

373-2
No.

Office of State Engineer
DOCUMENT FILE

Josephine Stone
Rocky Ford

Sec. 17-40N-44W.
Shannon County

White River

Engv. J. R. Richardson
Box 93
Glen, S. Dak.
Map No. 402-2

No. 373-2

Division No. 2

White River District

PERMIT

to appropriate water from

White River

Shannon County, South Dakota

Name of applicant

Josephine Stone

Name of diversion works

Stone Irrigation Project

Date of first receipt at office of State

Engineer January 15 1951

Returned to applicant for Correction

Corrected application received

Date of water right

January 15 1951

Recorded in Book 2 Page 784-785

One-fifth of work to be completed

September 17 1951

Whole work to be completed

March 17 1952

Final proof of use of water

March 17 1952

Approved March 17 1951

EAN W. LOUCKS State Engineer.

NO. 373-2

Water Division No. 2 White River
(Blanks to be filled by the State Engineer.)RECEIVED
District
8:30 A.M.
JAN 15 1951

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

STATE ENGINEER
PIERRE, S. DAK.

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

1. Name of applicant Josephine Stone
Porcupine
Postoffice address Rocky Ford, County Shannon, State S. Dak. 57772

I. If a corporation None

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and 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, \$ 2500.00 (c) Treasury stock, \$ 00
(d) Bonds to be issued, \$ 00 (e) Other resources, \$ 00

2. Name of diversion work Stone Irrigation Project
3. Quantity of water claimed 1.30 cubic feet per second.
4. Source of water supply White River
Between points located 190.0', N. 89 degrees 00' E. of S.E.
5. Location of point of diversion corner of NE $\frac{1}{4}$ of Sec. 17 and 820', N. 59 degrees 00' W.
of NE Corner of Sec. 17, T. 40 N. R. 14 W. 6th P.M. Left bank.
6. Annual periods during which water is to be used April 1st and Nov. 1st Annually
7. To be used for:

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

- (a) Number of acres to be irrigated 91.09 acres.

- (b) Legal subdivisions to be irrigated See List Attached

(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 None
(d) Method of developing power None
(e) Point where water will be returned to stream None

MAP 402-2

8. Estimated cost of works:

(a) Head gates, \$ 00 (b) Pumping plant, \$ 500.00
(c) Fluming, \$ (d) Canal-earth, \$ Rock, \$
(e) Other structures 1300' Sprinkler Pipe, \$ 2100.00 Total, \$ 2600.00

9. Description of diversion works:

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

Pumping Plant, Pressure Gauge, 1300' Sprinkler Pipe, 33 Sprinkler heads.

II. Dimensions of works:

(a) Dam: Height None 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 None acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width None feet: height feet;
Material

(d) Canal: Total length None miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE " PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 1.0 years.

11. Time required for complete application of water to the proposed beneficial use 1.0 years.

12. Choice of newspaper for publication of notice of intention to appropriate Hot Springs Star, Hot Springs, S.Dak.

STATE OF SOUTH DAKOTA

County of Shannon ss.

I, Josephine Stone, 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 Josephine Stone

Subscribed and sworn to before me this 6th day of January, 19 51

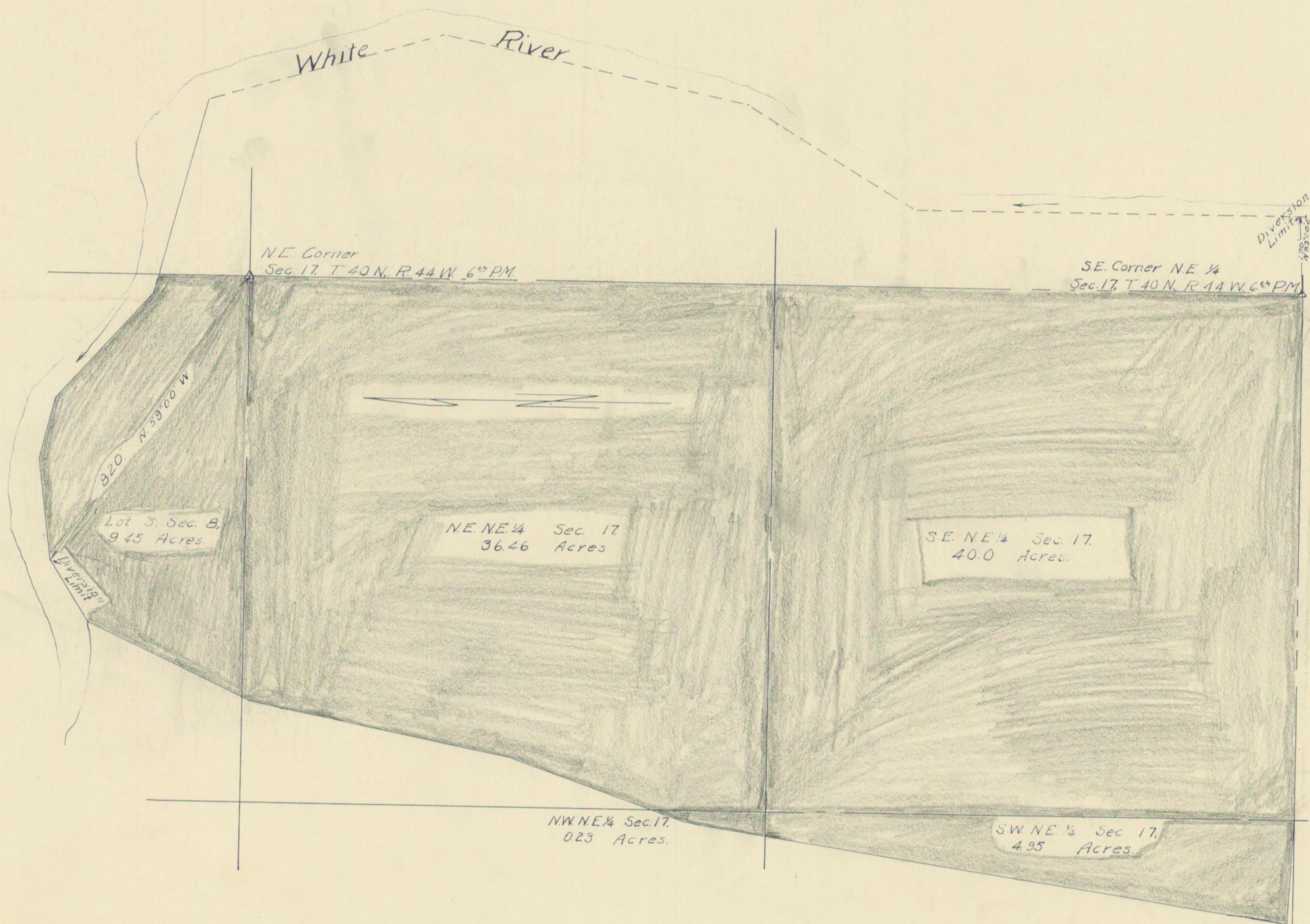
Edna F. Richardson

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

STONE IRRIGATION PROJECT

OWNER JOSEPHINE STONE - SHANNON COUNTY, So. DAK.
 LOCATED E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 17. & Lot 3, Sec. 8, T. 40 N., R. 44 W. 6th PM.
 Scale 1"=150'



SURVEYOR'S CERTIFICATE:

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

In Witness Whereof:
 I have hereunto set my hand and seal this 6th day of January, A.D. 1951.

J. R. Richardson
 Registered Professional Engineer
 and Land Surveyor

Subscribed and sworn to before a Notary Public this 6th day of January, A.D. 1951.

Edna F. Richardson
 Notary Public.

Land to be Irrigated

Location	Sec.	Twp.	Rge.	Acres
Lot 3	8	40N	44W	9.45
NE NE $\frac{1}{4}$	17	"	"	36.46
SE NE $\frac{1}{4}$	17	"	"	40.00
NW NE $\frac{1}{4}$	17	"	"	0.23
SW NE $\frac{1}{4}$	17	"	"	4.95
Total				91.09

Water Right No. 373-2
 Map No. 402-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

SS.

Pierre, South Dakota, March 17, 1951

This is to certify that the foregoing application was received at this office at 8:30 o'clock a. m. upon the 15th day of January, 1951 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

DEAN W. LOUCKS

State Engineer.

Number of permit 373-2

Date of first receipt of application January 15, 1951

Date of return to applicant for correction -----, 1951

Date of receipt of corrected application -----, 1951

Date from which applicant may claim right January 15, 1951

Approved March 17, 1951, Recorded in Book 2 Page 784-785

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 September 17, 1951.

2nd. The whole of said work is to be completed on or before March 17, 1952.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 17, 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 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before March 17, 1952; said water to be used during the following described annual period:

April 1st to November 1st inclusive

Witness my hand this 17th day of March, 1951

Dean W. Loucks

DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued -----, 1951

Water License issued -----, 1951

List of Lands to be Irrigated by The
Stone Irrigation Project located in
Shannon County, South Dakota

Lot 3,	Sec. 8,	Twp. 40 N.,	R. 44 W.,	9.45	acres
NE 1/4	Sec. 17,	" "	" "	36.46	"
SE 1/4	Sec. 17,	" "	" "	40.00	"
NW 1/4	Sec. 17	" "	" "	0.23	"
SW 1/4	Sec. 17	" "	" "	4.95	"

Total, 91.09 Acres

Discharge Capacity of 1 1/4 " Sprinkler Heads
64"

Pressure in lbs.	Gallons per minute
20	3.72
25	4.17
30	4.57
35	4.96
40	5.32
45	5.65
50	5.95

Discharge Capacity of 5/32 " Sprinkler Heads

Pressure in Pounds	Gallons Per Minute
20	3.04
25	3.43
30	3.79
35	4.10
40	4.40
45	4.63
50	

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 373-2

WHEREAS, On the 15 day of January A. D. 1951

Josephine Stone

of Rocky Ford County of Shannon and State of South Dakota

made application (No. 373-2) to me for a permit to use 1.30 cubic feet per second of said waters of the White River

County of Shannon for the purpose of irrigation purposes; and

WHEREAS, On the 17 day of March A. D. 1951

Permit No. 373-2 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 17 day of

March

A. D. 1952 and for the application to beneficial use of said water on or before the 17 day of March A. D. 1952

and,

WHEREAS, On the 28 day of September A. D. 1951

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.3

cubic feet per second of said waters, as evidenced by my Certificate No. 373-2

dated August 2, 1952 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.3 cubic feet per second of water,

with date of priority of January 15, 1951 and,

WHEREAS, On the 2 day of August A. D. 1952

proof was duly made of the application to beneficial use of 1.3 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to Josephine Stone of Rocky Ford the holder... and owner... of said permit No. 373-2 a water right, dating from January 15, 1951 to the use of 1.3 cubic feet per second of the waters of the White River in the County of Shannon and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted ~~at~~ in Sec. 17, T.40N., R.44W. and conducted to and upon Sec. 17, T.40N., R.44W.

for the purpose... of providing irrigation.

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

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this 11 day of August A. D. Nineteen Hundred and 52

DEAN W. LOUCKS, State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 373 - 2

To Josephine Stone

Rocky Ford,

South Dakota

Source of Supply

White River

Shannon

County

Amt 1.3

Sec. Feet

Point of Diversion Sec. 17, T.40N.,

R.44W.

Place of Use Sec. 17, T.40N.,

R.44W.

Purpose Irrigation

Date of Priority January 15, 1951

Recorded March 17, 1951

In Book 2 of 2 Page 785

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., January 13, 1951

Notice is hereby given that Josephine Stone whose postoffice address is Rocky Ford, 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 Stone Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between points located 190', N. 89° 00' E. of S.E. corner of N.E. 1/4 of Sec. 17 and 320', N. 59 degrees 00' E. of N.E. Corner of Sec. 17 Twp. 10N., Range 14W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 Sec. 17 and lot 2, Sec. 8, T. 10N., R. 14W.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 1st day of March, 1951, at 9:00 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.

HCS:EE
Enc.
cc: Richardson

DEAN W. LOUCKS
State Engineer

RECEIVED

No.

FEB 28 1951

PROOF OF PUBLICATION

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.STATE OF SOUTH DAKOTA } ss.
County of Fall River

Charles T. Leonard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the

HOT SPRINGS STAR 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 Hot Springs County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 1, 1951

" 8, 1951

15, 1951

22, 1951

in each and every issue of the full number thereof, the first publication being made on the first day of February 1951 and the last publication on the 22nd day of February 1951 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the editor the printer and publisher of the said newspaper

Charles T. Leonard

Subscribed and sworn to before me this 23rd day of February A. D. 1951

Notary Public Fall River County, S. D.

APPROPRIATION OF WATER

Office of State Engineer
Pierre, S. Dak., January 18, 1951
Notice is hereby given that Josephine Stone whose postoffice address is Rocky Ford, 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 White River through the Stone Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between points located 150 minutes, N. 89 degrees 00 minutes E. of S. E. corner of N. E. 1/4 of Section 17 and 420 minutes, N. 89 degrees 00 minutes W. of N. E. corner of Sec. 17, Twp. 40N Range 44W.

Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 Sec. 17 and lot 3, Sec. 3, T. 40N, R. 44W.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 1st day of March, 1951, at 9:00 A. M. All persons who believe that their prior right would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

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

DEAN W. LOUCKS
State Engineer
Feb. 1-15-22



INTER-DEPARTMENT CORRESPONDENCE

State of South Dakota



FROM DEPT OF 373-2 TO DEPT OF Deer Creek
SUBJECT _____ DATE 11-17-51

There is only one other river right within
eighty miles of this point. It is a good one, right
about 20 miles upstream. I feel there is angel water
at this point, for this right, because it is so far upstream
from all other rights that the river could regain this
amount from the main tributaries. According to
U.S.G.S records there is angel water flowing
at this point — about 100 c.f.s. average and only
1.5 c.f.s. being taken out.

[Signature]

Permit No. 373-2

Water Division No..... Water Right Water District

Certificate of Examination of UAC

RECEIVED

446. 19.

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Oct. 10 1951, I have this day made a thorough examination of the diversion works constructed by Josephine Stone, of Rocky Ford, Elkhorn County, South Dakota, holder of permit No. 373-2, issued upon application No. 373-2, bearing date of priority of Jan. 15, 1951, authorizing the diversion of 1.3 second feet of the waters of White River for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Pumping Plant, Pressure Pipe, Pressure Gauge and Nozzle sizes conforming to the sizes set forth in the application.

and the system is in the following condition:..... Excellent

The point of diversion is located Between points, located 120 feet east of the SE cor. of Sec. 17, and 320 feet N. 29 degrees W. of the NE Cor. of Sec. 17, T. 40 N. R. 44 W.

The works are capable of diverting and conveying to the place of use.....1.2... second-feet of water,
which is to be used for...Irrigation...

The legal sub-divisions to be irrigated are: SALT 1.40, 0.57, 1.4, 0.95, NINE 1.36, 1.46, NINE 1.0.23, all in Sec. 17, and Lot 3 9.45 acres, in Section 3, all situated in T. 40 No. 7, 44 W. of the 6th. P.M.

comprising a total of 9 1.09 acres of land.

The domestic use intended comprises "one

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

None

Witness my hand, this 2nd day of August, A. D. 1912

T. R. Richardson
Examining Engineer

Examining Engineer.

Permit No. 373-2

Water Division No. _____ White River Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
AUG 1 1951

DEPOSITION OF HOLDER

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Ans. Josephine Stone, Rocky Ford, South Dakota, Occupation, Ranching and Housewife

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

Ans. Myself

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

Ans. 373-2, Dated Jan. 15, 1951

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

Ans. White River, From a point 190 feet east of southeast corner of NE $\frac{1}{4}$, Sec. 17 to a point 320 feet north 59 degrees west, of NE corner of Sec. 17, T. 40 N. R. 44 W.

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

Ans. Pumping plant, pressure pipe, pressure gauge and nozzle sizes sufficient to convey 1.3 CFS to the land to be irrigated

Ques. 6. State for what purport 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 SENE $\frac{1}{4}$ 40.0, SWE $\frac{1}{4}$ 4.95, WENE $\frac{1}{4}$ 26.46, WSW $\frac{1}{4}$ 0.23, all in Sec. 17, E. Lot 3 9.45 acres in Sec. 8, all in T. 40 N. R. 44 W. 65th. P.M.

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

Ans. None

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

Ans. 1.3 CFS

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

Ans. Original Applicant

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

Ans. During the season of 1951 and 1952 water has been applied beneficially for the irrigation of all the lands described in this statement.

(Sign.) Josephine Stone

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 12120, 8th, County of Fall River, State of South Dakota, on this 2nd day of August, A.D., 19 52

Edna J. Richardson

Notary Public

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

Location No.

373-2

Water Division No.

2

White River

Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Andy Stone, Rocky Ford, S. Dak

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

Ans. N/A

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

Ans. Jan 15, 1951

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

Ans. White River

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. 5" outlet portable Pump, pipe, & Sprinklers

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 - portions of 10E4, Sec 17, T40N, R44W.

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

Ans. N/A

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

Ans. 63

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. Transferred to Emerson Stone, son.

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

Ans. Water has been used ^{each year} as stated since
System was first built and when water
was available.

(Sign) Andrew Stone

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~~ _____, County of _____

State of South Dakota, on this 9th day of August A. D. 1967

} Witnesses, Richard D. Schaefer
Water Right Specialist

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 HOLMER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Water Rights Division - DWNR

File No. 373-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Emerson StoneADDRESS: Porcupine, SDCOUNTY ShannonDATE: February 22, 1985

TELEPHONE _____

RE: Status of Water Right

COMMENTS:

Mr. Stone has not returned the yearly irrigation questionnaire for some time, I checked with the Fall River County Assessors Office, they indicate the land (Lot 3 Section 8, & NE $\frac{1}{4}$ Section 17, T40N, R44W) is in Trust for the Ogallala Sioux Tribe. The Assessor's Office could not say whether or not Mr. Stone had ever owned the land, or whether he obtained the permit when leasing. Since the land is in Trust, a questionnaire is not necessary and Mr. Stone's name will be deleted from the irrigation questionnaire file.

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.

NAME: Henry McMath



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

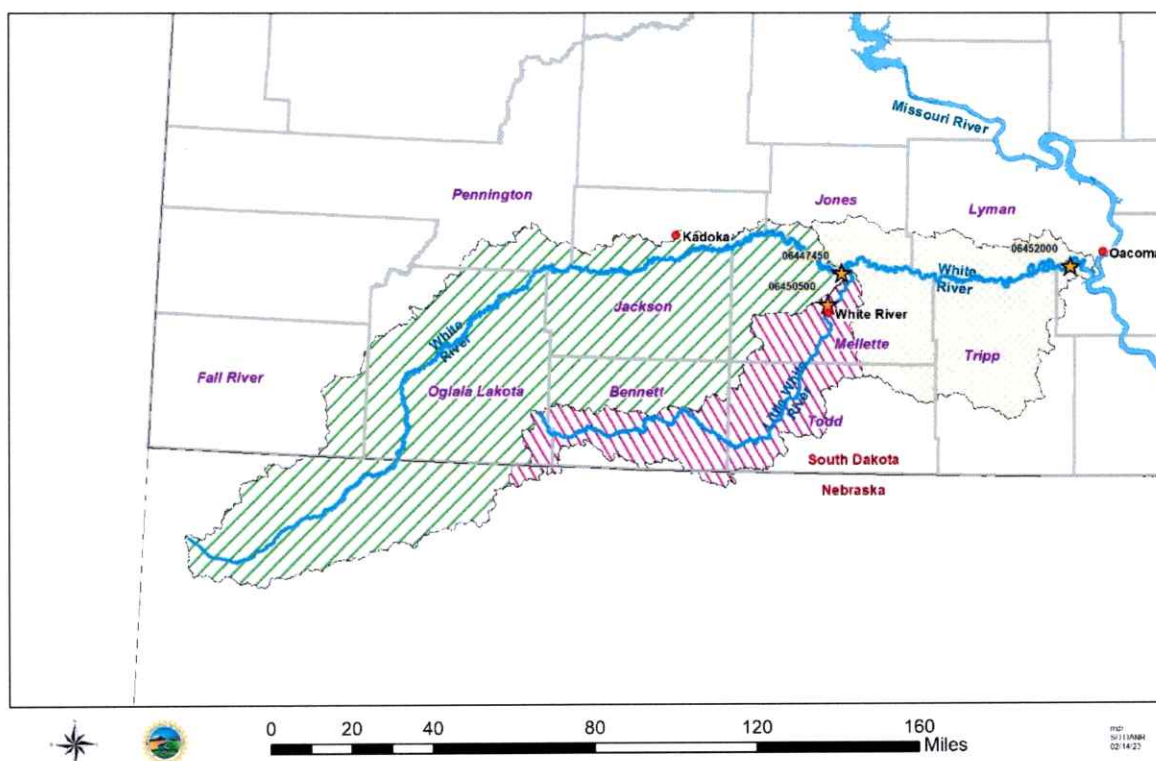


Figure 1. White River Watershed Map.

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

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

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

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

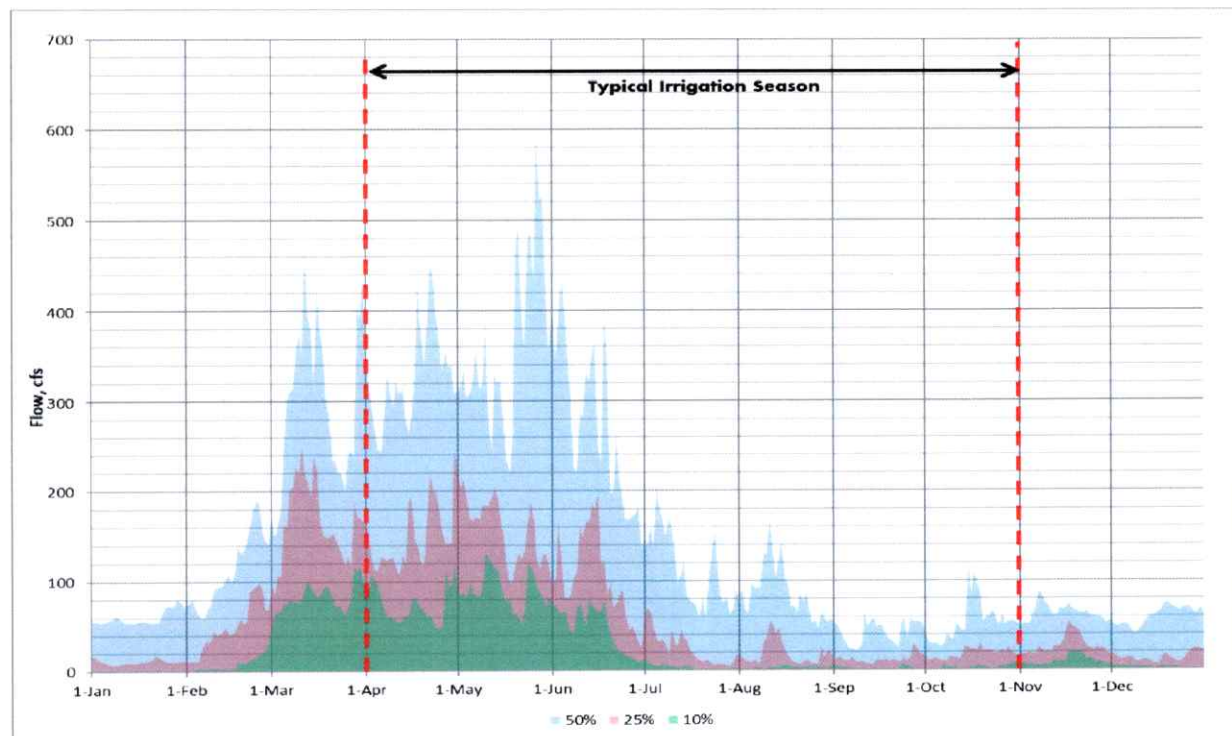


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

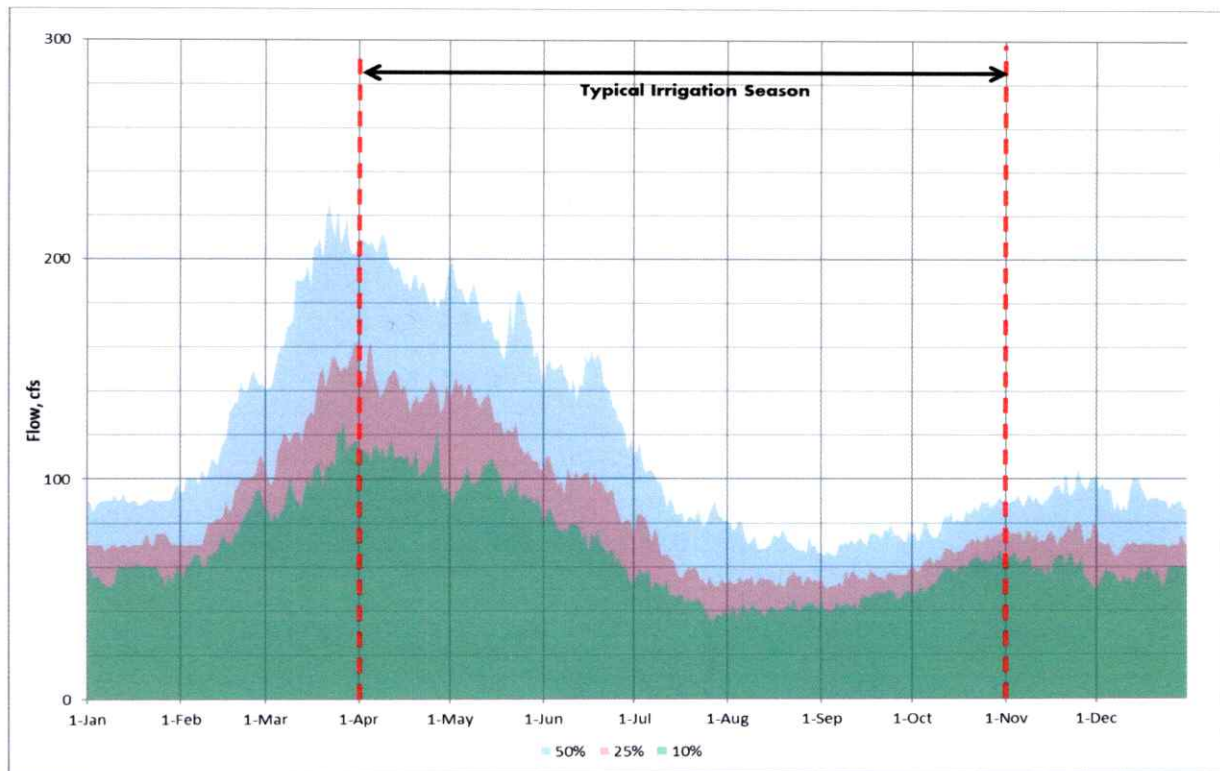


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

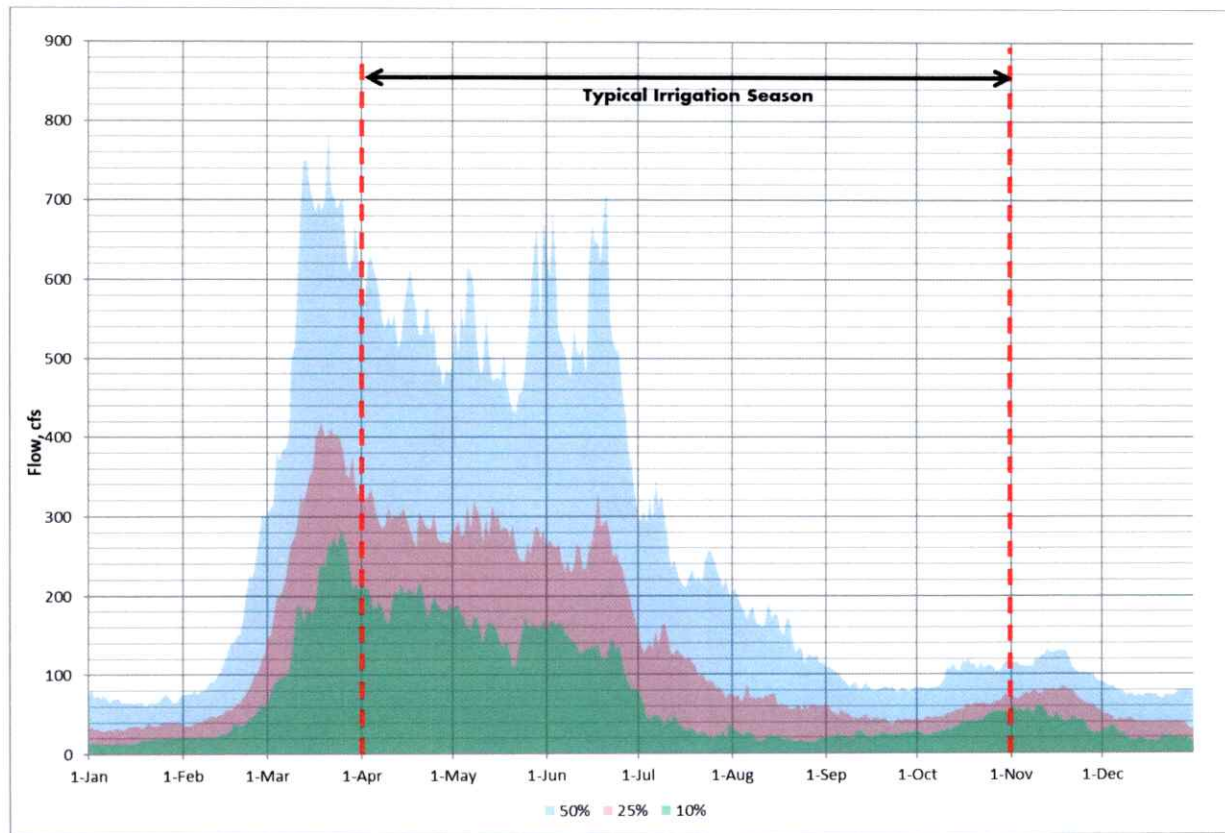


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

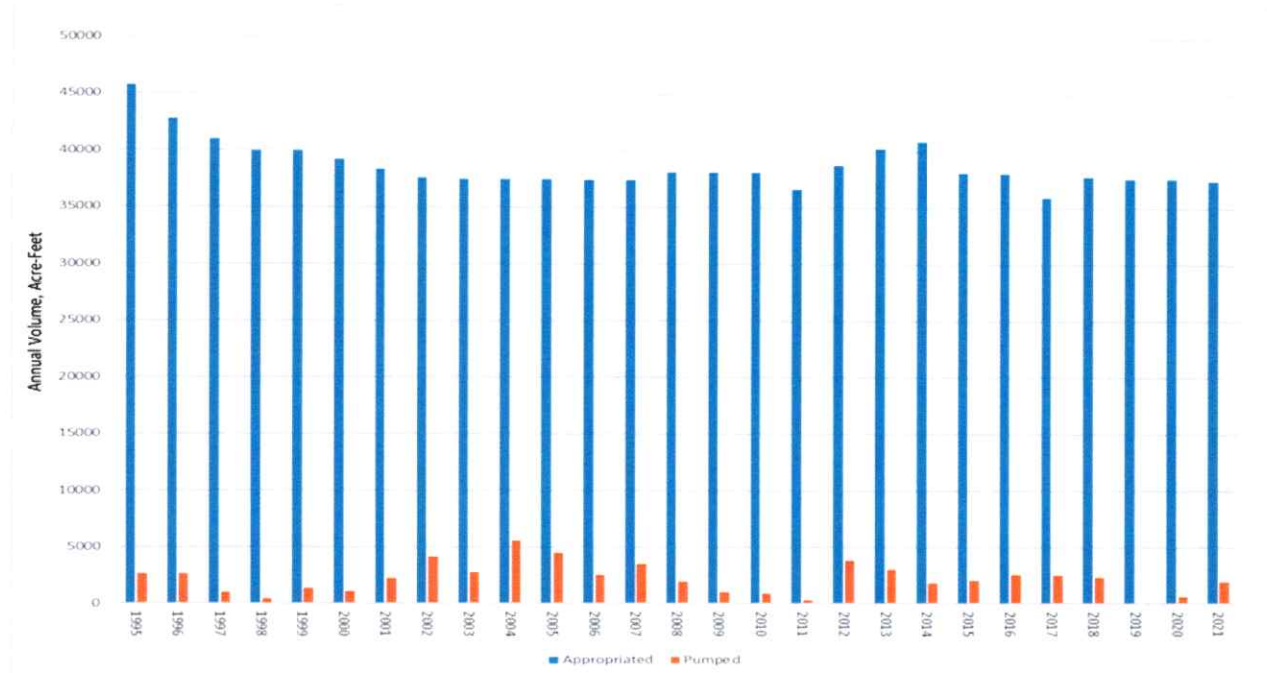


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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PIERRE SD 57501-3182
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April 14, 2023

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

Dear White River Water Right Holder,

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

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

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

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

Sincerely,

Chief Engineer

Water Rights Program, DANR