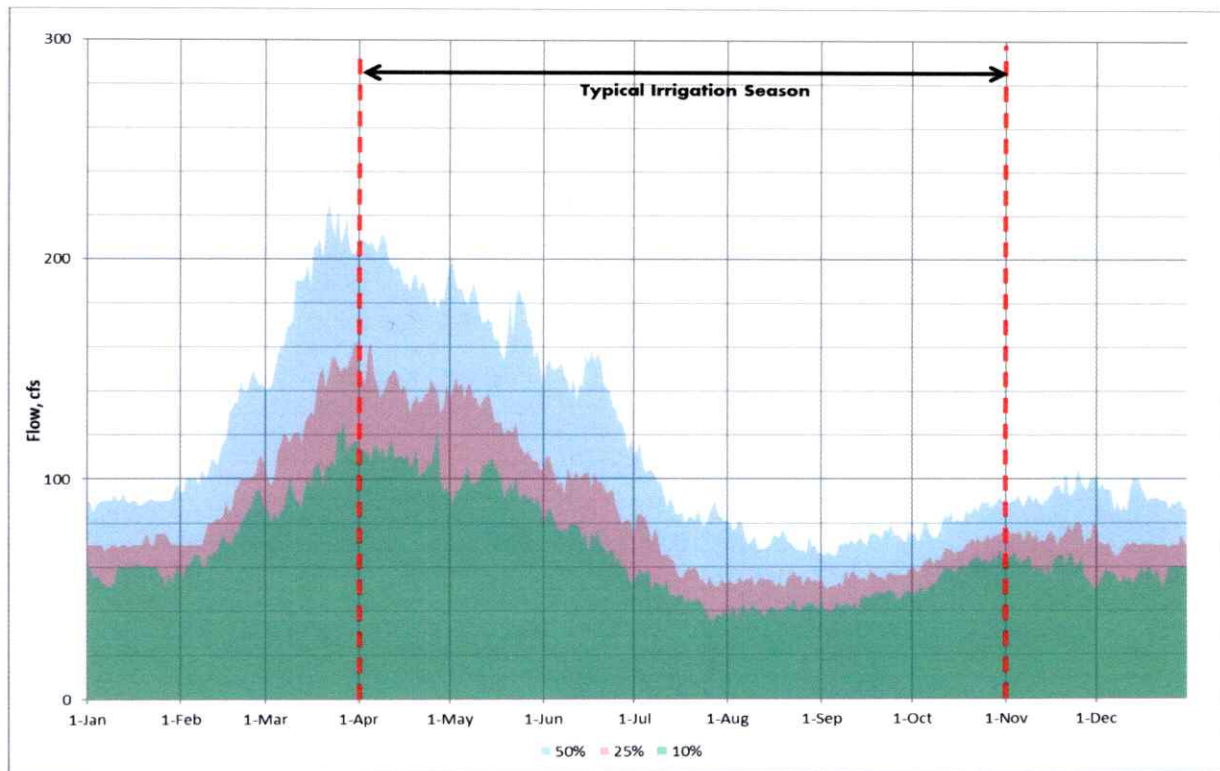


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

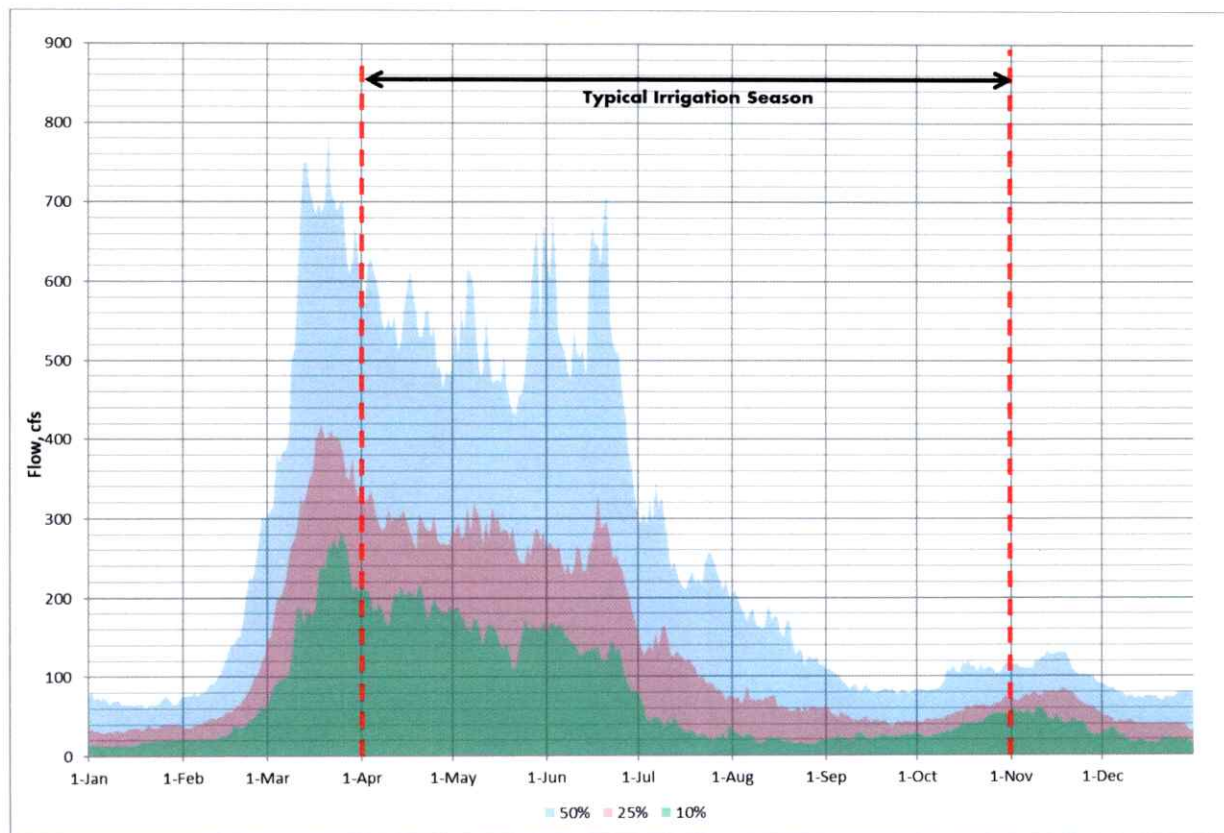


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

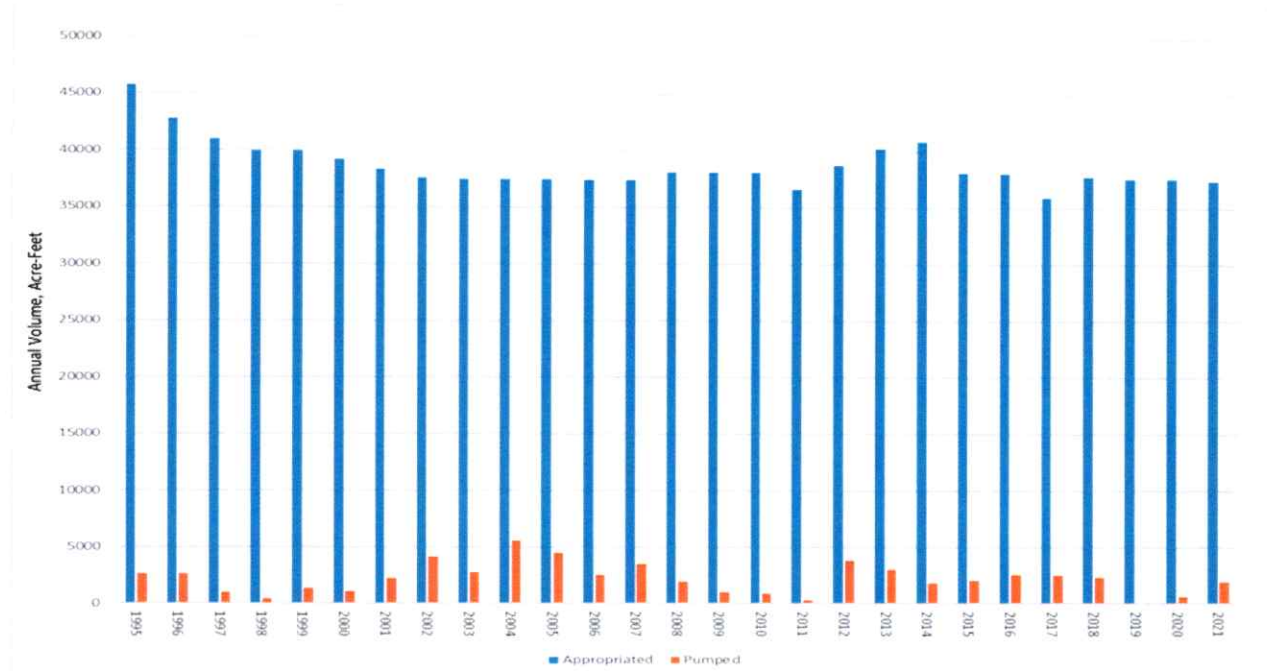


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

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