

351-2

No.

Office of State Engineer
DOCUMENT FILE

Engel Thomas
Murder

Sec. 6-38-30E
Jones County

White River

Map No. 382-2

RECEIVED

Form 2—Application for Permit to appropriate Water—Original

NO. 351-2

JUN 12 1930
8:00 A.M.

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

OFFICE OF STATE ENGINEER
District
S. DAK.

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

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

1. Name of applicant Eugene Thomas
Postoffice address Murdo, County Jones, 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, \$ 3000.00
- (c) Treasury stock \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Clark and Thomas Irrigation Project

3. Quantity of water claimed 2.49 cubic feet per second.

4. Source of water supply White River

5. Location of point of diversion N. 76° 30' E. a distance of 2960 feet from the SE Cor. of Sec. 6, T. 2 S., R. 20 E. of the BHM on the left bank.

6. Annual periods during which water is to be used April 1st to December 1st.

7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 173.89 acres
- (b) Legal subdivisions to be irrigated See attached sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be apprehended 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

Map No. 382-2

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$1200.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$1750.00..... Rock, \$.....
 (e) Other structures Parshall flume \$50.00 Total, \$3000.00.....

9. Description of diversion works:

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

Pumping plant and earth canals.....

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 at 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.....FEET OF DEPTH AT OUTLET-ACRES	ACRE-FEET CAPACITY

(c)* Head gate: Width feet; height feet;
 Material

(d) Canal: Total length 1.84..... miles.

LOCATION ' BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH	WIDTH AT WATER LINE	GRAD PER MILE
At <u>0.184</u> Mile	<u>0.8</u> feet	<u>3.0</u> feet	<u>4.0</u> feet	<u>10.56</u> 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
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required or completion of work.....4..... years.

11. Time required for complete application of water to the proposed beneficial use5..... years.

12. Choice of newspaper for publication of notice of intention to appropriate

Murdo Coyote, Murdo, S. Dak.

STATE OF SOUTH DAKOTA,

County of Jackson

I, Eugene Thomas..... being first duly sworn
 on my depose and say: That my relation to the above described undertaking is that of

Owner

(to whom)

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Signed Eugene Thomas

Subscribed and sworn to before me this 5th day of June, 1950

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

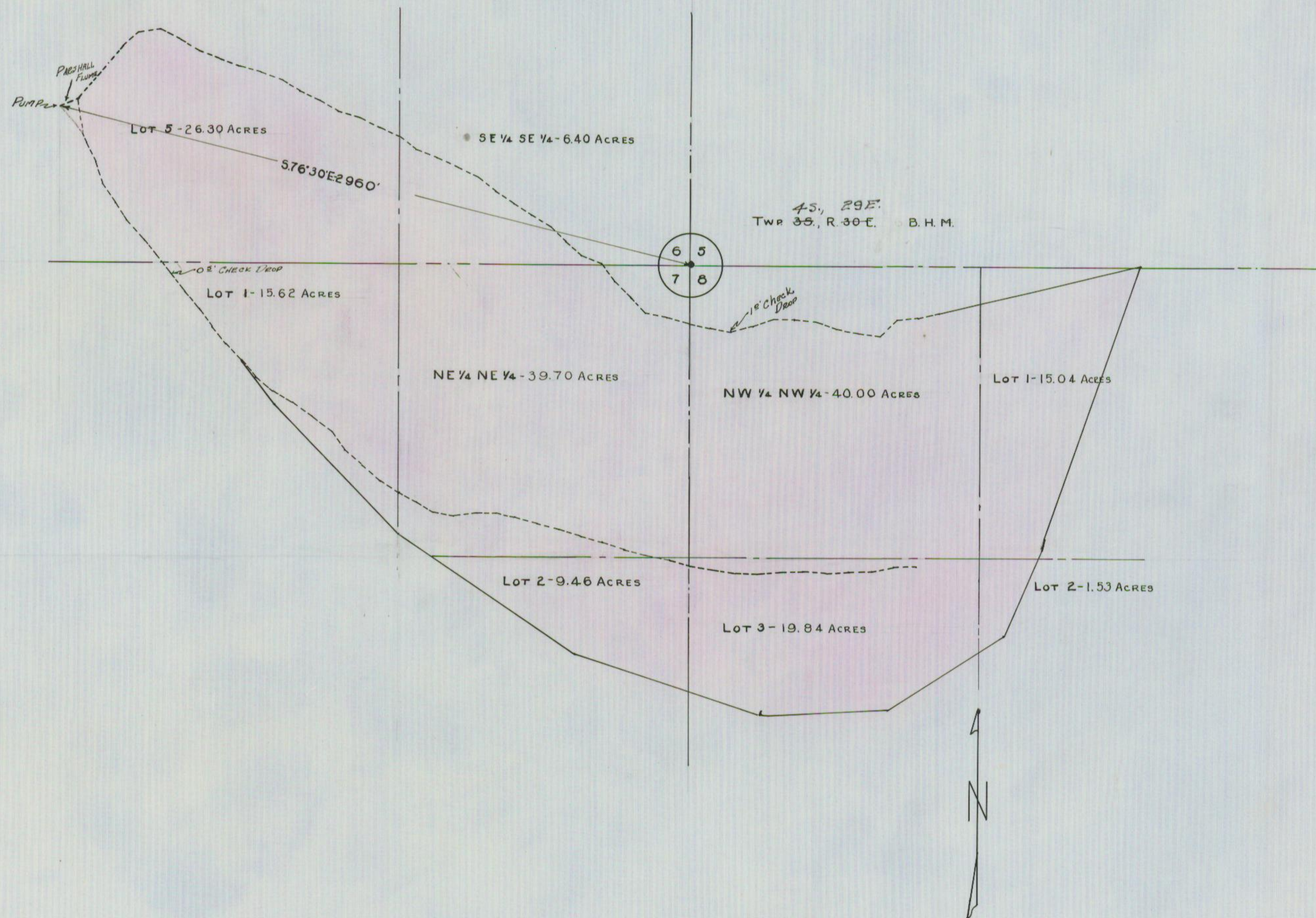
Edna F. Richardson

CLARK & THOMAS IRRIGATION PROJECT

JONES COUNTY, SOUTH DAKOTA

SCALE 1"=300'

EUGENE F. THOMAS, OWNER



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 CLARK & THOMAS IRRIGATION PROJECT AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF THE SAME. WITNESS MY HAND AND SEAL THIS 7TH DAY OF JUNE 1950 A.D.

J.R. Richardson

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7TH DAY OF JUNE 1950 A.D.

Edna F. Richardson
A NOTARY PUBLIC

LAND TO BE IRRIGATED				
LOCATION	SECTION	TWP	R&E	ACRES
LOT 1	8	35	30E	15.04
LOT 2	8	35	30E	1.53
LOT 3	8	35	30E	19.84
LOT 2	7	35	30E	9.46
LOT 1	7	35	30E	15.62
LOT 5	6	35	30E	26.30
NW 1/4 NW 1/4	8	35	30E	40.00
NE 1/4 NE 1/4	7	35	30E	39.70
SE 1/4 SE 1/4	6	35	30E	6.40
TOTAL				173.89

Should be T45, R29E
RDS

(35 1-2)

38 2-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA,
County of Bagdad

Pierre, South Dakota, August 19, 1950.

This is to certify that the foregoing application was received at this office at 8:00 o'clock a.m. upon the 12th day of June, 1950, and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented. **No protests or objections were received.**

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

Number of permit 351-S

Date of first receipt of application June 12, 1950.

Date of return to applicant for correction -----, 1950.

Date of receipt of corrected application -----, 1950.

Date from which applicant may claim right June 12, 1950.

Approved August 19, 1950. Recorded in Book 7 Page 702-703.

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 August 19, 1955.

2nd. The whole of said work is to be completed on or before August 19, 1954.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 19, 1955.

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 appropriation herein granted shall not exceed 2.48 cubic feet of water per second or 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 August 19, 1955; said water to be used during the following described annual period:

April to December, Inc.

Witness my hand this 19th day of August, 1950.

Dean W. Loucks
DEAN W. LOUCKS,

State Engineer.

Certificate of Construction issued Nov. 9, 1955.

Water License issued Nov. 8, 1955.

CLARK AND THOMAS IRRIGATION PROJECT

Legal Subdivisions to be Irrigated

S ¹ / ₄ of the S ¹ / ₄ of Sec. 6, T. ⁴ 8 S., R. ²⁹ 30 E.	6.40 acres
N ¹ / ₄ of the N ¹ / ₄ of Sec. 7, T. ⁴ 8 S., R. ²⁹ 30 E.	39.70 acres
Lot 1 of Sec. 7, T. ⁴ 8 S., R. ²⁹ 30 E.	15.62 Acres
Lot 2 of Sec. 7, T. ⁴ 8 S., R. ²⁹ 30 E.	9.46 acres
N ¹ / ₄ of the N ¹ / ₄ of Sec. 8, T. ⁴ 8 S., R. ²⁹ 30 E.	40.00 acres
Lot 1 of Sec. 8, T. ⁴ 8 S., R. ²⁹ 30 E.	15.04 acres
Lot 2 of Sec. 8, T. ⁴ 8 S., R. ²⁹ 30 E.	1.53 acres
Lot 3 of Sec. 8, T. ⁴ 8 S., R. ²⁹ 30 E.	19.84 acres
Lot 5 of Sec. 6, T. ⁴ 8 S., R. ²⁹ 30 E.	<u>26.30</u> acres
Total	173.89 acres

STATE OF SOUTH DAKOTA

WATER LICENSE No. 351-2. . . .

WHEREAS, On the 12th day of June A. D. 1950

Eugene Thomas

of Minnehaha County of Iowa and State of
South Dakota duly made application (No. 351-2) to us for a permit to use 2.48
cubic feet per second of the waters of the White River
County of Jones, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 12th day of August A. D. 1950
Permit No. 351-2 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 19th day of
August A. D. 1951 and for the application to beneficial use of said
water on or before the 19th day of August A. D. 1955
and,

WHEREAS, On the 10th day of August A. D. 1955
the holder of said permit duly made proof of the completion of adequate works for the diversion of
2.48 cubic feet per second of said waters, as evidenced by our Certificate No. 351-2
dated November 8, 1955 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.48 cubic feet per second of water, with date of
priority of June 12, 1950 ~~xxx~~ ~~xxx~~,

WHEREAS, On the 8th day of November A. D. 1955
proof was duly made of the application to beneficial use of 2.48 cubic feet per second of said water;
on the following described land:

SE1 of the SE1, Sec. 6, T 4S, R 29E, BHM - 6.40 acres

NE1 of the NE1, Sec. 7, T 4S, R 29E, BHM - 39.70 acres

Lot 1 Sec. 7, T 4S, R 29E, BHM - 15.62 acres

Lot 2 Sec. 7, T 4S, R 29E, BHM - 0.46 acres

NW1 of the NW1, Sec. 8, T 4S, R 29E, BHM - 40.00 acres

Lot 1 Sec. 8, T 4S, R 29E, BHM - 15.04 acres

Lot 2 Sec. 8, T 4S, R 29E, BHM - 1.53 acres

Lot 3 Sec. 8, T 4S, R 29E, BHM - 12.84 acres

Lot 5 Sec. 6, T 4S, R 29E, BHM - 25.30 acres

TOTAL

173.89 acres

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Eugene Thomas
of Harro, South Dakota the holder and owner of said permit No. 351-2
a water right, dating from June 12, 1950 to the use of 2.43
cubic feet per second of the waters of the White River
in the County of Jones and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point 2050 feet from the
SE Corner of Sec. 6, T 58, R 20E, BWM, in the SW 1 of Said Section
and conducted to and upon the lands hereinbefore described

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 seal of our office at Pierre, South Dakota,
this 8th day of November A. D. Nineteen
Hundred and Fifty-five

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. 351-2

To Eugene Thomas

Harro, South Dakota

Source of Supply White River

Jones County

2.43 c.f.s.

Point of Diversion SW 1/4 Sec. 5,

T 45, R 20E, BWM

Place of Use Sections 5, 7, 8,

T 45, R 20E

Purpose Irrigation

Date of Priority June 12, 1950

Recorded August 19, 1950

In Book 202 of 203 Page 203

Permit No. 351-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That ESTHER THOMAS

of Burke, County of Jones, and State of
South Dakota, the holder of Permit No. 351-2, issued upon Application
 No. 351-2, bearing date of priority of June 12, 1950, authorizing the diversion of
2.45 cu. ft. per second of the waters of White River

County of Jones, State of South Dakota, at a point 2950 feet
 from the SE Corner of Section 6, T 4S, R 29E, BHM in SW $\frac{1}{4}$ of said
 Section through the Clark and Thomas diversion.

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 found in satisfactory
 condition for diverting and conveying to the place of intended use 2.45 cu. ft.

per second 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 the SW $\frac{1}{4}$, Sec. 6, T 4S, R 29E, BHM - 5.40 acres

NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, Sec. 7, T 4S, R 29E, BHM - 39.70 acres

Lot 1 Sec. 7, T 4S, R 29E, BHM - 15.62 acres

Lot 2 Sec. 7, T 4S, R 29E, BHM - 9.46 acres

NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Sec. 8, T 4S, R 29E, BHM - 40.00 acres

Lot 1 Sec. 8, T 4S, R 29E, BHM - 15.04 acres

Lot 2 Sec. 8, T 4S, R 29E, BHM - 1.53 acres

Lot 3 Sec. 8, T 4S, R 29E, BHM - 19.34 acres

Lot 5 Sec. 6, T 4S, R 29E, BHM - 26.30 acres

TOTAL 173.89 acres

Witness my hand this 8th day of November A. D. 1950

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., July 10, 1950

Notice is hereby given that Eugene Thomas whose postoffice address is Hurdo, 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 2.48 cubic feet of water per second of time from the White River through the Clark-Thomas Irrigation Project, 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 SE $\frac{1}{4}$ of Section 6 Twp. 4S Range 29E. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 5 and SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, Lots 1, 2 and NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7; Lots 1, 2 and 3 and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 13 day of August, 1950, at 9 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.

Appropriation 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

NCS:dt
Eno.
cc: Richardson

AUG 11 1950

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
 County of Jones
Lottie M. Beetham

.....being duly
 sworn, deposes and says the annexed printed copy of Notice
 of Intention to appropriate Water was taken from the.....
Murdo Coyote.....a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
City of Murdo.....County of
Jones.....and State of South Dakota;
 that the said notice was published in said newspaper on the
 following dates:

July 20 1950

July 27 1950

August 3 1950

August 10 1950

in each and every issue of the full number thereof, the first
 publication being made on the 20 day of July
1950 and the last publication on the 10 day of
August 1950, upon which days or times
 of publication aforesaid the newspaper was regularly pub-
 lished, and that during the whole time of said publication/~~he~~ she
 was Editor ///the printer/// and publisher.... of
 the said newspaper.

APPROPRIATION OF WATER

Office of State Engineer
 Pierre, S. Dak., July 10, 1950
 Notice is hereby given that
 Eugene Thomas whose postoffice
 address is Murdo, 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
 2.48 cubic feet of water per second
 of time from the White River
 through the Clark-Thomas Irriga-
 tion Project, the point of division
 of which is to be located on the
 left bank of said stream in the
 SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6,
 Twp. 1S Range 29E. Said water
 to be used for the purpose of pro-
 viding irrigation on the following
 described land:
 Lot 5 and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec-
 tion 6; Lots 1, 2 and NE $\frac{1}{4}$ of the
 NE $\frac{1}{4}$ of Section 7; Lots 1, 2 and
 3 and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec-
 tion 8.

This application will be taken
 up by the State Engineer at his
 office at Pierre for consideration
 upon the 10th day of August, 1950,
 at 9 A. M. All persons who be-
 lieve 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 fur-
 ther, the information presented.

Appropriation action will be
 taken by the State Engineer after
 suitable time has elapsed for the
 consideration of any or all infor-
 mation presented.

—DEAN W. LOUCKS,

State Engineer.

NCS:dt

Enc.

cc: Richardson

H. P. Co 7873

7-20-4t

Subscribed and sworn to before me this 12th day of August A. D. 1950

Notary Public Jenna County, S. D.

RECEIVED

Form No. 25

MAR 26 1955

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Engineer
Pierre, South Dakota

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA
March 24, 1955
(date)

Dear Sir: -

I hereby request that an extension of time to August 19, 1955
be granted me for the completion of works to be done
under Permit No. 351-2 and that the time for proof of beneficial use of
water be extended to August 19, 1955 as near in permit
Said works are located in Garret County and
are described as follows:-

Location of headworks: In the N 76° 30' W a distance 2960 feet
from SE Cor. S 6 of Section 9 6 Township 4 5 Range 29 E B.H.M.

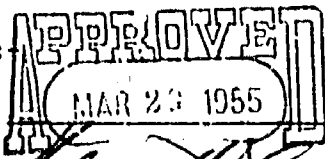
E., B.H.M.

The water is to be used for the purpose of irrigation

The extension of time for the completion of these works is requested for
the following reasons: I have about 110 acres to level

before it can be watered successfully.
The rest of project has been leveled and
irrigated

APPROVED:



State Engineer
STATE ENGINEER

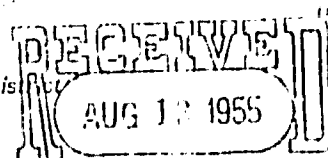
Eugene Thomas

Holder of Permit No. 351-2

Permit No. 351-2

Water Division No. 2

White River Water Div.



Notice of Completion of Works

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

(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.) Munda S. Dab(Date) aug. 10, 1955

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

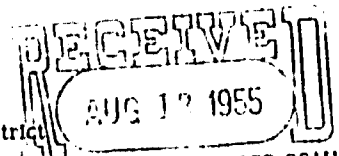
DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 248 second feet of the waters of the state from White River through the Clark Thomas Irrigation Project for Irrigation purposes in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Eugen Thomas
2. The postoffice address of such person or the place of business of such corporation is Munda County of Jones State of S. Dak.
3. The number of such permit is 351-2 and the date set for the completion of such work is August 19, 1955
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 248 cubic feet per second.
6. The amount of land for which said water is available is 174 acres, particularly described as follows: land in sections 6, 7, 8, 14 south 29 East

(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) Eugen Thomas Engineer.

Permit No. 351-2Water Division No. 2 White River Water District

STATE WATER RESOURCES COMMISSION

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Murdo, South Dakota(Date) August 10, 1955

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 18th day of October 1955, at Murdo County of Jones State of South Dakota, before Representative - Water Resources Comm. (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 2.48 cubic feet per second of the waters of White River in accordance with the terms and conditions of Permit No. 351-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

Eugene Thomas, Murdo, South Dakota2. The use to which said water has been applied is for irrigation purposes3. The amount applied to beneficial use is 2.48 cubic feet per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6-4S-29E; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7-4S-29E; Lot 1 of Sec. 7-4S-29E; Lot 2 of Sec. 7-4S-29E; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8-4S-29E; Lot 1 of Sec. 8-4S-29E; Lot 2 of Sec. 8-4S-29E; Lot 3 of Sec. 8-4S-29E; Lot 5 of Sec. 6-4S-29E; a total of 173.89 acres.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is

Clark and Thomas Irrigation Project6. The right to take the water from such works is based upon permit No. 351-27. The source of supply from which such water is diverted is White River8. The date of priority which said user is prepared to establish is June 12, 1950(Sign) Eugene Thomas

Permit No. 351-2Water Division No. 2 White River Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

~~XX~~

I have this day made a thorough examination of the diversion works constructed by

Eugene Thomas of MurdoJones County, South Dakota, holder of Permit No. 351-2, issuedupon Application No. 351-2, bearing date of priority of June 12, 1950, authorizing thediversion of 2.48 cu. ft. per second 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: a 10" - 8" centrifugal pump mounted on a wheeled trailer and power by a deisel motor mounted on the same trailer.
Suction lift is about 14 ft. directly from the river through a 10" pipe about 30 ft. long.

and the system is in the following condition: The system is well constructed of good material. The measuring device is temporary.

The point of diversion is located as specified in the Application for Permit in SW $\frac{1}{4}$ Sec. 6, T. 4S, R. 29E, BHN.

The works are capable of diverting and conveying to the place of use 2.48 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: as stated in the Application for Permit.

comprising a total of 174 acres of land.
 The domestic use intended comprises incidental stockwatering

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

Witness my hand, this 8th day of November, A. D. 1955.

—SEAL—

J. W. Grimes

Examining Engineer.

 **Department of
Water & Natural Resources**

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

March 23, 1987

EUGENE F THOMAS
MURDO, SD 57559

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 351-2, 857-2, 283-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 351-2, 857-2, 283-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

April 13, 1987

283-2
351-2
857-2

Eugene Thomas
Murdo, SD 57559

Dear Mr. Thomas:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 283-2, 351-3, 857-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



351-2-

January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: EUGENE F THOMAS, 206 JEFFERSON AVENUE, MURDO, SD 57559

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 351-2, 283-2 & 857-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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) 351-2, 283-2 & 857-2 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, 1996 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.

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.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EUGENE F THOMAS
206 JEFFERSON AVENUE
MURDO SD 57559

4a. Article Number

Z 348 318 900

4b. Service Type

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

7. Date of Delivery

Jan 31 96

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

Eugene F Thomas

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



351-2

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

February 14, 1996

283-2

351-2

857-2

Paul Thomas
HC 77 Box 7
Murdo, SD 57559

Dear Mr. Thomas:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of the requirement to submit the 1995 irrigation questionnaires.

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

Based on your irrigation questionnaires and our telephone conversation, I am including your name with the water rights as that of operator. All correspondence, including yearly irrigation questionnaires, will be directed to your attention until you notify us otherwise. If you have any questions, please contact me.

Sincerely,

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

c: Eugene F Thomas, 206 Jefferson Avenue, Murdo, SD 57559



351-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: PAUL THOMAS, HC 77 BOX 7, MURDO, SD 57559

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No(s) 283-2, 351-2 & 857-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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) 283-2, 351-2 & 857-2 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 2, 2001, 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.

c: EUGENE THOMAS, 206 JEFFERSON AVE, MURDO, SD 57559

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 FOES BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3192
www.state.sd.us/denr

January 26, 2001

283-2

351-2

857-2

Paul Thomas
HC 77 Box 7
Murdo, SD 57559

Dear Mr. Thomas:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 283-2, 351-2 and 357-2.

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

c: Eugene Thomas



**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 22, 2010

NOTICE

TO: PAUL THOMAS, 25495 US HIGHWAY 83, MURDO, SD 57559 6602

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 283-2, 351-2 & 857-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, 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) 283-2, 351-2 & 857-2 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

cc: EUGENE THOMAS, 206 JEFFERSON AVE, MURDO, SD 57559

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.state.sd.us/denr

January 26, 2010

283-2
351-2
857-2

Paul Thomas
25495 US Hwy 83
Murdo SD 57559 6602

Dear Mr. Thomas:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 283-2, 351-2 and 857-2.

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
email: genny.mcmath@state.sd.us



351-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: PAUL THOMAS, 25495 US HIGHWAY 83, MURDO, SD 57559 6602

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 283-2, 351-2 & 857-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 283-2, 351-2 & 857-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OJRBWX**

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.

351-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 7, 2022

283-2
351-2
857-2

Paul Thomas
25495 US Hwy 83
Murdo SD 57559-6602

Dear Mr. Thomas:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 283-2, 351-2 & 857-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for your note about the land covered under the water rights is enrolled in CRP through 2030. We will hold up mailing out annual irrigation questionnaires until the land comes out of CRP.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

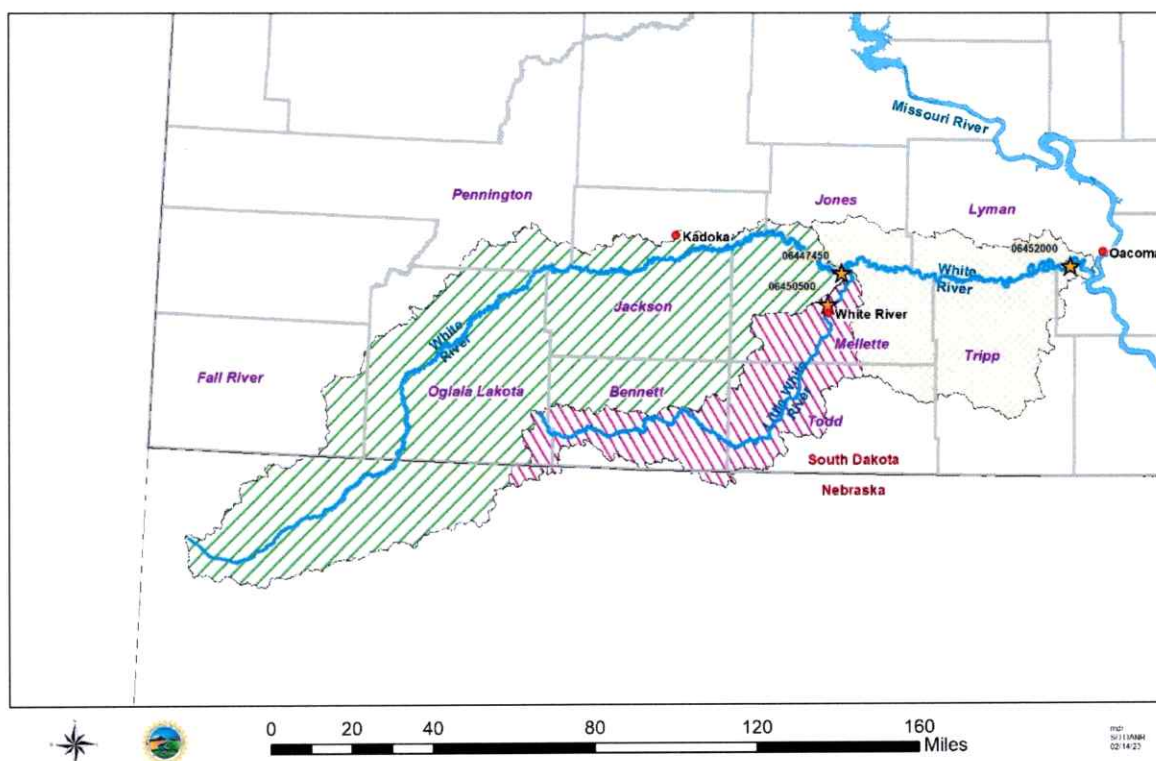


Figure 1. White River Watershed Map.

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

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

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

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

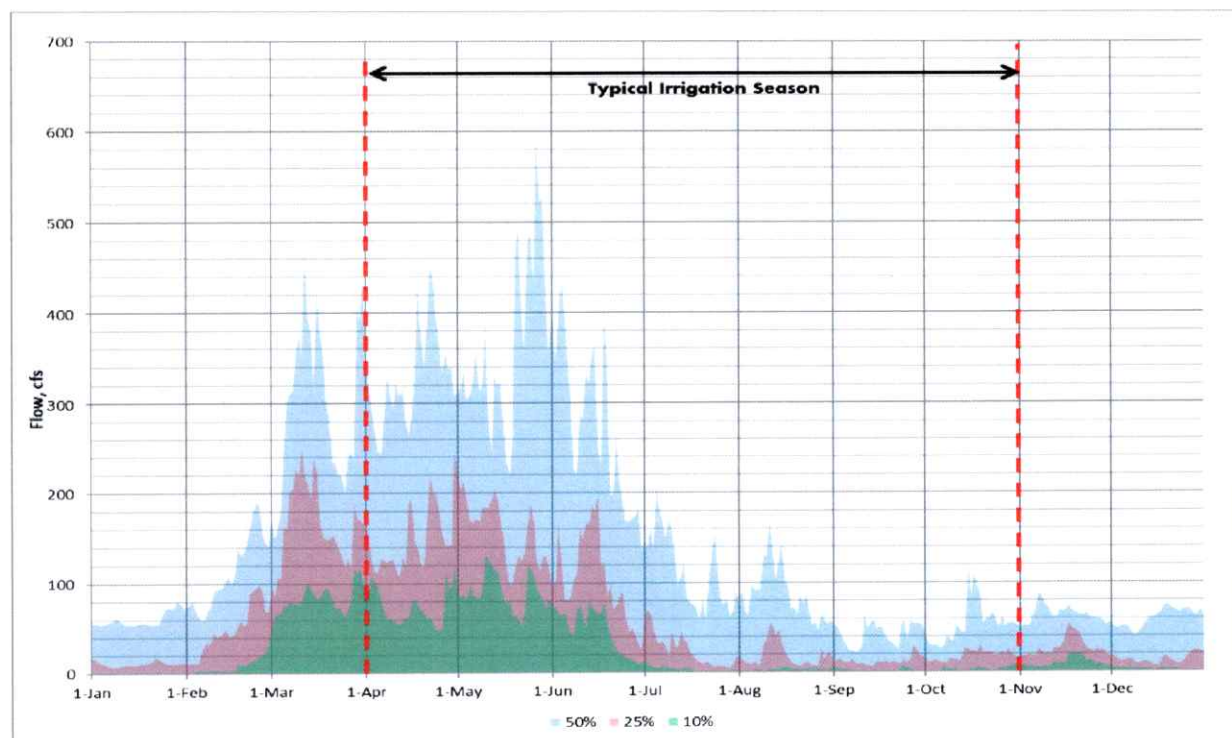


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

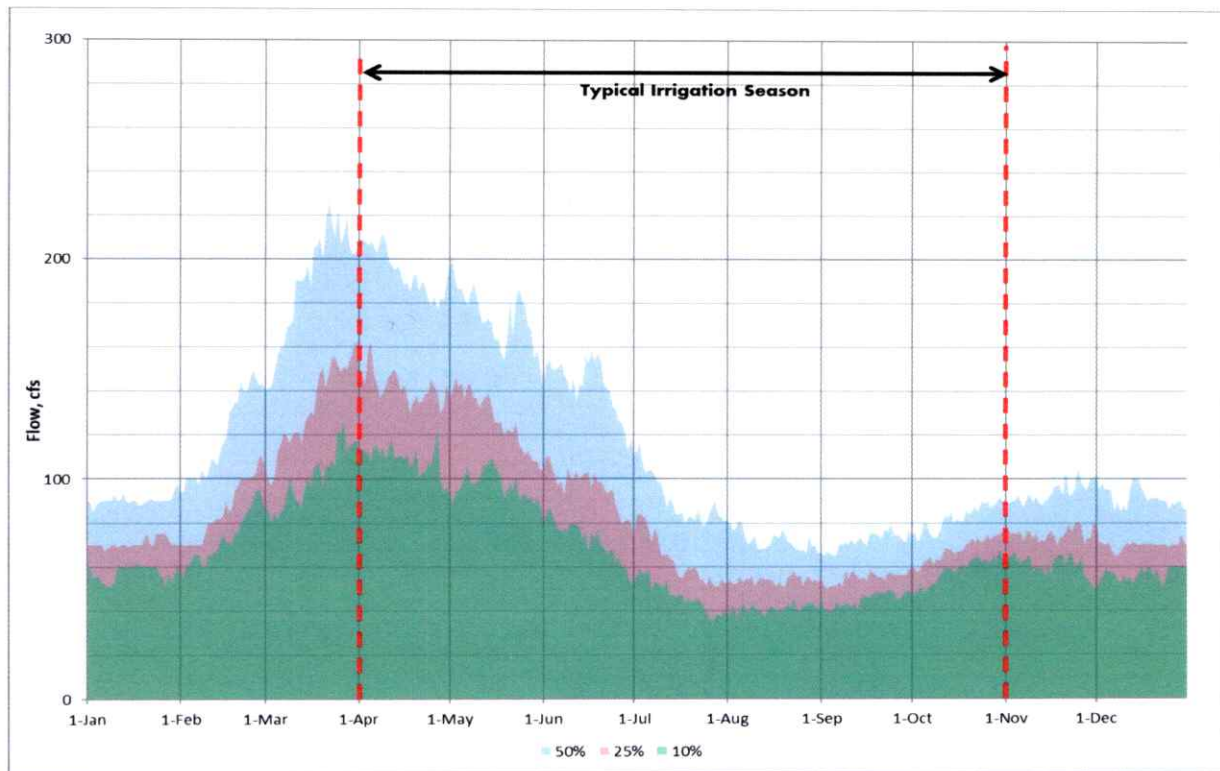


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

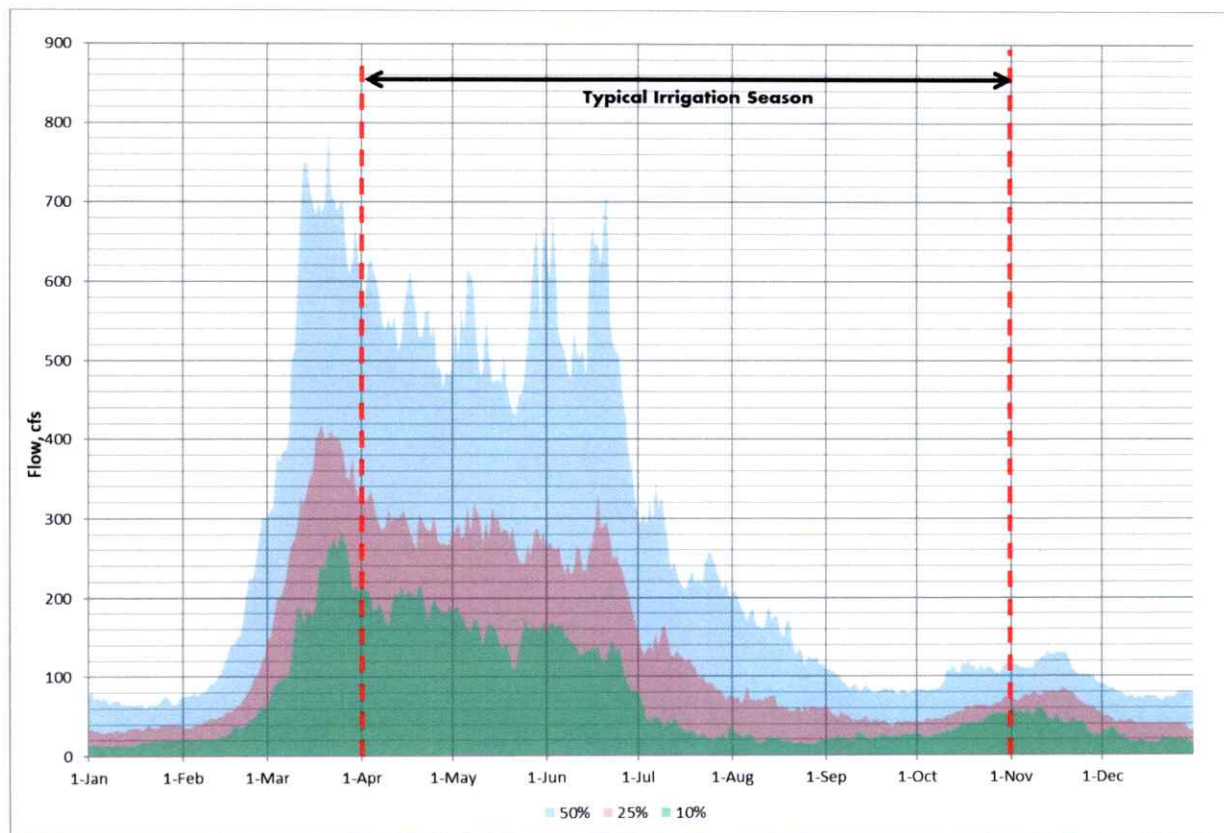


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

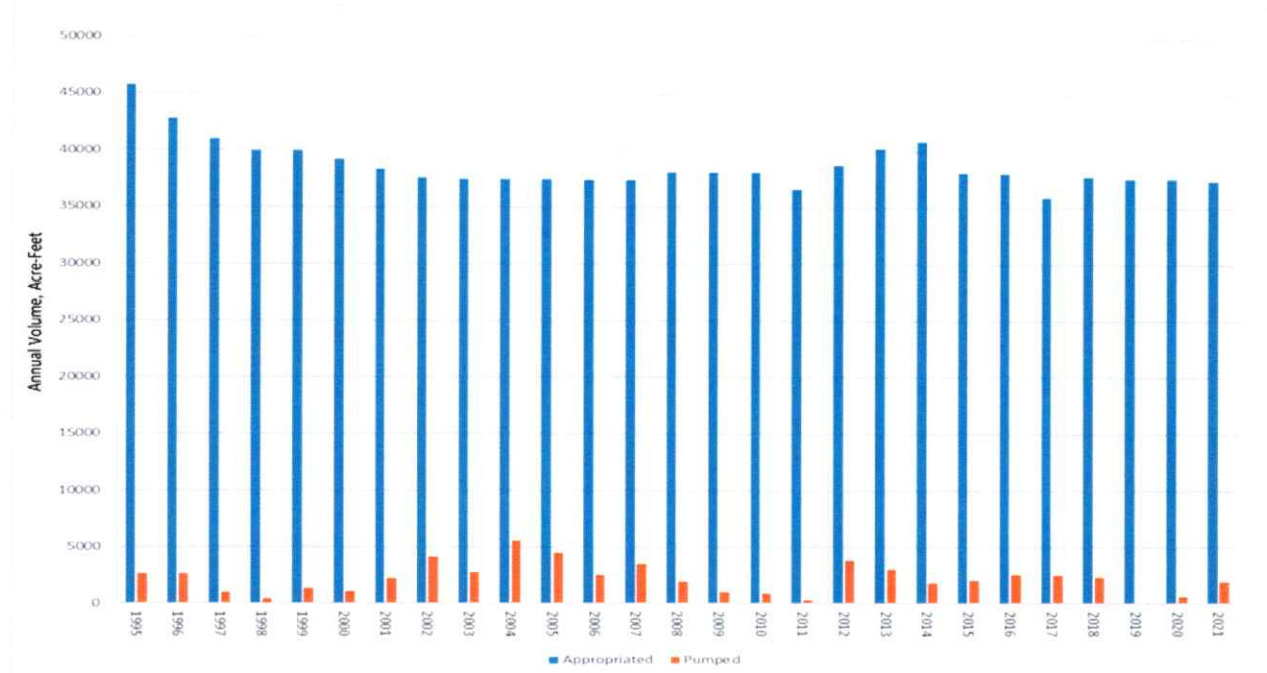


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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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**

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April 14, 2023

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

Dear White River Water Right Holder,

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

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

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

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

Sincerely,

Chief Engineer

Water Rights Program, DANR