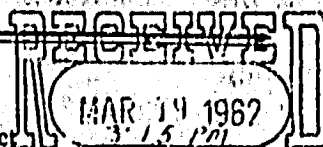


1. Considered 5-9, 1962 757-2
2. Name of Applicant Alfred A. Johnson
3. Post Office Address Orlando
4. Amount of water claimed 2.08
5. Source of water supply White River and Reservoir
6. Water to be used for Irrigation
Acres to be irrigated 145.00
7. Water to be diverted and used in Polk County about
600 774 miles of Altamaha
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 757-2Water Division No. 2 WHITE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
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 J. ALFRED HUTCHISON
Postoffice address PRESHO, County LYMAN, State S. DAK.

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Direct labor

(b) Cash on hand, \$ Sufficient (c) Treasury stock, \$
(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work ALFRED HUTCHISON IRRIGATION PROJECT NO. 1
3. Amount of water claimed 2.08 cubic feet per second
4. Source of water supply White River and dry draws
5. Location of point of diversion See under REMARKS BY THE APPLICANT
on bank County.
6. Annual period or periods during which water is to be used March through Octob
7. To be used for:

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

(c) Number of acres to be irrigated 15.8 acres.

(b) Legal subdivisions to be irrigated See under REMARKS BY THE APPLICANT

(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.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use
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 660-2

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$ 2500
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Reservoir, ditches, dikes \$ 4000 Total, \$ 6500

9. Description of diversion works:

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

Portable pumping plant; reservoir; ditches

II. Dimensions of works.

(a) Dam: Height 24 feet; length at bottom 200 feet; length at top 140 feet; thickness at bottom 160 feet; thickness at top 14 feet; slope at front water face 1:1; slope at back face 2:1
 material used in construction Earth fill

(b) Reservoir: Capacity when filled 82.0 acre feet. Surface area at highwater mark 10.0 acres.

(Reservoir will have 15" Dia. Corrugated Metal Pipe outlet with metal slide gate)

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
0	0.0	0.0
4	0.9	1.5
8	2.5	8.3
12	4.9	22.9
16	7.4	47.3
20	10.0	82.0

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

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
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 ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----
 THE LYMAN COUNTY HERALD, PRESHO, S. DAK.

STATE OF SOUTH DAKOTA

County of -----

I, Alfred Hutchison, 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

Subscribed and sworn to before me this

19TH

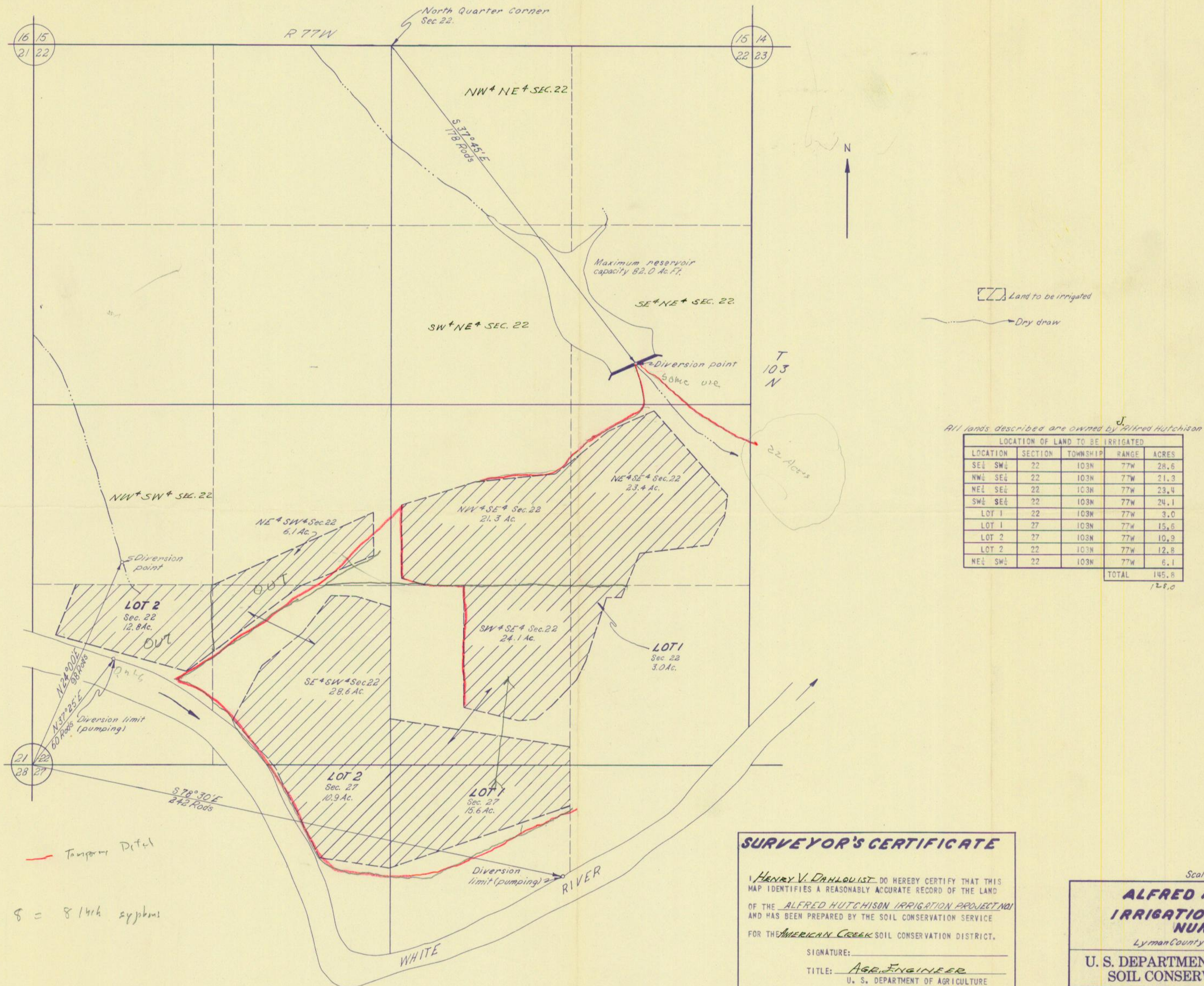
day of

March

1962

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

I HENRY V. DAHLQUIST DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE ALFRED HUTCHISON IRRIGATION PROJECT AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE AMERICAN CREEK SOIL CONSERVATION DISTRICT.

SIGNATURE: _____

TITLE: AGRI. ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19____, A.D.

MY COMMISSION EXPIRES _____, 19____.

NOTARY PUBLIC

**ALFRED HUTCHISON
IRRIGATION PROJECT
NUMBER 1**

Lyman County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	7-61	Sheet _____
		Drawing No. _____

MAP NO 660-2 (APPL NO 757-2)

Owner's copy

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } 83.

Pierre, South Dakota, MAY 18, 1962

This is to certify that the foregoing application was received by the Commission at 3:15 o'clock
P.m. upon the 19TH day of MARCH, 1962

State Water Resources Commission
By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 757-2

Date of first receipt of application MARCH 19, 1962

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right MARCH 19, 1962

Approved MAY 9, 1962, Recorded in Book 7 Page 105

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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 _____

NOVEMBER 9, 1964

2nd. The whole of said work is to be completed on or before MAY 9, 1967

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

MAY 9, 1971.

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.08 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 MAY 9, 1971; said water to be used during the following described annual period:

MARCH THRU OCTOBER

Witness my hand this 18TH day of MAY, 1962

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 13, 1972

Water License issued SEPTEMBER 13, 1972

Remarks by the Applicant:

5. Location of Points of Diversion ----

A. From the White River, by pumping, between the following points on the left bank:

1. A point in Lot 2, Section 22, N 37 deg. 25 min. E, 60 rods from the southwest corner Sec. 22 - T 103 N - R 77 W.
2. A point in Lot 1, Section 27, S 78 deg. 30 min. E, 242 rods from the southwest corner Sec. 22 - T 103 N - R 77 W.

B. From dry draws:

1. A point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, N 24 deg. 00 min. E, 98 rods from the Southwest corner Sec. 22 - T 103 N - R 77 W.
2. A point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, S 37 deg. 45 min. E, 178 rods from the North Quarter-corner Sec. 22 - T 103 N - R 77 W.

7. I (b) Legal sub-divisions to be irrigated -----

SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 22	T 103 N	R 77 W	28.6 Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 22	T 103 N	R 77 W	21.3 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 22	T 103 N	R 77 W	23.4 Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	Sec. 22	T 103 N	R 77 W	24.1 Acres
Lot 1	Sec. 22	T 103 N	R 77 W	3.0 Acres
Lot 1	Sec. 27	T 103 N	R 77 W	15.6 Acres
Lot 2	Sec. 27	T 103 N	R 77 W	10.9 Acres
Lot 2	Sec. 22	T 103 N	R 77 W	12.8 Acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 22	T 103 N	R 77 W	6.1 Acres

TOTAL 145.8 Acres

WATER LICENSE NO. 757-2

(1) WHEREAS, On the 19th day of March A. D. 1962
J. Alfred Hutchinson
 made Water Right Application No. 757-2 for a permit to use 2.08 cubic feet per second of the waters
 of the White River and dry draws
 County of Lyman State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 18th day of May A. D. 1962
 Permit No. 757-2 with a date of priority of March 19, 1962
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 9th day of May A. D. 1967 and for the
 application to beneficial use of said water on or before the 9th day of May A. D. 1971

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 2.08 cubic feet
 per second of water for beneficial use and;

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent:

for irrigating the following land in T103N, R77E

Section 22	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28.6 acres
	SE $\frac{1}{4}$	71.8 acres
Section 23	NW $\frac{1}{4}$ SW $\frac{1}{4}$	22.0 acres
Section 27	Lot 1	15.6 acres
	Lot 2	10.9 acres
	Total	148.9 Acres

(5) 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 J. Alfred Hutchison

_____ of Presho, S.D.

the holder _____ and owner _____ of said permit No. 757-2 a water right, dating from March 19, 1962

_____ to use of 2.08 cubic feet per second of the waters

of the White River and a dry draw

in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at River diversion - North 59° East, 2400' from the SW

Corner, Section 22; dry draw diversion South 37° 46' East, 178 rods from the N½

Corner, Section 22, both in T103N, R77W

and conduct to and upon portions of Sections 22, 23 and 27, T103N, R77W more fully

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 757-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 13th day of September A. D.

Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.V. GRIBBS

Permit No. 757-2Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That J. Alfred Nicholson

_____ the holder _____ of
Permit No. 757-2, issued upon Application No. 757-2, bearing date of priority of March 19,
1962, authorizing the diversion of 2.08 cu. ft. per second of the waters of _____
White River & dry draws County of Lyman, State of South Dakota at _____
River diversion - North 59° E. 8400' from the SW Corner, Section 22; dry draw
diversion South 37° 46' East, 178 rods from the N½ Corner, Section 22, both in
T103N, R77W, for irrigation

_____ purposes, has _____ complied with the provision 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 6.75 cu. ft. per second of water.

Date September 13, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Lyman } ss.

Robert C. Cameron being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Lyman County Herald 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 Presidio County of

Lyman and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 29, 1962

April 5, 1962

April 12, 1962

April 19, 1962

in each and every issue of the full number thereof, the first publication being made on the 29 day of March

1962 and the last publication on the 12 day of

April 1962 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was publisher the printer and publisher of the said newspaper.

Robert C. Cameron

Subscribed and sworn to before me this 5 day of May A. D. 19 62

Notary Public Lyman County, S. D.

RECEIVED
MAY 9 1962

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S. D.
Notice is hereby given that J. Alfred Hutchison, whose postoffice address is Pierre, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.08 cubic feet of water per second of time from the White River and dry draws through the Hutchinson Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of the White River between a point in Lot 2, Section 22, and a large dam with a diversion in the SE 1/4 of the NE 1/4 of Section 22, all in Twp. 103N, Range 77W, 64th providing irrigation on portions of the following described land: SE 1/4 and SW 1/4, Section 22, and Lots 17 and 27, Section 27, all in T103N, R77W. This application will be taken up by the State Water Resources Commission at their office at Pierre, S. D., May 12, at 2 P.M. All interested persons may appear and be heard. Appropriate action will be taken after suitable time has elapsed for the consideration of any or all information presented.
By: Burton F. Jones
Water Rights Specialist
March 29 April 5, 12, 1962

on or before April 12, 1962.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 27, 1962

Notice is hereby given that J. Alfred Hutchison whose postoffice address is Prosho 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 2.08 cubic feet of water per second of time from the White River & dry draws through the Hutchinson Irrigation Project the point of diversion of which is to be located left the White River, between a point in Lot 2, Section 22, & a point in Lot 1, Section 27, bank of ~~xxxxxxx~~ SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, all in portions of & from a storage dam with a diversion in the Twp. 103N Range 77W Said water to be used for the purpose of providing irrigation on the following described land:
SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 22; and Lots 1 & 2, Section 27, all in
T103N, R77W

~~xxxxx~~ ~~xxxxxx~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 2th day of May, 1962, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

CC: Robert C. Cameron, Publisher
Lyman County Herald
Prosho, South Dakota

~~XXXXXXXXXXXXXXXXXXXX~~
MURTON F. JONES
Water Right Specialist

Permit No. 757-2Water Division 2 WHITE RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by J. Alfred Hutchisonof Presho, S.D. holder
of Permit No. 757-2, bearing date of priority of March 19, 1962authorizing the diversion of 2.08 cu. ft. per second of the waters of White River and Dry Draw
for irrigation purposes purposes, in Lyman County.

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

The Water Use System consists of,
"Berkeley" Propeller pump, Mod. 1009-16, powered by Reliance Electric motor, 10 H.P.,

A. Works used to divert the water: Type P. (1500 g.p.m.)

"Crisafulli" 12 inch pump, Mod. 12L, Powered by John "Deere" 4020 or 3010 Diesel tractors, up to 110 H.P. (3000 g.p.m.)

This same pumping equipment is also used under Water Right No. 880-2.
Dry Draw reservoir, 82 ac.ft. capacity in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, T103N, R77W, as shown on
Water Right Map No. 660-2

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

8400 feet of temporary and semi-permanent ditch

C. Works used to apply water to beneficial use.

Ten 8 inch diameter syphons

The system is in the following condition: ExcellentThe point of diversion is located River diversion North 59° E. 8400 ft. from SW Corner of
Sec. 22. Dry draw diversion South 37° 46' East, 178 rods from N $\frac{1}{4}$ Corner, Sec. 22,
both in T103N R77WThe works are capable of diverting and conveying to the place of use 6.75cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T103N, R77W

SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 22	28.6 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23	22.0 acres
SE $\frac{1}{4}$, Section 22	71.8 acres		
Lot 2, Section 27	10.9 acres		
Lot 1, Section 27	15.6 acres		

comprising a total of 148.9 acres acres of land.Date August 21, 1972

(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

Department of Water & Natural Resources

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

March 23, 1987

ROBERT E HUTCHINSON
HCR 80 BOX 105
PRESHO, SD 57568

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1474-2, 880-2, 757-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 1474-2, 880-2, 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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


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

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

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

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

May 5, 1987

1474-2

880-2

757-2

Rob Hutchinson
HCR 80 Box 105
Presho, SD 57568

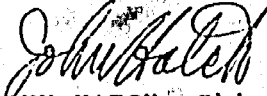
Dear Mr. Hutchinson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1474-2, 880-2, and 757-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

ROBERT E HUTCHINSON, OP
HCR 80 BOX 105
PRESHO, SD 57568

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 757-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

cc: J Alfred Hutchinson, SR 6 Box 9, Presho, SD 57568

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

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

February 10, 1988

757-2
880-2
1474-2

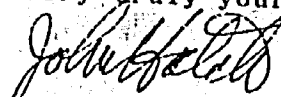
Robert E Hutchinson
HCR 80 Box 105
Presho SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 757-2, 880-2 & 1474-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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



757-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: ROBERT E HUTCHINSON, OPERATOR
HCR 80 BOX 105
PRESHO SD 57568

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 757-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

cc: J Alfred Hutchinson, SR 6 Box 9, Prescho, SD 57568

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: 757-2 J. Alfred Hutchinson SR 6, Box 9 Piquette, SD 57568 J. Hutchinson		4a. Article Number P 906 560 210	
5. Signature (Addressee)		4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
6. Signature (Agent)		7. Date of Delivery 02 08 93 1-8-93	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.



757-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1993

757-2
880-2
1474-2

Robert Hutchinson
HCR 80 Box 105
Presho, SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 757-2 and 880-2 and Water Permit No. 1474-2. You may disregard the Notice for Violation of the Requirement to Submit 1992 Irrigation Questionnaires. The questionnaires were received in the office prior to the Water Management Board meeting and your name was deleted from the agenda.

As requested, future irrigation questionnaires for Water Right No. 757-2 (held by J Alfred Hutchinson) will be mailed to Jeff Hutchinson, HCL 80 Box 104, Presho, SD. No. 880-2 and 1474-2 will continue to be mailed to you.

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

JEFF HUTCHINSON, OP
HCR 80 BOX 104
PRESHO SD 57568

757-2

4a. Article Number

P 378 081 365

4b. Service Type

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

7. Date of Delivery

2-5-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X [Signature]

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



757-2

February 4, 1997

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

TO: JEFF HUTCHINSON, HCR 80 BOX 104, PRESHO, SD 57568

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 757-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1997

757-2

Jeff Hutchinson
HCR 80 Box 104
Presho, SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

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

If you have any questions, please contact me.

Sincerely,

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



757-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: JEFF HUTCHINSON, OP, HCR 80 BOX 104, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 757-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 757-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

757-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JEFF HUTCHINSON, OP
HCR 80 BOX 104
PRESHO SD 57568

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

JEFF HUTCHINSON

B. Date of Delivery

1-15-00

C. Signature

X 

☐ Agent

☐ Addressee

☐ Is delivery address different from item 1?

☐ Yes

If YES, enter Delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227 1670 357



757-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3131
www.state.sd.us/denr

February 17, 2000

756-2
757-2
1474-2

Jeff Hutchison
HCR 80 Box 104
Presho, SD 57568

Dear Mr. Hutchison:

I am writing to acknowledge receipt of the information needed for your 1999 irrigation questionnaire. On February 16th, I spoke with Mrs. Hutchinson regarding the form. I completed a questionnaire for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 757-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Water Permit No. 1474-2 and Water Right Nos. 756-2 and 757-2 are listed in the name of J Alfred Hutchison (see enclosed copies). It is my understanding that they should be transferred to your name. Enclosed are three "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public. A fee of \$2.50 is required for each transfer (total of \$7.50). The check or money order for the filing fees can be made payable to the "Water Rights Program."

If you do not own all the land and I should be sending the forms to someone else, please let me know. It is fine to put more than your name on the forms if you hold the land in joint ownership with someone.

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

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 757-2

Date: _____

I/We request that Water Permit/Right No. 757-2

formerly owned by: ALFRED HUTCHISON

be transferred to: (name & address) JEFF HUTCHISON 306.51 Bison Rd.

PRESHL, S.DAK. 57568

Telephone No. 605/825-2245

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

SEE ATTACHED SHEET

I/We understand that the validity of Water Permit/Right No. 757-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Jeff Hutchison 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.

Jeff Hutchison
(Signed)

Subscribed and sworn to before me this 27th day of March, 2000.

Bruce Starn
(Notary Public)
No Commission

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 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.

Permit No. 757-2
 Water Division 2 WHITE RIVER Water District



REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by J. Alfred Hutchison

of Presho, S.D. holder
 of Permit No. 757-2, bearing date of priority of March 19, 1962
 authorizing the diversion of 2.05 cu. ft. per second of the waters of White River and Dry Draw
 for irrigation purposes purposes in Lyman County.

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

The Water Use System consists of,
 "Berkeley" Propeller pump, Mod. 1009-16, powered by Reliance Electric motor, 10 H.P.,
 A. Works used to divert the water: Type P. (1500 g.p.m.)
 "Crisafulli" 12 inch pump, Mod. 12L, Powered by John "Deere" 4020 or 3010 Diesel
 tractors, up to 110 H.P. (3000 g.p.m.)

This same pumping equipment is also used under Water Right No. 880-2.
 Dry Draw reservoir, 32 ac.ft. capacity in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 22, T103N, R77W, as shown on
 Water Right Map No. 660-2

B. Works used to transport water to place of use.
 8400 feet of temporary and semi-permanent ditch

C. Works used to apply water to beneficial use
 Ten 8 inch diameter syphons

Excellent

The system is in the following condition: Excellent

The point of diversion is located River diversion North 59 $^{\circ}$ E. 8400 ft. from SW Corner of
Sec. 22. Dry draw diversion South 37 $^{\circ}$ 46' East, 178 rods from N $\frac{1}{2}$ Corner, Sec. 22,
both in T103N, R77W

The works are capable of diverting and conveying to the place of use 6.75
 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 all in T103N, R77W

SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22	28.6 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23	22.0 acres
SE $\frac{1}{4}$ Section 22	71.8 acres		
Lot 2, Section 22	10.9 acres		
Lot 1, Section 22	13.6 acres		

comprising a total of 148.9 acres of land

Date August 21, 1972

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF PERMITS AND RIGHTS - CERTIFICATE OF AUTHORITY
 THIS IS TO CERTIFY THAT THE MICROPHOTODUPLICATIONS APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF
 ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA, CHAPTER
 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN ACCORDANCE
 AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT RECORDS
 REPRODUCTIONS. REPRODUCTION 25-1 ROLL NO. 14
 1-22-82
 DATE MICROFILMED

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416449

Pierre, March 29, 2000

RECEIVED OF Jeff Hutchison, 30651 Bison Rd., Presho, SD 57506
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct

and to put water to beneficial use _____

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

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

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

Fee for Filing Transfer Form Water Right No. 757-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

Richard E. [Signature]



757-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 29, 2000

756-2
757-2
1474-2

Jeff Hutchison
30651 Bison Rd
Presho, SD 57568

Dear Mr. Hutchison:

Thank you for following up on the ownership changes for Water Right Nos. 756-2, 757-2 and Water Permit No. 1474-2. The transfers have been completed and the above listed water rights and water permit are now listed in your name.

Enclosed are your receipt Nos. 416448, 416449 and 416450 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions concerning the water rights or water permit, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist
Water Rights Program
genny.memath@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2009
(via email)

757-2
880-2
1474-2

Kent Rasmussen
Rabo AgriFinance
2525 W Main – Suite 302
Rapid City SD 57702

Dear Mr. Rasmussen:

I am writing in follow-up to your request for information on water use authorized by Water Right Nos. 757-2, 880-2 and 1474-2.

With information obtained from their annual irrigation questionnaires, I prepared summaries for each water right showing whether they irrigated or not during the years 1985 through the present. The summary for each includes their actual comments written on the forms as to why irrigation did not take place.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for the years of non-use. Legal excuse as defined in Board Rules includes but is not limited to 1) unavailability of water to satisfy a water right; 2) legal proceedings which prevent the use of water and 3) water use under existing climatic conditions which would result in a waste of water.

As I indicated to you on the phone, as staff, we can not tell you whether or not a water right is valid. The Water Management Board is the entity who is tasked with making these determinations. All we can tell you is what information is in the files. After reviewing the summaries for each water right, we would not pursue cancellation of these water rights. This does not mean that they have legal standing; it means that we do not have enough information to schedule them for hearing.

If you want to know for sure if they have legal standing, you or Mr. Hutchison could petition the Board to make a declaratory ruling.

I hope I have answered your questions. If you need additional information, please contact me.

Sincerely,

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

Irrigation Questionnaire Summary for Jeff Hutchison
Water Right No. 757-2

Year	Irrigated (yes or no)	comments
1985	yes	78 acres
1986	yes	78 acres
1987	yes	90 acres
1988	yes	110 acres
1989	yes	138.4 acres
1990	yes	184 acres
1991	yes	90 acres
1992	no	<i>no reason given</i>
1993	no	“too much rain”
1994	yes	190 acres
1995	yes	160 acres
1996	yes	180 acres
1997	no	<i>no reason given</i>
1998	yes	180 acres
1999	no	<i>no reason given</i>
2000	no	“Ditch system needs repaired”
2001	no	“Adequate rain”
2002	no	“low river level”
2003	no	“not enough water”
2004	no	“bad river water quality”
2005	no	“low water supply”
2006	no	checked box indicating “no water available”
2007	no	checked box indicating “no water available”
2008	no	“sufficient moisture”



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JEFF HUTCHISON, 30651 BISON RD, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit Nos. 757-2, 880-2, & 1474-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 757-2, 880-2 & 1474-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

757-2
880-2
1474-2

Jeff Hutchison
30651 Bison Rd
Presho SD 57568

Dear Mr. Hutchison:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 757-2, 880-2 & 1474-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

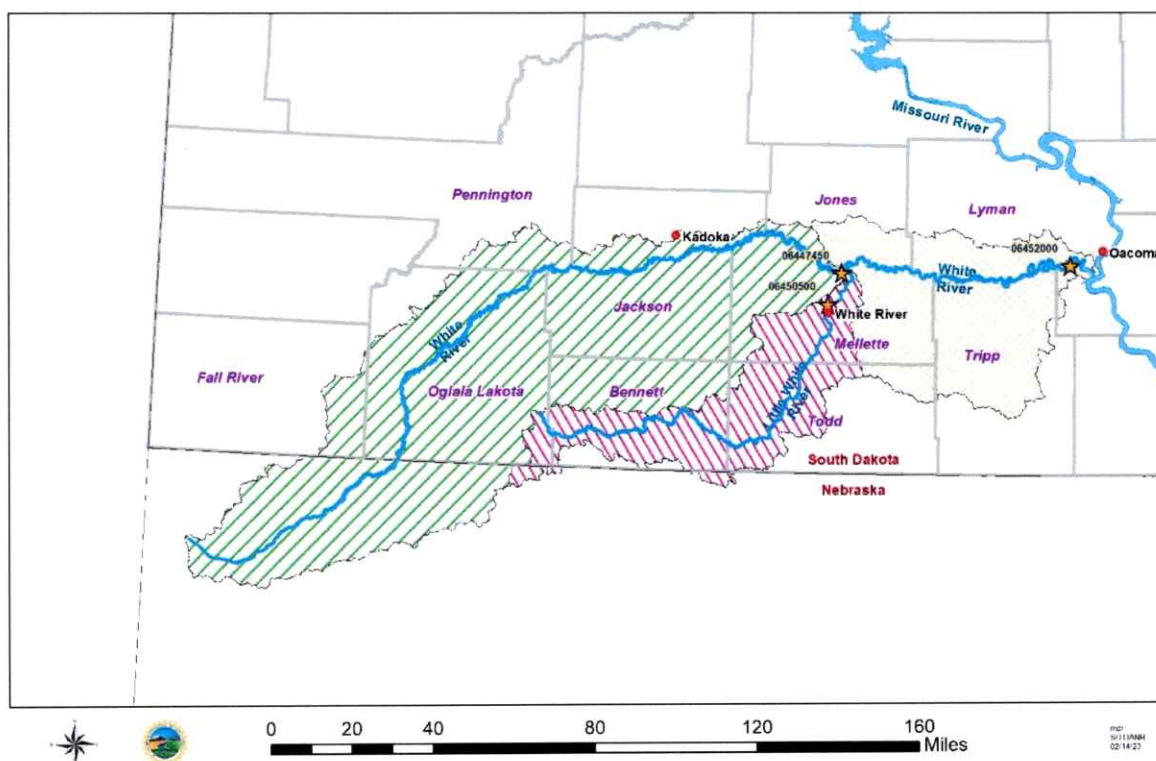


Figure 1. White River Watershed Map.

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

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

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

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

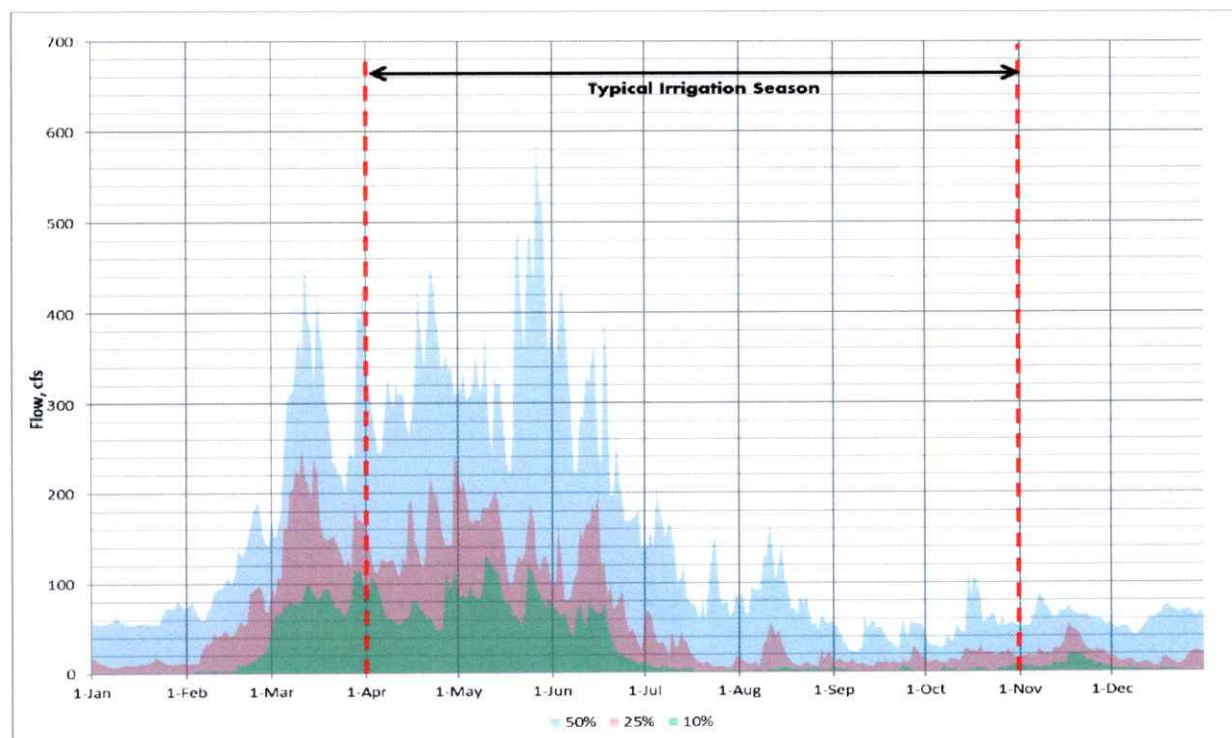


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

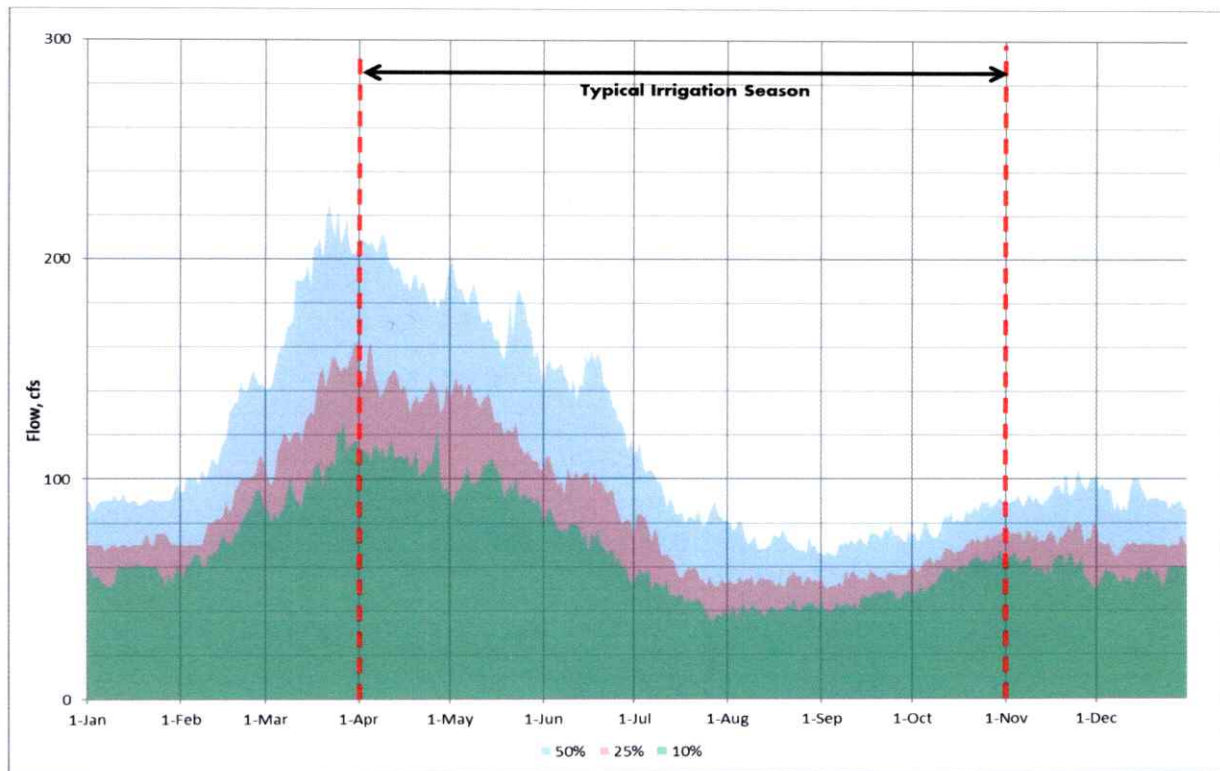


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

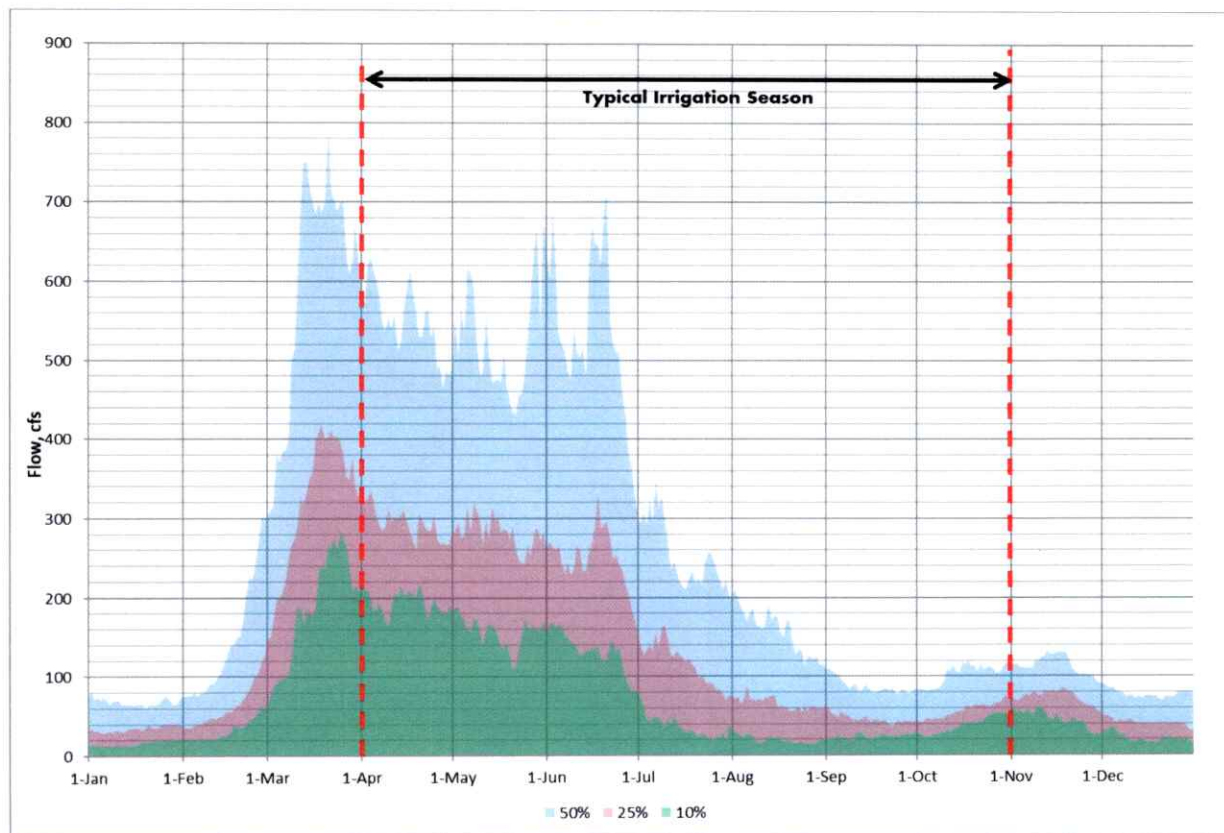


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

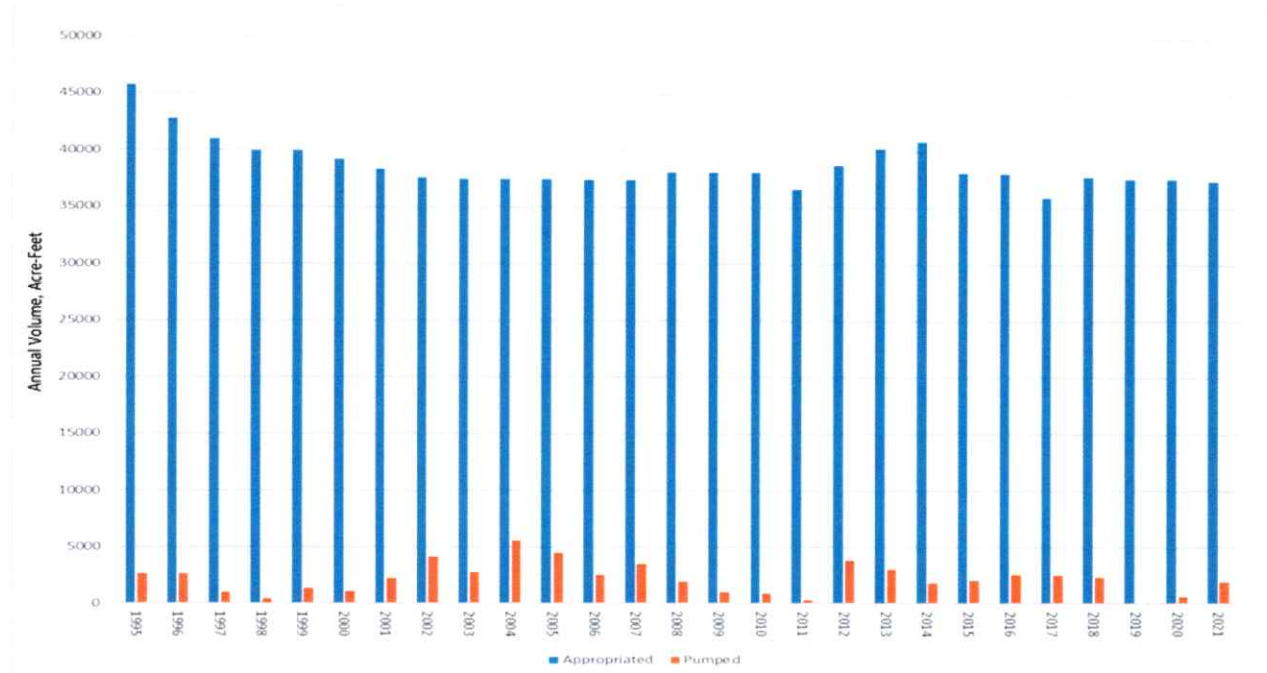


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

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

Dear White River Water Right Holder,

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

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

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

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

Sincerely,

Chief Engineer

Water Rights Program, DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: JEFF HUTCHISON, 30651 BISON RD, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 757-2, 880-2 & 1474-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 757-2, 880-2 & 1474-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XPRZWI**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 12, 2024

757-2
880-2
1474-2

Jeff Hutchinson
30651 Bison Rd
Presho SD 57568

Dear Mr. Hutchinson:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 757-2, 880-2 & 1474-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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