

371-2

No. _____

Office of State Engineer
DOCUMENT FILE

Ben Dykstra
Murder

Sec. 33-38-28E
Jones County

White River

Map No. 400.2

No. 371-2

Division No. ?

White River District

PERMIT

to appropriate water from _____

White River

Jones County, South Dakota.

Name of applicant _____

Ben Dykstra

Name of diversion works _____

Shady Bend Irrigation Project

Date of first receipt at office of State

Engineer December 21 1950

Returned to applicant for Correction

_____ 19

Corrected application received _____

_____ 19

Date of water right _____

December 21, 1950

Recorded in Book 2 Page 112-173

One-fifth of work to be completed

August 14, 1951

Whole work to be completed _____

February 14, 1952

Final proof of use of water _____

February 14, 1952

Approved February 14, 1951

Dean L. Loeckes
Dean L. Loeckes, State Engineer.

NO. 371-2

Water Division No. 2

White River

District

(Planks to be Filled by the State Engineer.)

RECEIVED
1:15 P.M.
DEC 21 1950

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota
STATE ENGINEER
PIERRE, S. DAK.

(Items not applicable.)

1. Name of applicant ... Gregg Beckwith
Murdo, SD 57559 *At Box R.*
Postoffice address ... Murdo, County ... State ... S. Dak.

I. If a corporation ... *Not 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, \$4500.00
(c) Treasury stock, \$
(d) Bonds to be issued, \$
(e) Other resources, \$

2. Name of diversion work ... *Shady Bend Irrigation Project*
3. Quantity of water claimed ... *1.3* cubic feet per second.
4. Source of water supply ... *White River*
5. Location of point of diversion ... *S. 8 degrees 45' W. 1640' A. S. 25 degrees 30' W. 2980' from the W. & Cor. of Sec. 33, T.35.R.29, the left bank* bank.
6. Annual periods during which water is to be used ... *May-September*
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

Overhead Sprinkler

- (a) Number of acres to be irrigated ...
- 93.49*
- 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 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. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use ... *None*
Name any of the above uses claimed
(b) Amount of power to be generated ... *None* horse power.
Amount claimed for engine cooling ... *None*
(c) Location of plant ... *Not applicable*
(d) Method of developing power ... *Not applicable*
(e) Point where water will be returned to stream ... *Not applicable*

8. Estimated cost of works:

(a) Head gates, \$None..... (b) Pumping plant, \$1200.....
 (c) Fluming, \$None..... (d) Canal-earth, \$None..... Rock, \$None.....
 (e) Other structures 3000' of Pipe\$2400..... Total, \$4000.....

9. Description of diversion works:

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

Pumping Plant and Mains and Laterals

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 DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
	NOT APPLICABLE	

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

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
AtMile	NOT APPLICABLEfeet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet
AtMile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work1..... years.

11. Time required for complete application of water to the proposed beneficial use1..... years.

12. Choice of newspaper for publication of notice of intention to appropriate
 Murdo Coyote, Murdo, South Dakota

STATE OF SOUTH DAKOTA

County of ss.

I, Ben Dykstra, 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 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 X Ben Dykstra

Subscribed and sworn to before me this 12..... day of December, 1950.....

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

SHADY BEND IRRIGATION PROJECT

JONES COUNTY, SO. DAK.

OWNER: BEN DYKSTRA

SCALE: 1"=200'

W. 1/4 COR.
SEC. 33, T. 35, R. 28 E.

SURVEYORS CERTIFICATE

I, J. R. RICHARDSON, REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR No. 219, DO HEREBY CERTIFY THAT I HAVE MADE A CAREFUL & COMPLETE SURVEY OF THE SHADY BEND IRRIGATION PROJECT AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF THE SAME.

IN WITNESS WHEREOF:

I HAVE HEREUNTO SET MY HAND & SEAL THIS 13TH DAY OF DECEMBER 1950.

J. R. Richardson
REGISTERED PROFESSIONAL ENGINEER &
LAND SURVEYOR No. 219

SUBSCRIBED & SWORN TO BEFORE ME THIS 13TH DAY OF DECEMBER 1950.

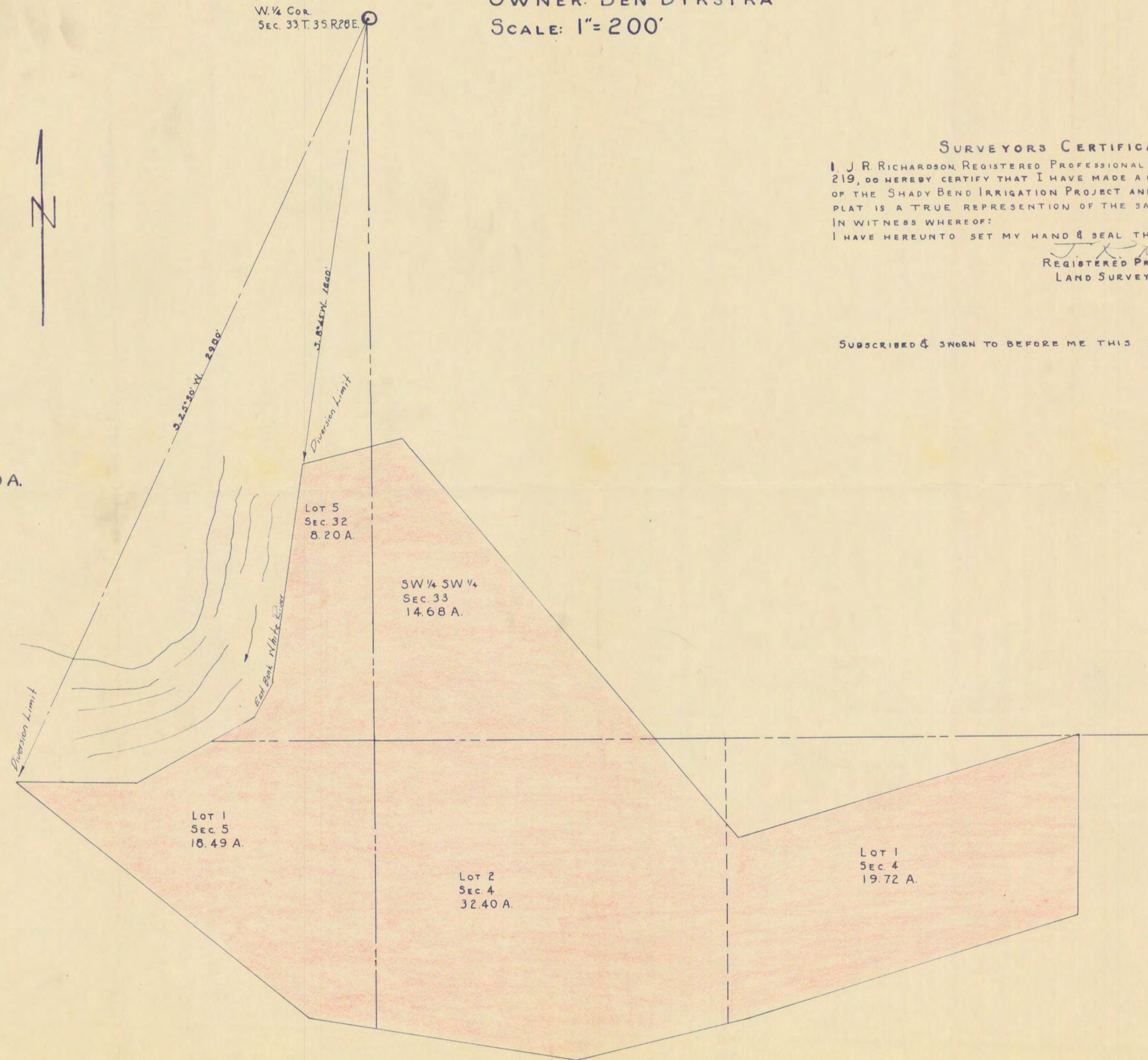
Edna F. Richardson
A NOTARY PUBLIC

LOCATION OF IRRIGATED LAND

LOCATION	SEC.	TWP.	R&E	ACRES
LOT 5	32	3 S.	28 E.	8.20
SW 1/4 SW 1/4	33	3 S.	28 E.	14.68
LOT 1	4	4 S.	28 E.	19.72
LOT 2	4	4 S.	28 E.	32.40
LOT 1	5	4 S.	28 E.	18.49

TOTAL

93.49 A.



(Water Right no 371-2)

Map. no. 400-2

Remarks by State Engineer:

When all prior water permits below this point are using water to capacity there will only be water available for this permit when 40 c.f.s. is flowing at the point of diversion of this permit, or 65 c.f.s. is flowing at the U.S.G.S. gaging station near Kadoka.

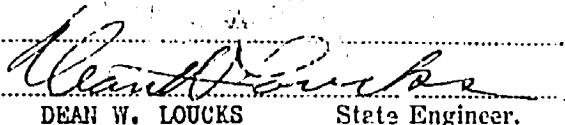
STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, February 14, 1951

This is to certify that the foregoing application was received at this office at 1:15 o'clock p. m. upon the 21st day of December, 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 were received.


DEAN W. LOUCKS State Engineer.

Number of permit 371-2

Date of first receipt of application December 21, 1950

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

Date of receipt of corrected application -----, 19--

Date from which applicant may claim right December 21, 1950

Approved February 14, 1951, Recorded in Book 2 Page 772-773

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 14, 1951.

2nd. The whole of said work is to be completed on or before February 14, 1952.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 14, 1952.

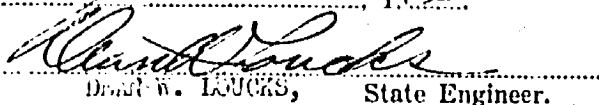
4th. The water appropriated shall be used for the purpose of providing irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.3 cu. ft. of water per sec. ~~yellow pine water~~; 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 February 14, 1952; said water to be used during the following described annual period:

May 1st to September 30, incl.

Witness my hand this 14th day of February, 1951.


DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued -----, 19--

Water License issued -----, 19--

RICHARDSON ENGINEERING CO.

SURVEYORS - ENGINEERS

KADOKA, FOURTH DAKOTA

Discharge Table showing the Gallons per Minute for nozzles as shown

Pounds of Pressure (psi)	Dia. of Nozzle 5/32"	Dia. of Nozzle 13/64"
10	2.30	3.90
15	2.82	4.79
20	3.26	5.51
25	3.65	6.16
30	3.99	6.74
35	4.31	7.29
40	4.61	7.79
45	4.88	8.26
50	5.16	8.70
55	5.41	9.14
60	5.64	9.54
65	5.88	9.93
70	6.10	10.30
75	6.31	10.66
80	6.52	11.01
85	6.72	11.36
90	6.91	11.69
95	7.11	12.01
100	7.30	12.32

RICHARDSON ENGINEERING CO.

SURVEYORS - ENGINEERS

KADOKA, SOUTH DAKOTA

Location of Land to be Irrigated

Section Location	Section	Twp.	Rge.	Acreage
Lot 5	32	3S.	28E.	3.20
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33	"	"	14.68
Lot 1	4	4S.	"	19.72
Lot 2	4	"	"	32.40
Lot 1	5	"	"	13.49
TOTAL				93.49

STATE OF SOUTH DAKOTA

WATER LICENSE No. 371-2. . . .

WHEREAS, On the 21st day of December A. D. 19 50

Ben Dykstra

of Murdo County of Jonas and State of South Dakota duly made application (No. 371-2) to us for a permit to use 1.30 cubic feet per second of the waters of the White River County of Jonas, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 14th day of February A. D. 19 51 Permit No. 371-2 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 14th day of February A. D. 19 52 and for the application to beneficial use of said water on or before the 14th day of February A. D. 19 52 and,

WHEREAS, On the 8th day of March A. D. 19 57 in June of 1951 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.33 cubic feet per second of said waters, as evidenced by our Certificate No. 371-2 dated June 15, 1957 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.33 cubic feet per second of water, with a priority of December 21, 1950 and,

WHEREAS, On the 8th day of March A. D. 19 57 in June of 1951 proof was duly made of the application to beneficial use of 1.33 cubic feet per second of said water: on 93.49 acres located in lot 5, Sec. 32 and the SW 1/4 Sec. 33 all in T 35, R 28 E and Lots 1 & 2, Sec. 4 and Lot 1, Sec. 5, all in T 4 S R 28 E.

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 Ban Dykstra
of Murdo, South Dakota the holder and owner of said permit No. 371-2
a water right, dating from December 21, 1950 to the use of 1.30
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
necessray for the purposes hereinafter mentioned, to be diverted from between a point 2980 feet, S 25°
30' W and a point 1640 feet, S 8° 45' W both from the W. Cor., Sec. 33, T 3S,
R-28 E.

and conducted to and upon Lot 5, Sec. 32; SW 1/4, Sec. 33; all in T 3 S, R-28 E
and Lots 1 & 2, Sec. 4; Lot 1, Sec 5; all in T 4 S, R 28 E.

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 15th day of June A. D. Nineteen
Hundred and fifty-seven.

State Water Resources Commission
By:
J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. -----
To -----

Source of Supply -----

County -----
Am't ----- c. f. s.
Point of Diversion -----

Place of Use -----

Purpose -----

Date of Priority -----
Recorded -----
In Book ----- of ----- Page -----

Permit No. 371-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ben Dykstra

of Murdo, County of Jones, and State of South Dakota, the holder of Permit No. 371-2, Issued upon Application No. 371-2, bearing date of priority of December 21, 1950, authorizing the diversion of 1.30 cu. ft. per second of the waters of the White River County of Jones, State of South Dakota, at between a point 2980 feet, S 25° 30' W, and a point 1640 feet, S 8° 45' W, both from the W 1/2 Cor., S. 32, T 3 S, R 28 E. 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 1.33 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: Lot 5, Sec. 32, T 3 S, R 28 E - - - 8.20 acres

SW 1/4, Sec. 33, T 3 S, R 28 E - - - 14.68 acres

Lot 1, Sec. 4, T 4 S, R 28 E - - - 19.72 acres

Lot 2, Sec. 4, T 4 S, R 28 E - - - 32.40 acres

Lot 1, Sec. 5, T 4 S, R 28 E - - - 18.49 acres

total 93.49 acres

Witness my hand this 15th day of June A. D. 19 57

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., December 23, 1950

Notice is hereby given that Pen Dykstra 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 1.3 cubic feet of water per second of time from the White River through the Shady Bend Irrigation Project the point of diversion of which is to be located on the left bank of said stream between two points S. 8 degrees 45' E. 1640' & S. 25 degrees 30' W. 2980' from the W. 4 corner of Sec. 33 Twp. 35 Range 28E. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 5 in Sec. 72 and SW 1/4 Sec. 33, T. 35, R. 28E;

Lot 1 & Lot 2 in Sec. 4 and Lot 1 in Sec. 5, T. 4S, R. 28E

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 3rd day of February, 1951, at 10:00 A.M.. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

HCS:RY
Enc.
cc: Richardson

DEAN W. LOWERS
State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Jones } ss.

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:

January 4, 1951

January 11, 1951

January 18, 1951

January 25, 1951

in each and every issue of the full number thereof, the first publication being made on the 4 day of January

1951 and the last publication on the 25 th day of January

1951, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he she was Editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 25th day of January A. D. 1951

Notary Public Jones County, S. D.

APPROPRIATION OF WATER

Office of State Engineer,
Pierre, So. Dak., Dec. 23, 1950.
Notice is hereby given that Ben Dykstra, whose postoffice address is Murdo, S. 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 1.3 cubic feet of water per second of time from the W. Le River through the Shady Bend Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between two points S. 8 degrees 45' W. 1040' & S. 25 degrees 39' W. 2980 from the W. 1/4 Corner of Sec. 33, T. 3S, Range 28E. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 5 in Sec. 32 and SW 1/4 Sec. 33, T. 3S, R. 28E;
Lot 1 & Lot 2 in Sec. 4 and Lot 1 in Sec. 5, T. 4S, R. 28E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 3rd day of February, 1951, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

NCS: RW

Enc.

cc: Richardson.

DEAN W. LOUCKS,
State Engineer.

1-4-51



INTER-DEPARTMENT CORRESPONDENCE

State of South Dakota



FROM DEPT OF

371-2

TO DEPT OF

Wm. H. Lawrence

SUBJECT

DATE

When all prior water permits below this point are using water to capacity, there will only be water available for this permit when 40 c. f. s. is flowing at the point of diversion of this permit, or 65 c. f. s. is flowing at the U.S. G. S. gaging station near Rapidan.

W. H. Lawrence

Location No. 371-2Water Division No. 2 White River Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Ben Dykstra, Murdo, South Dakota

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. _____

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

Ans. Application received by State Engineer December 21, 1950 at 1:15 pm

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

Ans. See Application # 371-2 and Map # 400-2

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

Ans. Dayton-Dowd pump, 8" in and 6" out (estimated 1800 gpm @ 3200 rpm's and 600 gpm @ 1100 rpm's normal operating speed), powered by a M & M, 4 cyl., 42 Hp. unit. 48 - Model 40 Rainbird, 5/32 x 13/64 nozzles, 29 lengths 3" x 40' aluminum pipe, 28 - 40 ft. and 24 - 20 ft. lengths of 4" pipe, 1 - 20 ft. length of 5" pipe, and 2 - 20 ft. lengths of 6" pipe. The sprinklers had a spread of 100 to 120 feet during operation depending on how fast the motor was run.

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 of 93.49 acres in Lot 5, Sec. 32 and the SW 1/4, Sec 35, all in T3S, R26E; Lot 1 and Lot 2, Sec. 4 and Lot 1, Sec. 5, all in T4S, Range 26E.

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

Ans. _____

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

Ans. 600 gpm

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. _____

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

Ans. Completed buying the system and started sprinkling in June of 1961.

At this time I used 600 gpm over the land described under Question 6.

(Sign)

Ben Dykstra
Ben Dykstra

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 Murdo, County of Jones,

State of South Dakota, on this 8th day of March, A. D. 1957.

Witnesses.

[Signature]
Notary Public

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

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. f.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Permit No. 371-2

Water 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:

Dear Sirs: I hereby certify that in accordance with your ~~XXXX~~ of authorization ~~XXXX~~ ~~XXXX~~, I have ~~XXXX~~ made a thorough examination of the diversion works constructed by Ben Dykstra of Murdo Jones County, South Dakota, holder of Permit No. 371-2, issued upon Application No. 371-2, bearing date of priority of December 21, 1950, authorizing the diversion of 1.3 cu. ft. per second of the waters of the White River for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A Dayton-Dowd pump with an 8" inlet and 6" outlet and a normal operating capacity of 600 gpm @ 1100 rpms. Power is furnished by an M & M, 42 Hp, 4 cyl. unit, operating at about 1200 rpm's and an International, Blue Diamond, 70 Hp unit, operating at about 1800-2200 rpms. The sprinkler system consists of 48 Model 40-5732 x 13/64 Nozzles, combined capacity, 624 gpm max. The aluminum pipe consists of 1160 feet of 3", 1600 feet of 4", 20 feet of 5" and 40 feet of 6".

and the system is in the following condition: good

The point of diversion is located between a point 2980 feet, S 25° 30' W of the W $\frac{1}{2}$ of Cor., Sec. 33, T 3 S, R 28 E and a point 1640 feet, S 80° 45' W of the same corner

The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are portions of Lot 5, Sec. 32 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33 all in T 3 S R 28 E; Lot 1 & 2 Sec. 4 and Lot 1, Sec. 5 all in T 4 S, R 28 E.

comprising a total of 93.49 acres of land.

The domestic use intended comprises

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

Witness my hand, this 14th day of June, A. D. 1957

—SEAL—

Les Wyborny

Examining Engineer.

#8 371-2

INVESTIGATION OF WATER RIGHT 371-2

On September 7th, Mr. Ben Dykstra was contacted concerning water license 371-2. Mr. Dykstra indicated that he has not irrigated recently but that he hoped to pump some this fall. He would not state exactly how long it has been since he pumped but he claims that his water right is still valid and will not sign a release for cancellation.

Conclusion:

There is reason to believe that the water has not been used for some years and that it might be subject to the forfeiture clause.

September 7, 1967

Richard Schmoyer
Water Rights Specialist

Observations during the field inspection of the BEN DYKSTRA Shady Bend Irrigation Project, Permit No. 371-2 made on March 8, 1957.

The source of water is the White River and the point of diversion is between a point in Lot 1, Sec. 5, T 4 S, R 28 E and a point in Lot 5, Sec. 33, T 3 S, R 28 E as shown on the map.

The area irrigated was estimated at 90-95 acres.

The equipment consisted of a Dayton-Dowd pump with an 8 inch inlet and 6 inch outlet. Its estimated capacity 1,100-1,200 rpm's (normal operating speed) is 600 gpm and has a maximum capacity of 1,800 gpm.

Power was transmitted by 3 V-belts from an M & M, 42 Hp, 4 Cyl. stationary power unit with a normal operating speed of about 1,200 rpms. Mr. Dykstra also has a 6 cyl. International Green Diamond 70 Hp, engine which he keeps as a standby power unit. This unit turns over at between 1,800 and 2,200 rpms.

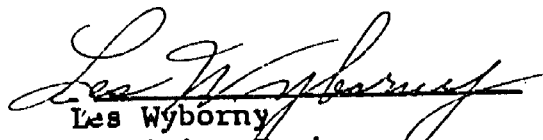
There was about a 10 foot lift to the pump and about a 3 foot lift to the high point in the field.

The sprinkler system consisted of 48 model 40 Rainbird 5/32 x 12/64 nozzles and risers with an estimated maximum capacity of 13 gpm each (total 624 gpm), 29-40 foot lengths of 3 inch aluminum pipe; 28-40 foot lengths and 24-20 foot lengths of 4 inch pipe; 1-20 foot length of 5" pipe; and 2-20 foot lengths of 6 inch pipe (total 2820 feet of pipe).

The sprinkler system has been used very little lately because of the trash load that the river is carrying. Mr. Dykstra is irrigating principally from contour ditches now.

A few of the spreads were checked on the sprinklers and they varied from 100-120 feet with a 60 foot spacing on the line.

The pump and motors were in good condition and the sprinkler system was in very good condition.


Les Wyborny
Examining Engineer



Department of Water & Natural Resources

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

April 15, 1985

Gregg Bechwith
12000 Shropshire
Austin TX 78753

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 371-2, 1626-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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:

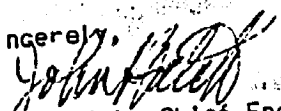
1. Amend Permit No(s). 371-2, 1626-2 to require the Irrigation Water Use Questionnaire to be submitted each year;

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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Gregg Beckwith
12000 Shropshire
Austin, TX 78753

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352



SUBJECT: Amendment to Water Permit No(s). 1626-2 and 371-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1626-2 and 371-2 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1626-2 and 371-2

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1626-2 and 371-2 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

Water Rights Division - DWR
Conversation or File Documentation

371-2
File No. 1626-2

NAME OF PERSON ~~FILE~~ Keith Moody
ADDRESS: RR#1 Box 84, Murdo 57559 COUNTY
DATE: June 20, 1985 TELEPHONE

RE: owner - operator status of 371-2 - 1626-2

COMMENTS:

Mr. Moody stated he now operates the land under these water rights. The land has reverted back to Daum Brothers and Gregg Beckwith no longer owns the land. He stated the questionnaires could be sent directly to him each year.

Send transfer forms to Daum Brothers

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

4/82

NAME: Jenny McMath

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 371-2

1626-2

July 5, 1985

Daum Brothers
Box 19
Okaton, South Dakota 57562

Dear Sirs:

Please find enclosed ~~a copy~~ ^{copies} of a Notice of Transfer of Water Permit forms. These ~~this~~ forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50, for each transfer, total of \$5.00.

Upon receipt of the enclosed form and the \$2.50 filing fee, for each, total of \$5.00 the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc. 2



Department of Water & Natural Resources

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

Second Notice

March 3, 1986

Permit No. 371-2 and 1626-2

Daum Brothers
Box 19
Okaton, South Dakota 57562

Dear Sirs:

On July 5, 1985 notice was sent to you concerning the transfer of Water Permit No. 371-2 and 1626-2 in the name of Gregg Beckwith which covers irrigation of 93 acres in portions of Sec. 32 & 33, T3S, R28E and Sec. 4 & 5, T4S, R28E for permit no. 371-2 and 66 acres in portions of Sec. 29 & 32, T3S, R28E for permit no. 1626-2. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S509.WR

NOTE: Total amount due is \$5.00 for the two permits.

110.
MAR 1986
DIVISION OF
WATER RIGHTS
Pierre, SD

Date: March 7, 1986

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

Section 4, Lot 1 Section 5; T4S, R28E

has been transferred to Daum Brothers, Box 19, Okaton, SD 57562

Water Right Permit No. 371-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

I, Johnny G. Daum 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.

Darwin B. F.
(Signed)

Myra L. Todorow
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410347

Pierre, March 7, 1980

RECEIVED OF Saun Brothers, Box 19, Okaton, SD 57560

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>No. 371-2</u> _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

No. 371-2

1626-2

March 10, 1986

Daum Brothers
c/o Johnny Daum
Box 19
Okaton, South Dakota 57562

Dear Mr. Daum:

Enclosed are receipt Nos. 410347 and 410348 in the amount of \$2.50 each
which you paid for transfer of Water Right Nos. 371-2 and 1626-2.

Our records now show Daum Brothers as owners of these Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

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

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

March 23, 1987

KEITH MOODY, OPERATOR
RR #1 BOX 84
MURDO, SD 57559

NOTICE

Re: Violation of Water Permit No(s). 1626-2, 371-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1626-2, 371-2. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1626-2, 371-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

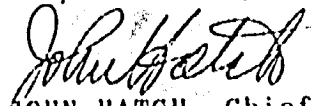
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1626-2, 371-2 until either the 1986 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

cc: Daum Bros., Box 19, Okaton SD 57562



Department of Water & Natural Resources

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

April 24, 1987

371-2
988-2
1148-2
1463-2
1621-2
1626-2

Johnny Daum
Daum Brothers
Box 19
Okaton, SD 57562

Dear Mr. Daum:

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 Permit Nos. 371-2, 988-2, 1148-2, 1463-2, 1621-2 and 1626-2 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

cc: Keith Moody, RR #1 Box 84, Murdo, SD 57559

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 7, 1989

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

93.49 acres - Lot 5 Section 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T3S, R28E;

Lots 1 & 2 Section 4, Lot 1 Section 5, T4S, R28E

formerly owned by Daum Brothers

has been transferred to Larry Labrier Rt 1 Box 86 Murdo SD. 57559
(please include complete mailing address)
together with any rights to the Beneficial use of water thereon as evidenced by

Water Right Permit No. 371-2 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 Div. of Water Rights, Water Management Board as evidence of the change of ownership.

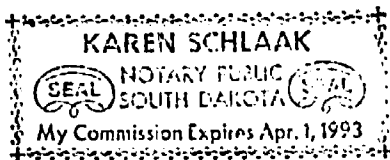
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Larry Labrier 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.

Larry Labrier
(Signed)

Subscribed and sworn to before me this 7th Day of February, 1989.



Karen Schlaak
(Notary Public)

RECEIPT

Division of Water Rights

411623

South Dakota Department of Water and Natural Resources

Pierre, February 7, 1989

RECEIVED OF Larry Labrier, RR 1 Box 86, Murdo, SD 57559

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form - 371-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

250

250

By

John Hetch / mrc
Chief Engineer



Department of Water & Natural Resources

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

February 23, 1989

Larry Labrier
Rr 1, Box 86
Murdo, SD 57559

Dear Mr. Labrier:

Enclosed is Receipt No. 411623 in the amount of \$2.50 which you paid for transfer of Water Right No.371-2.

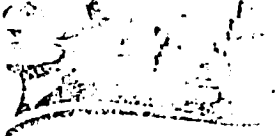
Sincerely,

A handwritten signature in cursive script that reads "Marie R. Arthur".

Marie R. Arthur
Secretary
Water Rights Division

371.2

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

LARRY LABRIER
RR #1 BOX 86
MURDO SD 57559

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 371-2, 1626-2

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 371-2, 1626-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 371-2, 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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, the Water Management Board can:

1. Suspend Permit No(s) 371-2, 1626-2 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

3/1/2

February 15, 1991

1626-2
371-2

Larry Labrier
HCR 74 Box 86
Murdo, SD 57359

Dear Mr. Labrier:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 371-2 and 1626-2. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

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):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

LARRY LABRIER
HCR 74 BOX 86
MURDO SD 57559

371-2

4a. Article Number

P 378 080 544

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Linda Labrier

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



February 4, 1997

371-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: LARRY LABRIER, HCR 74 BOX 86, MURDO, SD 57559

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

SUBJECT: Violation of Water Permit No(s). 371-2 & 1626-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 371-2 & 1626-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 371-2 & 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 2:30 pm, March 5, 1997 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 371-2 & 1626-2 in accordance with applicable provisions of SDCL 46-1-12;
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 February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

371-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1997

371-2
1626-2

Larry Labrier
HCR 74 Box 86
Murdo, SD 57559

Dear Mr. Labrier:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 371-2 and 1626-2.

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

NOT TO SCALE 1996





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: LARRY LABRIER, HCR 74 BOX 86, MURDO, SD 57559 9024
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 371-2 & 1626-2. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 371-2 & 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 2, 2006 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 371-2 & 1626-2 in accordance with applicable provisions of SDCL 46-1-12;
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 **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5135

Your item was delivered at 10:13 am on January 26, 2006 in MURDO, SD 57559. The item was signed for by L LABRIER.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

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Preserving the Trust

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5135

LARRY LABRIER
HCR 74 BOX 86
MURDO SD 57559 9024

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 30, 2006

371-2
1626-2

Larry Labrier
HCR 74 Box 86
Murdo SD 57559-9024

Dear Mr. Labrier:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 371-2 and 1626-2.

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



371-2

**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: LARRY LABRIER, 24694 268TH AVE, MURDO, SD 57559 9024

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(s) has not been submitted for Permit No(s) 371-2 & 1626-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 371-2 & 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 371-2 & 1626-2 in accordance with applicable provisions of SDCL 46-1-12;
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

371-2
1626-2

Larry Labrier
24694 268th Ave
Murdo SD 57559-9024

Dear Mr. Labrier:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 371-2 and 1626-2. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



371-2
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 20, 2017

NOTICE

TO: LARRY LABRIER, 24694 268TH AVE, MURDO, SD 57559 9024

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 371-2 & 1626-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 371-2 & 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 371-2 & 1626-2 in accordance with applicable provisions of SDCL 46-1-12;
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 1, 2017** 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.



371-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 7, 2017

371-2
1626-2

Larry Labrier
24694 268th Ave
Murdo SD 57559 9024

Dear Mr. Labrier:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 371-2 and 1626-2. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: LARRY LABRIER, 24694 268TH AVE, MURDO, SD 57559 9024
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 371-2 & 1626-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 371-2 & 1626-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 371-2 & 1626-2 in accordance with applicable provisions of SDCL 46-1-12;
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, 2021** 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://denr.sd.gov/iq> using this password: BQQIPI**

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.

371-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

371-2
1626-2

Larry Labrier
24694 268th Ave
Murdo SD 57559 9024

Dear Mr. Labrier:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 371-2 and 1626-2. 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 blue ink, appearing to read "Genny McMath".

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.

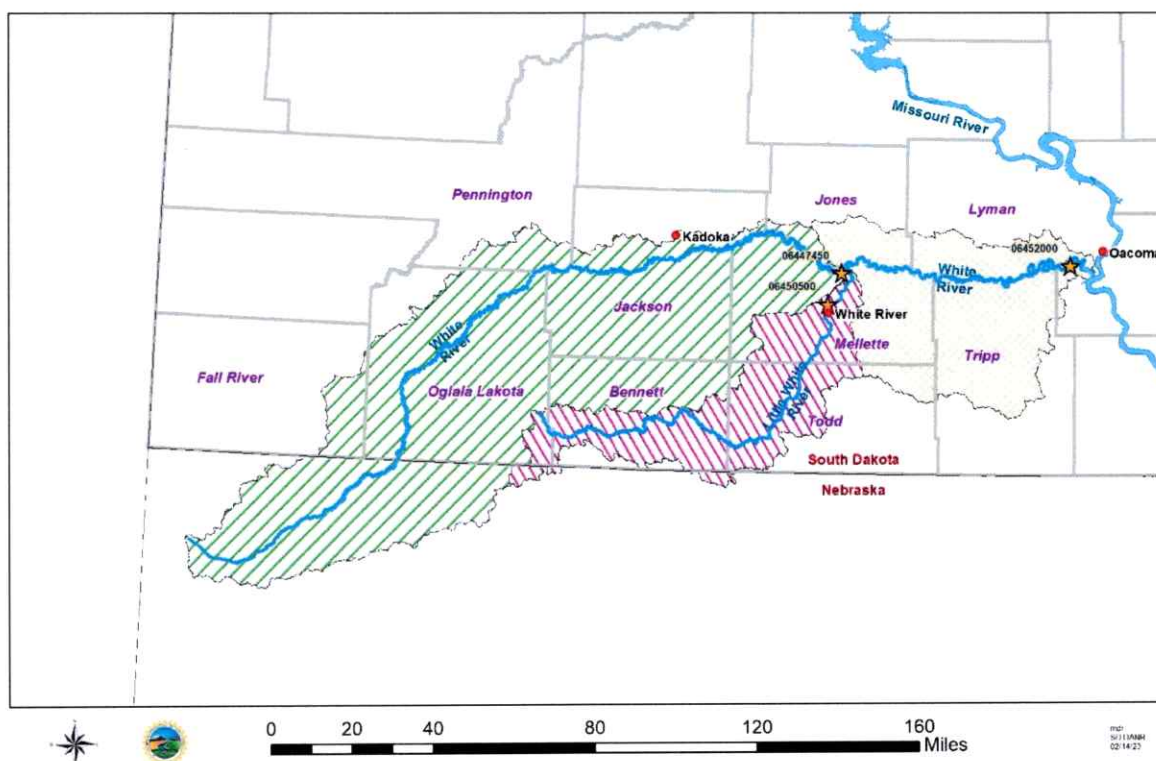


Figure 1. White River Watershed Map.

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.

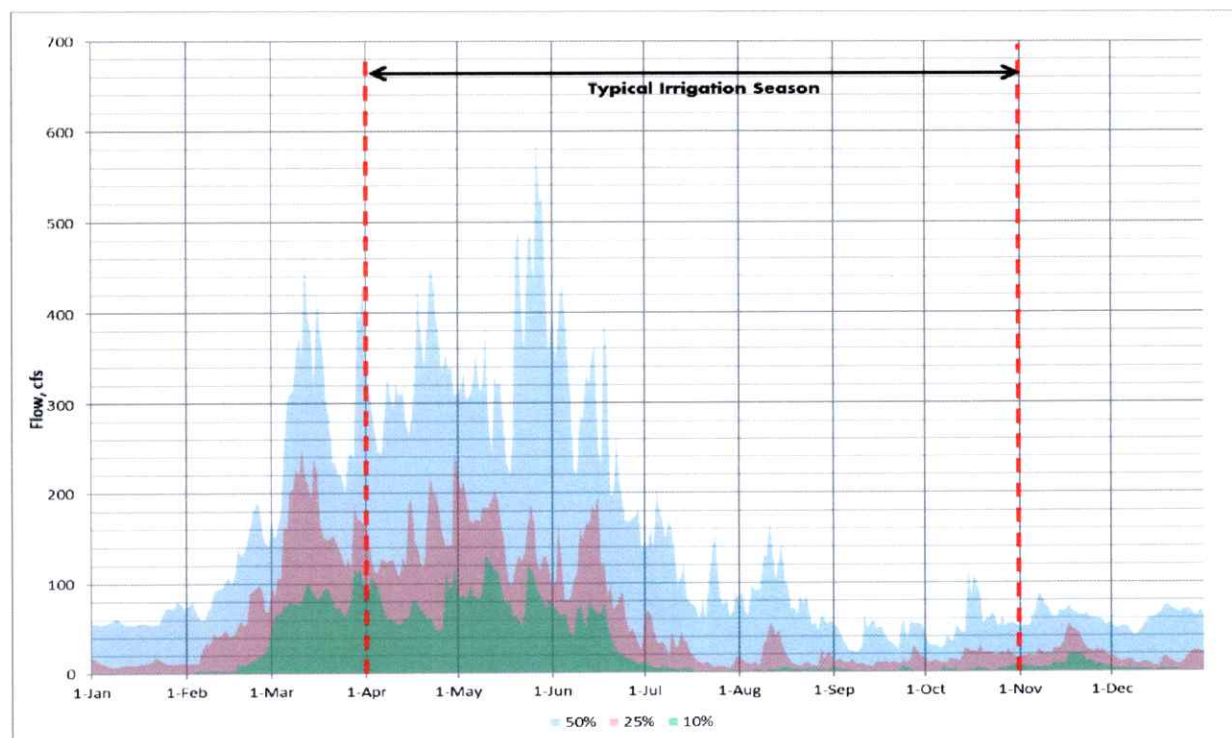


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

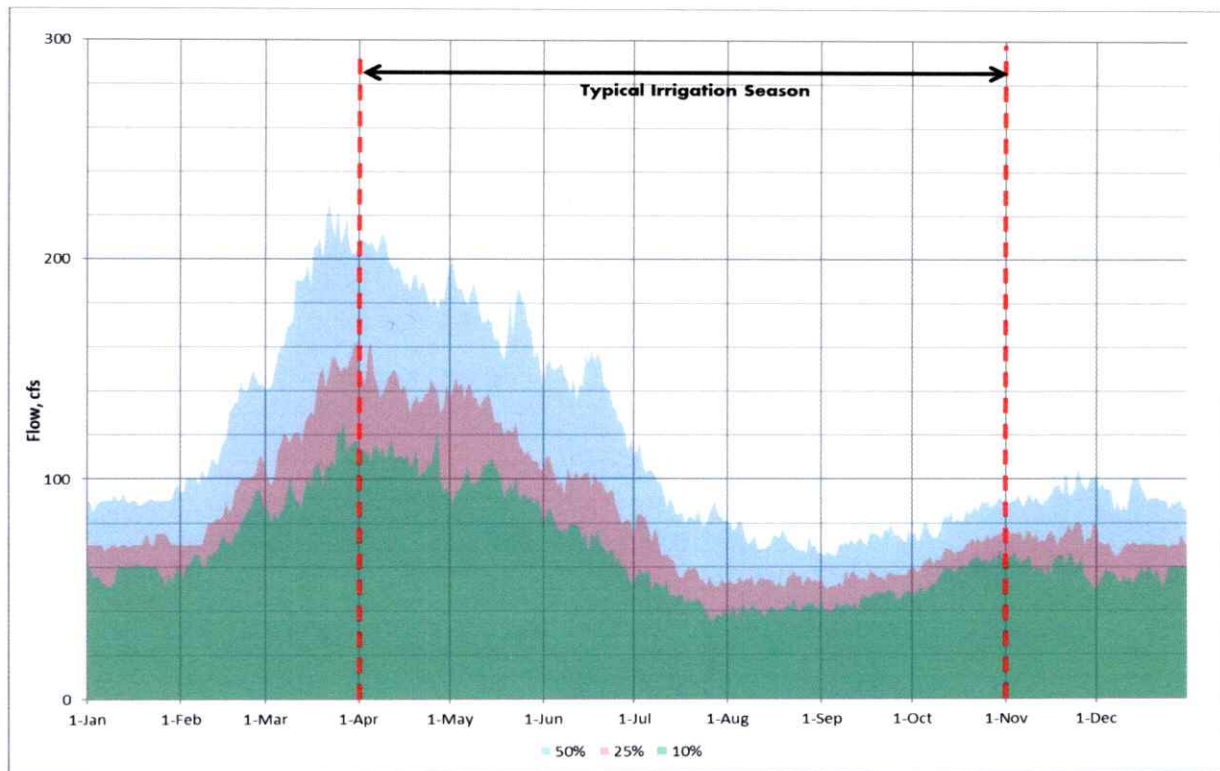


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

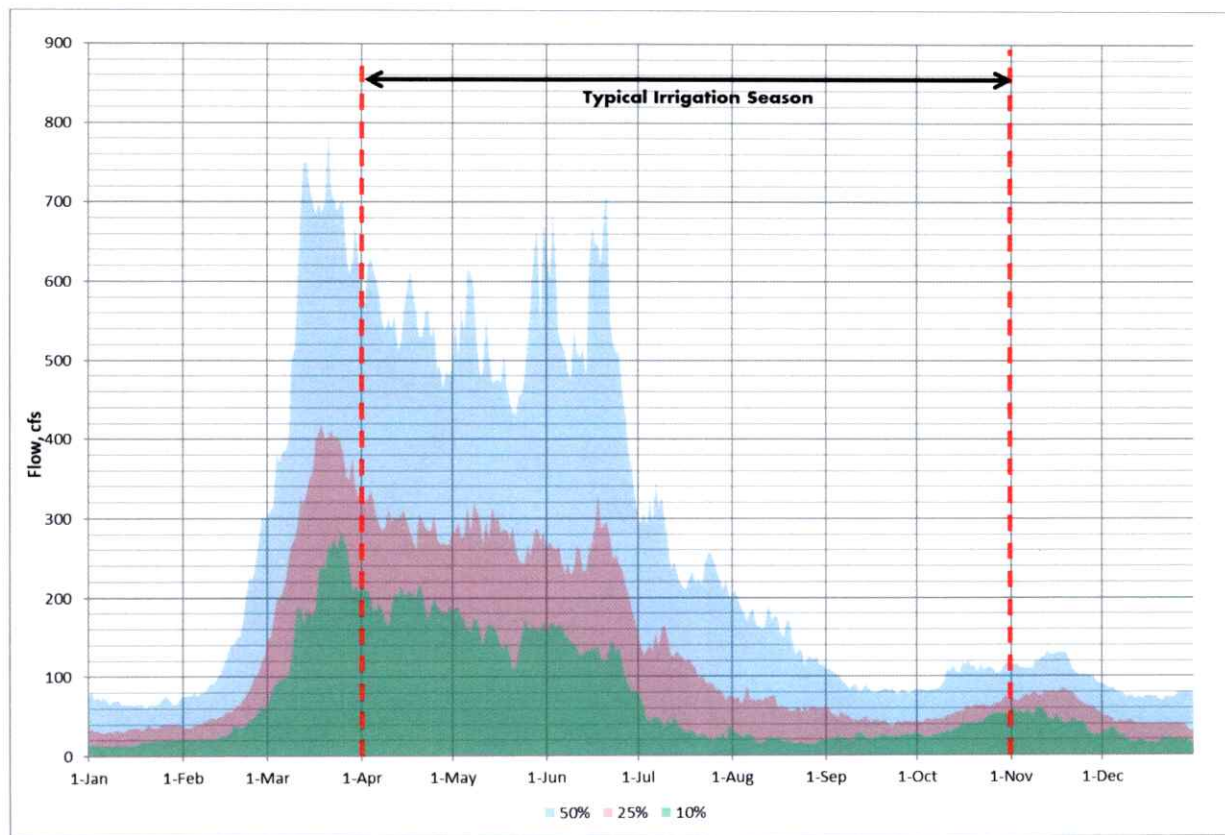


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

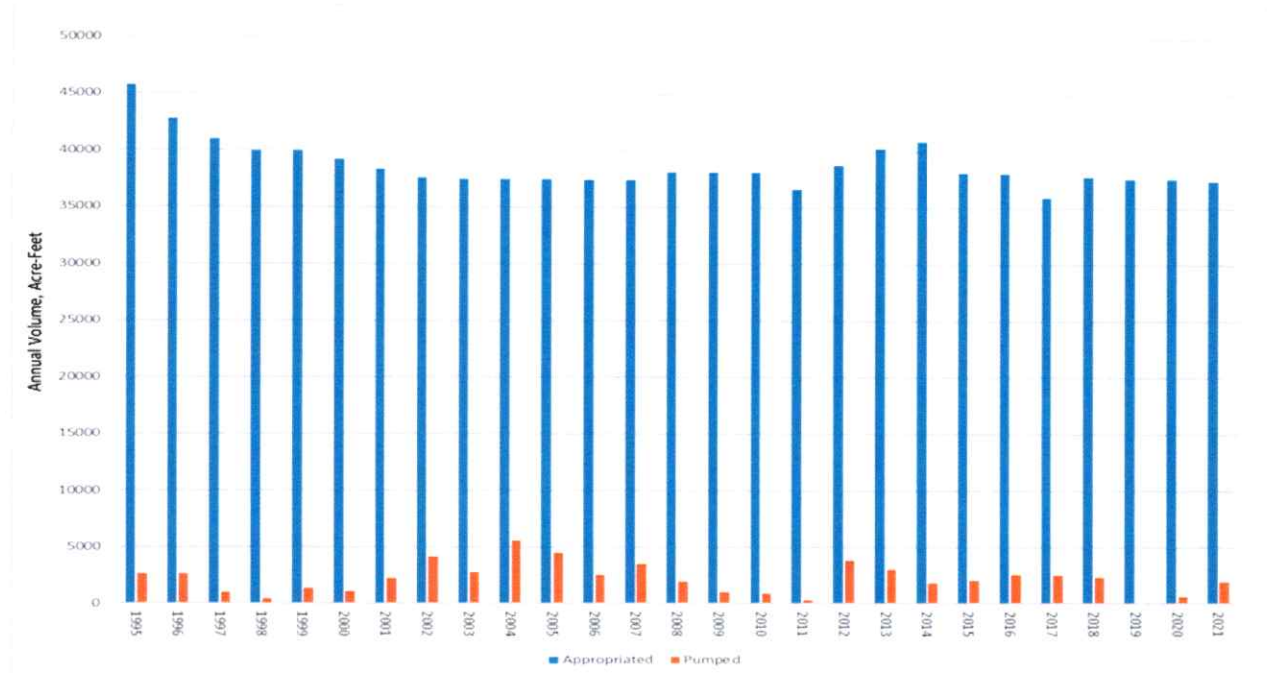


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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

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**

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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