

No. 424-2

2

Division No. _____

Keyapaha River District _____

PERMIT

to appropriate water from _____
Keyapaha River

Tripp County, South Dakota

Name of applicant _____
H. L. Carlson & Son

Name of diversion works _____
CHR Irrigation Project

Date of first receipt at office of State
Engineer June 1 1955

Returned to applicant for Correction
_____ 19____

Corrected application received _____
_____ 19____

Date of water right _____
June 1 1955

Recorded in Book 3 Page 85

One-fifth of work to be completed
December 30 1955

Whole work to be completed _____
June 30 1956

Final proof of use of water _____
June 30 1956

Approved June 30 1955

DEAN W. LOUCKS State Engineer.

NO. 412-2

RECEIVED

Water Division No. 2 Keya Paha River
(Blanks to be filled by the State Engineer.)District JUN 1 19553:00 P.M.
OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA**APPLICATION FOR PERMIT**
To Appropriate Water within the State of South Dakota

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

1. Name of applicant H. L. Carlson & Son
Postoffice address Colome, County Tripp, State South Dakota

- I. If a corporation
- None
-
- (a) Name of same _____
-
- (b) Date and place of incorporation _____
-
- (c) Amount of capital stock _____
-
- (d) Amount paid in _____
-
- (e) Names and 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, \$
- 5000.00
- (c) Treasury stock, \$ _____
-
- (d) Bonds to be issued, \$
- None
- (e) Other resources, \$ _____

2. Name of diversion work
- CHE Irrigation Project
-
3. Quantity of water claimed
- 1.2857
- cubic feet per second.
-
4. Source of water supply
- Keyapaha River
-
5. Location of point of diversion
- From the SW Corner of the SW 1/4 of Sec. 1, T. 95 N., R. 27W, thence E. 27 Degrees and 18' N. for 1210 Ft. on left bank, Tripp County.
-
6. Annual periods during which water is to be used
- March 15 to October 15 annually
-
7. To be used for:

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

- (a) Number of acres to be irrigated
- 90
- acres.
-
- (b) Legal subdivisions to be irrigated
- See Appendix

(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 _____ horse power.
-
- Amount claimed for engine cooling _____
-
- (c) Location of plant _____
-
- (d) Method of developing power _____
-
- (e) Point where water will be returned to stream _____

Map No. 440-2

8. Estimated cost of work:

(a) Head gates, \$----- (b) Pumping plant, \$1500.00
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures Sprinkler Pipes \$2000.00 Total, \$3500.00

9. Description of diversion works:

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

Pumping Plant and Sprinkler Lines

II. Dimensions of works:

(a) Dam: Height 1000 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 DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width 5 inches-----feet; height 5 inches-----feet;
Material Metal-----

(d) Canal: Total length 0.48-----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-----years.

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

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

Winner Advocate Winner, South Dakota

STATE OF SOUTH DAKOTA

County of Tripp

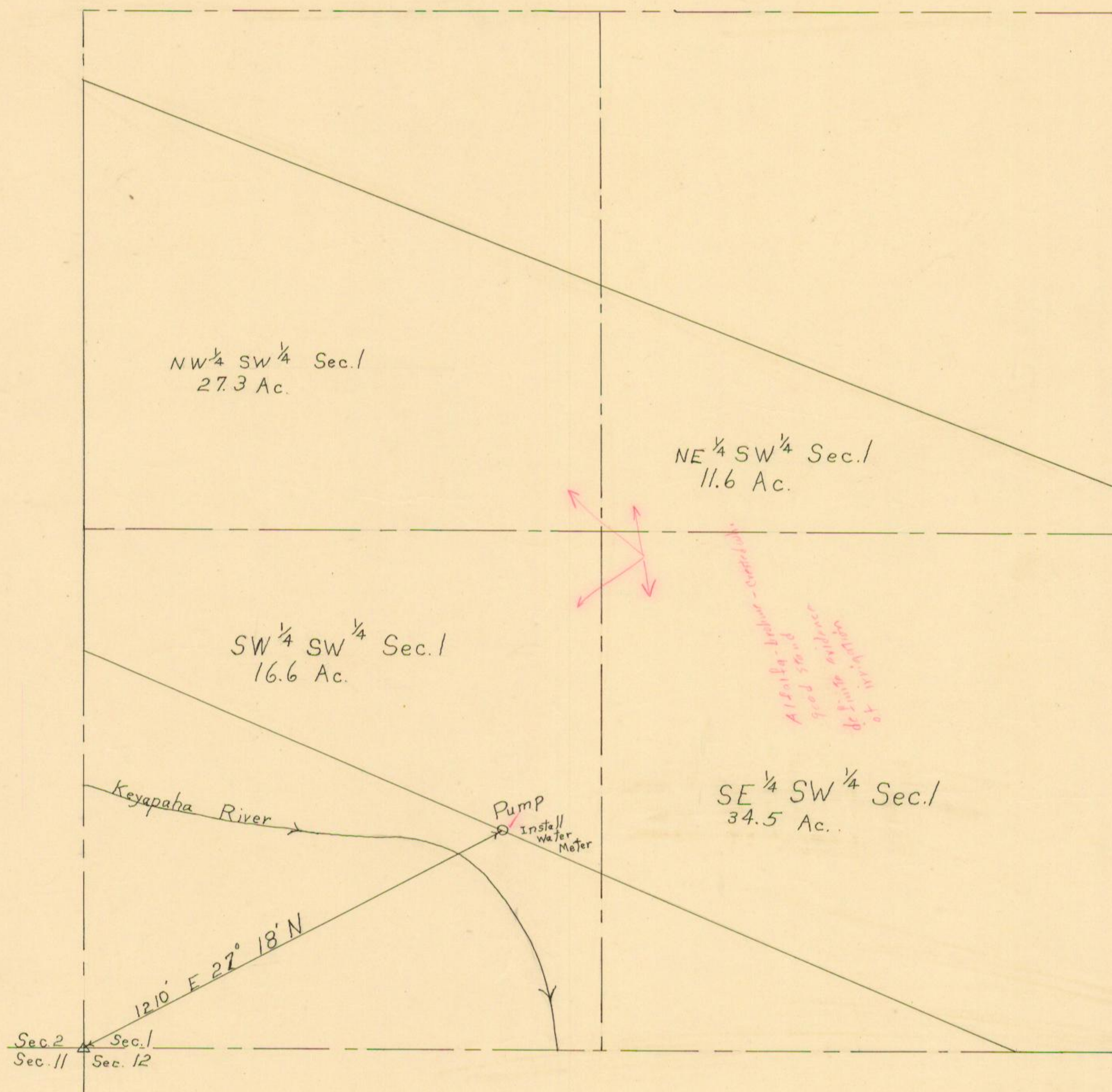
I, Harry E. Carlson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Harry E. Carlson

Subscribed and sworn to before me this 31 day of May 19 55

Notary Public (or other qualified officer.)

C. H. R. IRRIGATION PROJECT
TRIPP COUNTY, SOUTH DAKOTA



Surveyor's Certificate

I, Ira L. Hewitt Registered Land Surveyor,
State of South Dakota, do hereby certify that
I have made a careful Survey of the
C. H. R. Irrigation Project and that the map
hereon is a true and correct representation of same.
Witness, my hand and seal this 31 day of May
1955, A.D.

Isa L. Hewitt
Registered Land Surveyor

Subscribed and sworn to before a Notary Public
this 31 day of May, 1955, A.D.

Lewis J. Dalton
Notary Public

Location of Land to be Irrigated				Scale 1"=200'
Location	Sec.	Twp.	Rge.	Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1	95 N.	77 W.	27.3
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	95 N.	77 W.	11.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	1	95 N.	77 W.	34.5
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1	95 N.	77 W.	16.6
Total				90.0

(414-2) Permit
440-2 Map

Remarks by State Engineer:

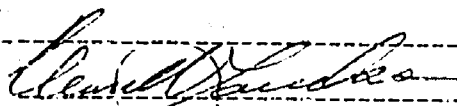
STATE OF SOUTH DAKOTA

County of Hughes

} ss.

Pierre, South Dakota, June 30, 1955

This is to certify that the foregoing application was received at this office at 3:00 o'clock
p. m. upon the 1st day of June, 1955 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 objections were received.



DEAN W. LOUCKS

State Engineer.

Number of permit 111-2

Date of first receipt of application June 1, 1955

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right June 1, 1955

Approved June 30, 1955, Recorded in Book 3 Page 85

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 December 30, 1955

2nd. The whole of said work is to be completed on or before June 30, 1956

3rd. The limit of time for proof of beneficial use of water appropriate in accordance herewith
is June 30, 1956

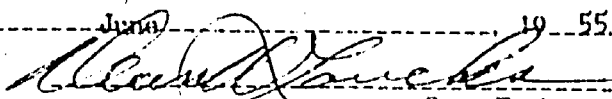
4th. The water appropriated shall be used for the purpose of irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 1.3
cubic feet per second; 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 June 30, 1956; said water to be used during the following described annual
period:

March 15 to October 15 inclusive

Witness my hand this 30 day of June, 1955.



DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued _____, 19____

Wa / License issued _____, 19____

appendix to:

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

7.

I.

(a)

(b) Legal subdivisions to be irrigated:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.3 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 11.6

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.5

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 16.6

Section 1, T. 95N., R. 77W., Tripp County South Dakota

MEASURING DEVICE

June 1, 1955

Pressure Lbs. Per Sq. In.	Head Feet	Velocity Ft. Per Sec.	Diameter of nozzle in inches		
			5/32"	3/16"	Total Discharge
10	23.1	38.6	2.31	3.32	5.63
15	34.6	47.3	2.86	4.06	6.92
20	46.2	54.6	3.26	4.69	7.95
25	57.7	61.0	3.64	5.25	8.89
30	69.3	66.9	4.01	5.75	9.76
35	80.8	72.2	4.31	6.21	10.52
40	92.4	77.2	4.61	6.64	11.25
45	103.9	81.8	4.91	7.03	11.94
50	115.5	86.3	5.15	7.41	12.56

Maximum number of nozzles to be used 50

STATE OF SOUTH DAKOTA

WATER LICENSE No. 414-2....

WHEREAS, On the 7th day of July A. D. 1956

H. L. Carlson & Son

of Colome County of Tripp and State of South Dakota duly made application (No. 414-2) to us for a permit to use 1.28 cubic feet per second of the waters of Keyapaha River County of Tripp, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 30th day of June A. D. 1956 Permit No. 414-2 was issued to said applicant^S for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 30th day of June A. D. 1956 and for the application to beneficial use of said water on or before the 30th day of June A. D. 1956 and,

WHEREAS, On the 21st day of June A. D. 1956 the holder^S of said permit duly made proof of the completion of adequate works for the diversion of 1.28 cubic feet per second of said waters, as evidenced by our Certificate No. 414-2 dated July 7, 1956 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.28 cubic feet per second of water, with date of priority of June 1, 1955 ~~xxx~~ ~~xxx~~.

WHEREAS, On the 21st day of June A. D. 1956 proof was duly made of the application to beneficial use of 1.28 cubic feet per second of said water; on the following described lands:

NW 1/4 SW 1/4, Sec. 1, T 95N, R 77W - - - - - 27.3 acres

NE 1/4 SW 1/4, Sec. 1, T 95N, R 77W - - - - - 11.6 acres

SE 1/4 SW 1/4, Sec. 1, T 95N, R 77W - - - - - 34.5 acres

SW 1/4 SW 1/4, Sec. 1, T 95N, R 77W - - - - - 16.6 acres

20.0 acres

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,

We hereby grant and confirm to E. L. Carlson and Son
of Colome, South Dakota the holder S. and owner R. of said permit No. 414-2
a water right, dating from June 1, 1955 to the use of 1.28
cubic feet per second of the waters of the Keyapaha River
in the County of Tripp and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at 1210 feet E. 27° 18' N. of the
SW Cor., Sec. 1, T. 95N., R. 77W
and conducted to and upon the SW 1/4, Sec. 1, T. 95N., R. 77W

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 7th day of July A. D. Nineteen
Hundred and Fifty-six

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.	
To	
Source of Supply	
County	
Acreage	c. f. s.
Point of Diversion	
Place of Use	
Purpose	
Date of Priority	
Recorded	
In Book	of Page

Permit No. 414-2Water Division No. 2-Keyapaha R. Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That H. I. Carlson and Son

of Colome, County of Tripp, and State of South Dakota, the holder^s of Permit No. 414-2, issued upon Application No. 414-2, bearing date of priority of June 1, 1955, authorizing the diversion of 1.28 cu. ft. per second of the waters of the Keyapaha River County of Tripp, State of South Dakota, at 1210 feet E 27°18'N of the SW Cor., Sec. 1, T 95N, R 77W

for Irrigation purposes, have 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 1.28 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: SW 1/4, Sec. 1, T 95N, R 77W - - - 90.0 acres

Witness my hand this 7th day of July A. D. 1956

State Water Resources Commission

By:
J. W. Grimes, Chief Engineer, Executive Officer

RECEIVED

Form 12—Proof of Publication—Appropriation of Water.

JUN 27 1955

No. 414-2

OFFICE OF STATE
ENGINEER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Tripp ss.

John F. Rigg being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Mineral Advocate 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 Minner County of Tripp and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 2, 1955

June 9, 1955

June 16, 1955

June 23, 1955

in each and every issue of the full number thereof, the first publication being made on the 2nd day of June

1955 and the last publication on the 23rd day of June

1955, upon which days or times of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication he was the printer and publisher of

the said newspaper.

Subscribed and sworn to before me this 27th day of June A. D. 1955

Notary Public John F. Rigg County, S. D.

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 414-2

(First Publication June 2, 1955.)

Appropriation of Water

Office of State Engineer, Pierre,
S. Dak., June 1, 1955.

Notice is hereby given that H. L. Carlson & Son, whose postoffice address is Colome, 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 1.28 cubic feet of water per second of time from the Keyapaha River through the C. H. R. Irrigation Project, the point of diversion of which is to be located on the left bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, Twp. 95N, Range 77W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 95N, Range 77W, 27.3 Acres.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 95N, Range 77W, 11.6 Acres.

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 95N, Range 77W, 34.5 Acres.

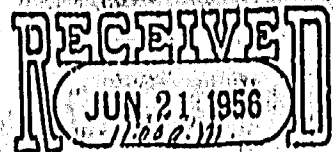
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 95N, Range 77W, 16.6 Acres.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 30th day of June, 1955, at 10:00 a.m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DEAN W. LOUCKS,
State Engineer.

26-29

Permit No. 414-2

Water Division No.

Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

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

(P. O.) Colome S. Dak.(Date) 31 June 1956

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

DEAR SIR: Notice is hereby given that on the 31 day of June
1956, at Colome County of Tripp State of South Dakota,
 before W. R. Engineer proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 1.2857 cubic feet per second of the waters of Kegonsa River
 in accordance with the terms and conditions of Permit No. 414-2
 heretofore issued by the Water Resources Commission of South Dakota.

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

H. H. Carlson & Son, Colome, S. Dak.2. The use to which said water has been applied is irrigation3. The amount applied to beneficial use is 1.2857 cfs

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands ir-

rigated) NW 1/4 SW 1/4 - 27.3 acres; NE 1/4 SW 1/4 16.6 acres
SE 1/4 SW 1/4 34.5 acres; SW 1/4 SW 1/4 16.6 acres
Section 1, T95N, R77W, Tripp County, S. Dak.

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

6. The right to take the water from such works is based upon permit No. 414-27. The source of supply from which such water is diverted is Kegonsa River8. The date of priority which said user is prepared to establish is June 1956

(Sign)

H. H. Carlson & Son

Permit No.

Water Division No.

Water District

RECEIVED
JUN 21 1956
1956

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Winner, S. Dak.

(Date)

21 June 1956

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.2857

cu. ft. per second of the waters of the state from

through the 15 March to 13 October annually

for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is N. L. Carlson & Son

2. The postoffice address of such person or the place of business of such corporation is Pierre
County of Tripp State of S. Dak.

3. The number of such permit is 414-2 and the date set for the completion of such work is

30 June 1956

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.2857 cubic feet per second.

6. The amount of land for which said water is available is 90 acres

particularly described as follows: NW 1/4 SW 1/4 - 27 34 acres; NW 1/4 SW 1/4 - 28 34 acres; SE 1/4 SW 1/4 - 34 5 acres; SW 1/4 SW 1/4 - 34 5 acres; Section 17 40 N. 10 R 71 W Tripp Co. S. Dak.

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

(Signature of Owners)

N. L. Carlson & Son

Permit No. 414-2

Water Division No. 2 - Keyapaha 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 ^{verbal} ~~written~~ authorization dated I have this day made a thorough examination of the diversion works constructed by H. L. Carlson & Son, of ColomeTripp County, South Dakota, holder of Permit No. 414-2, issuedupon Application No. 414-2, bearing date of priority of June 1, 1955, authorizing thediversion of 1.28 cu. ft. per second of the waters of Keyapaha River for irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: a 4" Rainmaster pump Model 534H25 with 800' of 4", 600' of 3", and 280' - 300' of 2" pipe, and 36-5/32 x 3/16 nozzles (additional pipe and 15 more nozzles on order but not received at the time of inspection). This system is also used by R. G. Albaugh under Permit 413-2. Power is furnished by a 4 cyl. Hercules Model 1x83 motor rated at 26 Hp. This is a portable outfit. It was in actual operation at the time of the inspection. It started good and no leaks were noted. There was ample

water in the river and no cavitation was noted.and the system is in the following condition: excellent

The point of diversion is located at 1210 feet E 27°18'N of the SW Cor., Sec. 1, T 95N, R 77W

The works ⁽¹⁾ are capable of diverting and conveying to the place of use 1.28 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: NW 1/4, SW 1/4, Sec. 1, T 95N, R 77W - 27.3 acresNE 1/4, SW 1/4, Sec. 1, T 95N, R 77W - 11.6 acresSE 1/4, SW 1/4, Sec. 1, T 95N, R 77W - 34.5 acresSW 1/4, SW 1/4, Sec. 1, T 95N, R 77W - 16.6 acres90.0 comprising a total of 90 acres of land.The domestic use intended comprises NoneThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 27th day of June, A. D. 1956

—SEAL—

Les WybornyLes Wyborny
Water Engineer

Examining Engineer.

**South Dakota Department of
Water & Natural Resources**
Jog Foss Building
Pierre, South Dakota 57501
Division of Water Rights
(605) 773-3352

August 11, 1980

Because of the existing deficient supply of water in the Keyapaha River (2.3 cfs at Wewela gage August 6, 1980) to provide water for domestic use including livestock watering, it is ordered that all withdrawals of water from the Keyapaha River for irrigation purposes cease effective 12:00 noon August 14, 1980 until January 1, 1981 or until further notice.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right in accordance with this order. You will be notified if the water supplies of the Keyapaha River become sufficient to permit irrigation water withdrawals again during 1980. If there are any questions on this order, please let me know.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

OBSERVATIONS DURING THE FIELD INSPECTION OF THE H. L.
CARLSON (#414-2) IRRIGATION PROJECTION JUNE 27, 1956.

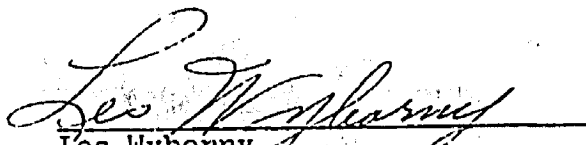
There was evidence that the entire 90 acres had been irrigated. This was determined by comparing alfalfa and grass growths on both sides of the fence.

The same equipment is used inter-changeably between #413-2 and 414-2. See #413-2 for listing.

The boundaries, area of the lands to be irrigated, and location of the diversion point compared very closely with that shown on the map.

Last year Mr. Carlson tood 19 stacks of 4+ tons per stack from this area.

It was 12-14 feet to the water from the pump location. During good flows it may be only 8 feet.


Les Wyborny
Water Rights Engineer

 **Department of
Water & Natural Resources**

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

May 26, 1988

H. L. Carlson & Son
RR 1, Box 32
Culome, SD 57528

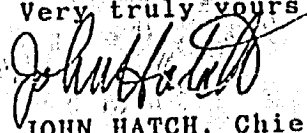
Dear Mr. Carlson & Son:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 414-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



NOTICE OF TRANSFER OF OWNERSHIP

No. 414-2

TO: Chief Engineer
Water Rights Division, DWRM
523 East Capitol
Pierre, SD 57501-3181

Date: _____



I/We request that Water Permit/Right No. 414-2

formerly owned by: H.L. Carlson & Son

be transferred to: (name & address) H.W. Carlson or Brad Carlson

RR #1 Box 32, Colome, SD 57528

(telephone No.) 557-3252

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

SW 1/4 Sec. 1-T95N-R77W

I/We understand that the validity of Water Permit/Right No. 414-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Tripp)

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

Harry W. Carlson
(Signed)

Subscribed and sworn to before me this 21 day of Aug, 1990.

Charles H. Keiser
(Notary Public)

my comm. expires 12-6-92

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 29, 1990

RECEIVED OF Harry W. Clinton, 30 #1 E. 32, Coloma SD 57524

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. _____	2 50
Fee for Filing Transfer Form Water Permit No. 419-2	
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	2 50

By *John W. H. H. H.*
Chief Engineer



Department of Water & Natural Resources

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

414-2

September 28, 1990

Harry W. Carlson
RR #1 Box 32
Colome SD 57528

Dear Mr. Carlson:

Enclosed is Receipt No. 412357 in the amount of \$2.50 which you paid for transfer of Water Right No. 414-2.

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

Sincerely,

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 11, 1991

NOTICE

TO: H.W. and/or Brad Carlson
RR #1, Box 32
Colome, SD 57528

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch

SUBJECT: Amendment of Water Right No. (414-2) Qualification Regarding
Cutt Off Periods

Notice is given that the Water Management Board will consider adding the following qualifications to Water Permit No. 414-2.

Qualification to be added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

The hearing to consider amendment of Water Permit No. 414-2 to add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The hearing is based on the review of Keya Paha River Water Permits/Rights and historic flow records of the Keya Paha River. The attached report summarizes the current water permits/rights on the Keya Paha River and contributing tributaries. Also enclosed is a notice of hearing that will be published in the Winner Advocate for two consecutive weeks. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party 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.

Attachment

CERTIFICATION

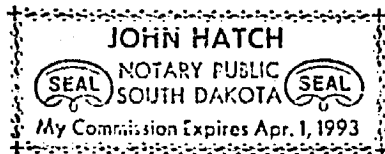
I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right No. 414-2 Qualification Regarding Cut Off Period addressed as stated below.

H.W. and/or Brad Carlson, RR #1 Box 32, Colome, SD 57528

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of January, 1991.



John Hatch
Notary Public

414-2

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
TO AMEND WATER PERMITS AND WATER	)	CONCLUSION OF LAW
RIGHTS WHOSE WATER SOURCE IS THE	)	AND FINAL DECISION
KEYA PAHA RIVER, IN PARTICULAR,	)	
WATER PERMITS AND RIGHTS NOS. 281-2	)	
282-2 AND 710-2, CHARLES RICHEY;	)	
NO. 369-2, VICTOR WEICKUM; NO. 414-2	)	
H.W. CARLSON; NO. 465-2 LUCILE RICHEY;	)	
NOS. 835-3 AND 959-2 ALVA WILEY;	)	
NO. 1530-2, VERN KESZLER; NO. 879-2,	)	
RICHARD KIRSCH; NO. 931-2,, LLOYD	)	
BLOMSTROM NO. 1107-2, STANLEY HANSON;	)	
NO. 1108-2, GARNET SARGENT;	)	
NO. 1128-2, CHARLES HELLMANN; AND	)	
NO. 2122-2 RODNEY HOFELDT	)	



FINDINGS OF FACT

I

This is an application by the Chief Engineer to establish a more manageable "cutoff" system on the Keya Paha River.

II

The existing water permits and water rights on the Keya Paha River have various cutoff dates. The first three permits issued on the Keya Paha River have a 10 cfs bypass at the Wewela Gauging Station. Eight permits, issued in the 1950s and 1960s, do not have a specific low flow bypass or cutoff date, but do have a requirement to bypass water for downstream domestic use and prior water rights. Three permits, issued in the 1970's, have a June 15 cutoff date. The most recent permit granted in the Keya Paha system provides a May 20 cutoff date.

III

Keya Paha system includes not only diversions from the Keya Paha River itself, but from its tributaries.

IV

The Keya Paha River is a spring fed river.

V

The Wewela Gaging Station is located at a point downstream of most of the water permits at issue. Statistics developed at the Wewela Gaging Station demonstrate that for the past thirty-nine years there were at least 10 cfs water at Wewela 90% of the time during the driest months of July, August and September. The same gaging station statistics indicate that there was a 70% chance that there would be at least 20 cfs of water at Wewela during the driest months of August and September.

VI

That Wewela Gaging Station thus reflects the situation which has existed given actual diversions. The Wewela station statistics do not reflect, however, the withdrawals of the latest appropriator whose Water Permit Application No. 2122-2 was approved May 23, 1990. That permit was for 4.57 cfs of water from a dug out located on a spring fed draw and supplemental water from Lost Creek, a tributary of the Keya Paha River. That permit has a May 20 cutoff for the portion of the diversion from Lost Creek.

VII

At least one domestic user downstream of the Wewela Gaging Station has testified that even when there are 18 cfs of water in the stream, there is insufficient water for his livestock. His cattle are located several miles below Wewela.

VIII

The Board finds that a 10 cfs bypass at Wewela is insufficient to provide reasonable protection to downstream domestic use, including livestock watering and prior water rights. The Board finds, furthermore, that reasonable protection is provided, on the basis of data now available, by a 15 cfs bypass requirement.

IX

The Board of Water Management has jurisdiction to impose amendments on existing permits to protect downstream domestic use, including livestock watering and to protect prior water rights. Such amendments are justified by the Water Management Board's statutory authority and duty to protect such prior rights.

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 15 cfs bypass requirement, senior appropriators will be

allowed by the Chief Engineer to irrigate beyond the cutoff date before junior appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Board has general authority to amend existing water permits pursuant to SDCL 46-2A-12.
3. The amendment set out in the Final Decision does not unlawfully impair existing rights. This is so because the existing rights are all subject to downstream domestic use including livestock watering and, of course, prior water rights. Moreover, even when the flow is 15 cfs or less, any appropriator may receive written permission from the Chief Engineer to appropriate water and such permission shall be granted, insofar as reasonably possible under the circumstances, first to senior appropriators and then to later appropriators.
4. The cutoff requirement set out in the Final Decision provides reasonable direction to the Chief Engineer in his management of the Keya Paha system. The proposed amendment to the permits is for beneficial purposes and is in the public interest.
5. The Board has jurisdiction to provide for a 15 cfs bypass requirement despite the fact that the advertisement provided for a 10 cfs requirement. The Chief Engineer's recommendation, as advertised and served upon the present water right holders, authorized the Board to approve the recommendation with "additional qualifications. . . ."

This language vests the Board with the power to make reasonable modifications in the recommendation.

6. The Department of Game, Fish and Parks requested a 16 cfs bypass for fish and wildlife purposes. The Board, having determined to adopt a 15 cfs requirement, concludes that it is unnecessary to consider whether it is appropriate or lawful to impose new bypass requirements on existing permits for fish and wildlife purposes and therefore declines to act upon the GF&P suggestion.

FINAL DECISION

Each of the rights and permits identified in the caption of this proceeding is herewith amended to remove any previous cutoff dates and bypass requirements and the following qualification is hereby added to each of the above-identified water rights and water permits.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the chief engineer. Diversions under this permit shall be in accordance with any written orders issued by the chief engineer.

BY THE BOARD

Chairman
Water Management Board

m-pld51.jpg

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

June 13, 1991

414-2

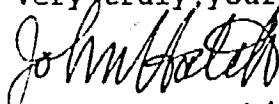
NOTICE

H.W. and/or Brad Carlson
RR 1, Box 32
Colome SD 57528

Dear Sirs:

This letter is in response to action taken by the Water Management Board to amend Water Right No. 414-2. The Board amended Water Right No. 414-2 by adding the qualification on the enclosed "Attachment" which should be placed with the water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,



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

enclosure

ATTACHMENT TO WATER RIGHT NO. 414-2

H.W. AND/OR BRAD CARLSON

The Water Management Board amended Water Right No. 414-2 at the February 27, 1991 Board meeting to add the following qualification:

Qualification added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

JOHN HATCH
 (SEAL) NOTARY PUBLIC (SEAL)
 SOUTH DAKOTA
 My Commission Expires Apr. 1, 1993

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by H.W. and/or
Brad Carlson of RR#1 Box 32, Colome SD 57528 holder of
Permit No. 414-2, bearing the priority of June 1 1955 authorizing
the diversion of 1.28 cu. ft. per second of the waters of Keyapaha River
for Irrigation purposes, in Tripp County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Berkley 6" Centrifugal Pump - Model B4JQBM CW - Serial No. No1614W
with Al's Chalmers 6 cyl. Propane Engine - Model 6-262

B. Works used to transport water to place of use:

Approx. 1000' 6" Buried Aluminum Pipe

C. Works used to apply water to beneficial use:

Valley 8 tower Center Pivot with Nelson End Gun

The system is in the following condition Fair

The point of diversion is located 940 ft. East and 460 ft. North of the SW
corner of Sec. 1-T95N-R 77W (SW 1/4 SW 1/4)

The works are capable of diverting and conveying to the place of use 1.28

cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: Sec. 1-795N-277hr

NW 1/4 Sh 1/4 - 30 Acres

NF 1/2 SW 1/4 - 8

SW'K SW'K - 14

SE 1/4 SW 1/4 - 3

comprising a total of 55 acres of land and the license should be issued for 0.79 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date August 22, 1990

Timothy J. Schaal
(signature)

LICENSE FOR PERMIT NUMBER 414-2

1. Legal location of wells: Diversion from Keyapaha River
940 ft. East and 460 ft. North of the SW corner of
dams & structures: Sec. 1-T95N-R17W (SW 1/4 SW 1/4)

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____
Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____
Pump a) make Berkley Centrifugal Static Water Level _____
b) model 845 QBM CW Motor a) make Alis Chalmers Geyl
c) size 6 inch b) model No. Propane - 6-262
d) capacity ≈ 600 gpm c) horsepower rating _____
e) turbine pump - no. of stages _____
f) operating PSI _____

3. Distribution lines or canals
a) size 6 inch
b) type Buried Aluminum
c) length ≈ 1000 ft.

4. Dam Information:
a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 414-2

(1) H. L. Carlson & Son of Colome, SD was issued Water License No. 414-2, July 7, 1956 for a water right to appropriate 1.28 cubic feet of water per second from the Keyapaha River, Tripp County, South Dakota for irrigation purposes. Water License No. 414-2 with a priority date of June 1, 1955 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 414-2 was transferred August 29, 1990 to H. W. or Brad Carlson.

Water License No. 414-2 was originally issued for irrigation of 90 acres in the SW 1/4 Section 1, T95N, R77W. Based upon an August 22, 1990 inspection of the water use system, the license is being reissued to reflect what is actually being irrigated.

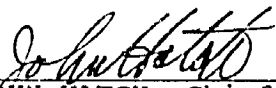
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.79 cubic feet of water per second for beneficial use. The location of the diversion point is: 240'E and 460'N of the SW corner of Section 1, T95N, R77W (SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T95N, R77W Section 1	NW 1/4 SW 1/4	30 Acres
	NE 1/4 SW 1/4	8 Acres
	SW 1/4 SW 1/4	14 Acres
	SE 1/4 SW 1/4	3 Acres
	Total -----	55 Acres

(4) Pursuant to Section 46-5-30.1 H. W. or Brad Carlson of RR 1, Box 32, Colome, SD 57528 the holder(s) and/or owner(s) of Water Right No. 414-2 is issued a license to appropriate water, the right to use 0.79 cubic feet of water per second from the Keyapaha River with a priority date of June 1, 1955 from the

location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 414-2 and subject to South Dakota State Law.

 MAY 28 1991

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

South Dakota

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

MAY 28 1991

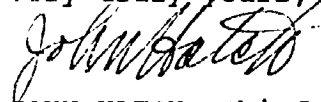
H. W. or Brad Carlson
RR 1, Box 32
Colome, SD 57528

Dear Mr. Carlson:

Enclosed is Water License No. 414-2. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,



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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 29, 1991

NOTICE

PERMIT NO(S). 414-2

TO: H. W. Carlson
RR 1, Box 32
Colome, SD* 57528

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352 *Delvin D. Brosz*

SUBJECT: Shutoff Order for Water Diversions from the
Keyapaha River.

The flows in the Keyapaha River are below 15 cubic feet per second (cfs) at the Wewela gaging station. Therefore, to protect domestic use (livestock watering), effective immediately, no pumping of water is authorized from the Keyapaha River or contributing tributaries until January 1, 1992 or until further notice.

The following is the latest flow (cfs information on the river:

GAGE	3/27/91	3/28/91	3/29/91
Wewela	15.9	13.5	12.6

If you have any questions, please contact Tim Schaal or Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

4/4-2

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Diversions from the Keyapaha River addressed as stated below:

Garnet Sargent, RR, Clearfield, SD 57581

Rodney Hofeldt, RR 5, Box 89, Millboro, SD 57554

Stanley Hanson, RR 5, Box 63, Millboro, SD 57554

Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.

Vern Keszler, HC 88, Box 12, Clearfield, SD 57581.

~~Dale Heese, SR Box 36, Millboro, SD 57554.~~

Charles Hellman, RR 5, Box 84, Millboro, SD 57554.

Alva Wily, SR 10, Box 34, Millboro, SD 57554.

Richard Kirsch, HC 80, Box 49, Springview, NE 68778.

Charles Richey, HC 86, Box 47, Wewela, SD 57578.

Lucile Richey, RR 10, Box 46, Wewela, SD 57578.

Victor Weickum, Wewela, SD 57578.

H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

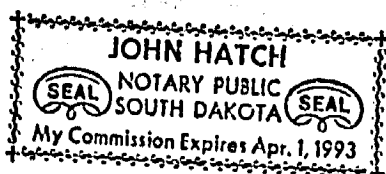
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 30th day of August, 1991.

John Hatch
Notary Public



NOT TO SCALE

96-77 1

(217-R) (D-8)

94.4

94.4

2 HEL

2 HEL

8.4

HEL

1
T2379

100.9 T1701

100.4

HEL

65.8

5.8

HEL

95-72

NOT TO SCALE

94-77 1

(217-R) (D-8)

94.4

94.4

2 HEL

2 HEL

18.4

HEL

100.9 T1701

T2379

NE 1/4 SW 1/4
8 Ac

NW 1/4 SW 1/4
30 Ac

SW 1/4 SW 1/4
14 Ac

SE 1/4 SW 1/4
3 Ac

65.8

HEL

Division
Point X

94.0

460'

HEL

95-77

Timothy H. Schaal

August 22, 1990

No. 414-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s) 414-2

To: H W OR BRAD CARLSON
29716 315TH AVE
COLOME SD 57528

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s) 414-2

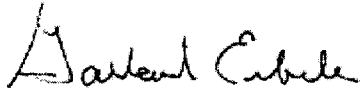
Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 17, 2006, the stream flow at the Wewela gage dropped to 14-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 414-2

To: H W OR BRAD CARLSON
29716 315TH AVE
COLOME, SD 57528



From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s). 414-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 16, 2006, the stream flow at the Wewela gage dropped to 13-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



February 22, 2008

H W OR BRAD CARLSON
29716 315TH AVE
COLOME, SD 57528

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program

414-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: H W OR BRAD CARLSON
29716 315TH AVE
COLOME SD 57528

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s) 414-2

This is a **reminder** to water right holders along the Keya Paha River and its tributaries that the dry weather and low flows create a potential for shutoff orders to be issued. A qualification on your water right states that diversions are not authorized when the stream flow is 15 cfs or less at the USGS Wewela, SD gaging station. This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

Currently the stream flow at the Wewela gage is at 21 cfs. Only when flow in the Keya Paha River is greater than 15 cfs at the USGS Wewela, SD gage, are you authorized to divert water. This is **not** a shut-off order. However, if flows continue to drop, a shut-off order may be issued.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 153 stream gauging stations across the state including two gaging stations on the Keya Paha River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

If you have any questions, please feel free to contact Mark Rath or Lynn Beck at (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: H W OR BRAD CARLSON
29716 315TH AVE
COLOME SD 57528

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Keya Paha River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 414-2

The flows in the Keya Paha River are below 15 cubic feet per second (cfs) at the USGS gaging station at Wewela, SD. Therefore to protect domestic use which includes livestock watering, the department is issuing shutoff orders for the Keya Paha River from the Todd-Tripp county line to the South Dakota-Nebraska border. Effective immediately, no diversions of water from the Keya Paha River is authorized under your Keya Paha River water rights.

Flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve.

If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

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

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 17, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 17, 2012 regarding shutoff order for Keya Paha River addressed as stated below:

PERMIT NO	PNO2	FIRST NAME	LAST NAME	CONTACTOWN	ADDRESS2	CITY	STATE	ZIP
1107-2		ROBERT/KIMBERLY	HANSON		29445 303 AVE	WINNER	SD	57580
2141-2		CORY C	SARGENT		29461 304th AVE	WINNER	SD	57580
1128-2	2581-2	JOE	ANDERSON	OPERATOR	29694 312th AVE	WINNER	SD	57580
414-2		H W OR BRAD	CARLSON		29716 315TH AVE	COLOME	SD	57528
835-2	959-2	ALVA LEE	WILEY		31450 301 ST	WINNER	SD	57580
710-2		JIM	RICHEY		30099 318TH AVE	WEWELA	SD	57580
465-2		E LUCILE	RICHEY		31856 RICHEY RD	WEWELA	SD	57578
369-2			HARTLAND FARMS INC	CORWIN HARTHOORN	88809 429TH AVE	AINSWORTH	NE	69212
931-2		VERNON & JEAN	VAN EPPS		93925 908TH RD	SPRINGVIEW	NE	68778
879-2		JEFF	KIRSCH		44326 905th RD	SPRINGVIEW	NE	68778

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

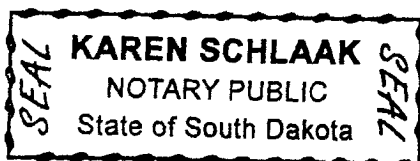
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 17th day of July, 20 12.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2022

H W OR BRAD CARLSON
29716 315TH AVE
COLOME, SD 57528

Dear Keya Paha River Water Right Holder:

I am writing to remind Keya Paha River water right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 – Keya Paha River near Wewala, SD to insure flows for domestic use and prior existing water rights.

Recently, river flows measured at **USGS Gage No. 06464500 – Keya Paha River near Wewala, SD** have been nearing the 15 cfs cutoff and when it does, diversion of water for irrigation purposes shall cease. This 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Mark Rath, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 7, 2024

414-2

Brad Carlson
29716 315th Ave
Colome SD 57528

Dear Mr. Carlson:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaire you submitted for Water Right No. 414-2.

On this year's questionnaire you reported that the system's engine had been flooded and not yet replaced. In review of past responses, it was found that the same report has been made nearly each year since 1989, all indicating that the pump engine seized and has not been replaced. The last report of irrigation was made in 1976.

Pursuant to SDCL 46-5-37, if any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three or more years, the water permit/right is subject to cancellation due to forfeiture or abandonment.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of Water Right No. 414-2.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 414-2

Brad Carlson
29716 315th Ave
Colome, SD 57528

Dear Mr. Carlson:

I'm writing to you today in reference to Water Right No. 414-2.

On November 7, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Water Right No. 414-3, due to forfeiture or abandonment. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Right No. 414-2.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

August 7, 2026

Permit No. 414-2

HW OR BRAD CARLSON
29716 315TH AVE
COLOME, SD 57528

Dear Appropriators:

I am writing to remind Keya Paha River Water Right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 - Keya Paha River near Wewala, SD to ensure flows for domestic use and prior existing water rights.

Recently, river flows measured at USGS Gage No. 06464500 – Keya Paha River near Wewala, SD have been as low as 25 cfs. If flows decrease to 15 cfs, diversion of water for irrigation purposes are required to cease. The 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office). We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program