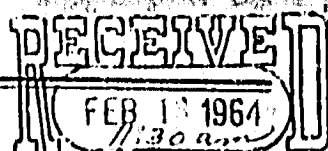


316-2

1. Considered 5-6, 1962
2. Name of Applicant Donald Tracy
3. Post Office Address Presbo
4. Amount of Water Claimed 2.05
5. Source of water supply White River
6. Water to be used for irrigation
Acres to be irrigated 144.6
7. Water to be diverted and used in Lyman County about
6E 15S Miles of Vivian
8. Proof of Publication Received ~~18~~ ✓
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 816-2Water Division No. 2 White River

(Blanks to be Filled by the Engineer for the W. R. C.)

DISTRICT 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 Donald Tracy LIEN RANCH, INC.
 Postoffice address Presho, County Lyman, State South Dakota

1. 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)
By contract and direct labor of self
 (b) Cash on hand, \$ Adequate (c) Treasury stock, \$—
 (d) Bonds to be issued, \$— (e) Other resources, \$—

2. Name of diversion work Donald Tracy Irrigation Project Number 13. Amount of water claimed 2.05 cubic feet per second4. Source of water supply White River

5. Location of point of diversion N 63° 30' W and N 67° 30' E of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of sec. 8;
any point in between on North bank White River in Lyman County.

6. Annual period or periods during which water is to be used March 1 through November 30

7. To be used for:

I. Irrigation or domestic use; Gravity, ~~overhead sprinkling or combination system~~ Irrigation-gravity system

- (a) Number of acres to be irrigated 144.6 acres. Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$ -22 0.6 Ac.
 Portion NW $\frac{1}{4}$ SW $\frac{1}{4}$ -22 5.9 Ac. Portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$ -22 7.5 Ac.
 (b) Legal subdivisions to be irrigated Lot 1-Sec. 27 10.8 Ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ -22 34.2 Ac.

(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.)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ -22 37.5 Ac. Portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ -22 9.9 Ac. Lot 1, sec. 27 2.2 Ac. NW $\frac{1}{4}$ NE $\frac{1}{4}$ -27 24.5 Ac.
 (c) Statement as to domestic use (giving location, etc.) Lot 1 Sec. 27 6.5 Ac.

All land located in T 103 N R 78 W

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—

Map No 702-2

Estimated cost of work:
(a) Head Gates, \$ 300

(b) Pumping plant, \$ 2,000
Rock, \$
Total, \$ 6,600

(c) Fluming, \$
(d) Canal earth, \$ 300
(e) Other structures land leveling, \$ 4,000

8. Description of diversion works:

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

Pumping plant

II. Dimensions of works.

(a) Dam: Height, feet; length at bottom, feet; length at top, feet; thickness at bottom, feet; thickness at top, feet; slope at front water face, slope at 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	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width, 2 ft. feet; height, 2 ft. feet;
Material Concrete

(d) Canal: Total length, 1.5 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, 5 years.
11. Time required for complete application of water to the proposed beneficial use, 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate
Lyman County Herald- Presho, South Dakota

STATE OF SOUTH DAKOTA

County of Hughes ss.

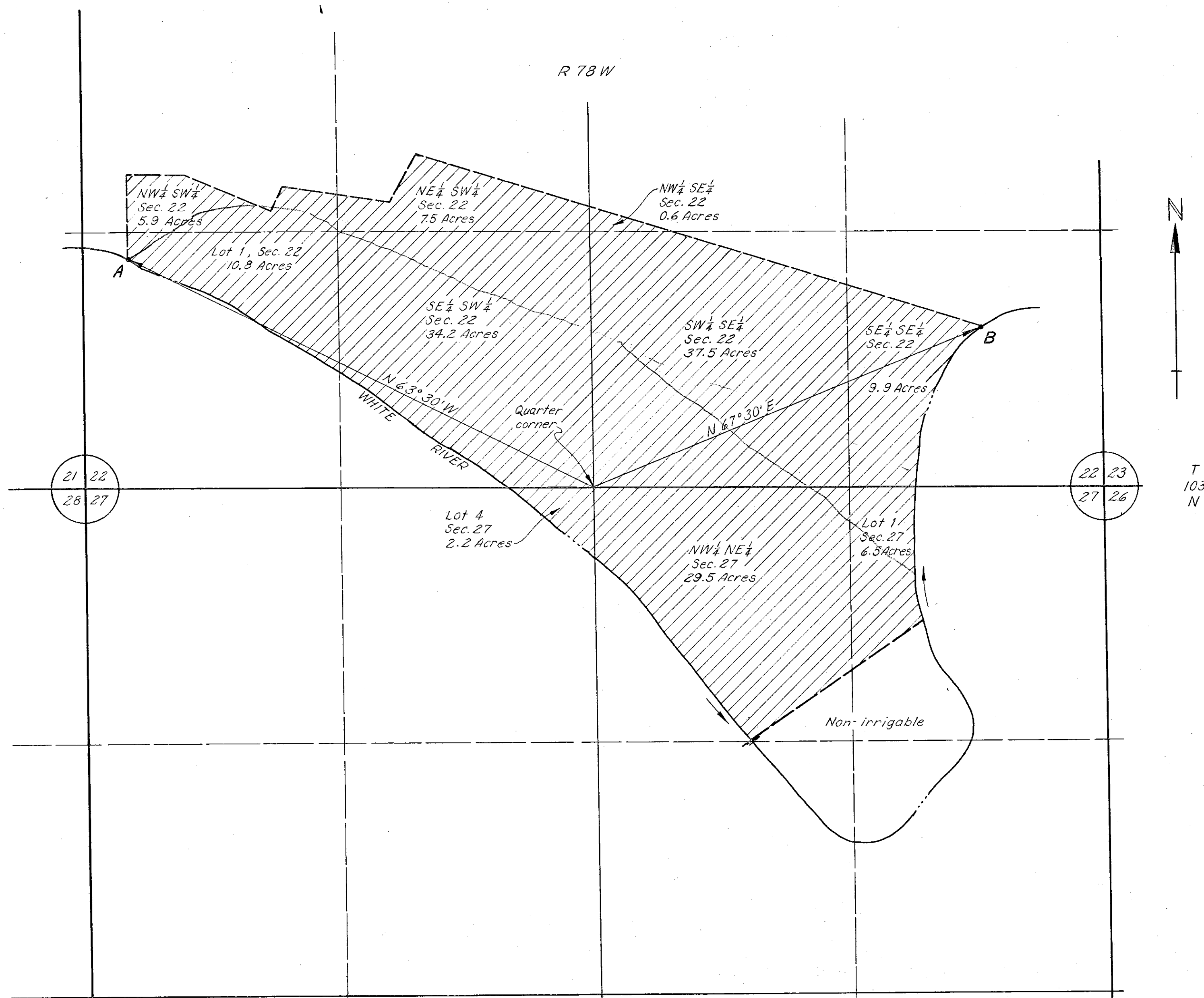
I, Donald Tracy, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Donald Tracy

Subscribed and sworn to before me this 15th day of February 1964

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



— Land to be irrigated

All lands described are owned by Donald Tracy

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SW 1/4	22	103N	78W	5.9
NE 1/4 SW 1/4	22	103N	78W	7.5
NW 1/4 SE 1/4	22	103N	78W	0.6
LOT 1	22	103N	78W	10.3
SE 1/4 SW 1/4	22	103N	78W	34.2
SW 1/4 SE 1/4	22	103N	78W	37.5
SE 1/4 SE 1/4	22	103N	78W	9.9
LOT 4	27	103N	78W	2.2
NW 1/4 NE 1/4	27	103N	78W	29.5
LOT 1	27	103N	78W	6.5
TOTAL				144.6

SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE DONALD TRACY IRRIGATION PROJECT NUMBER 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE LYMAN SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: _____
TITLE: _____

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

NOTARY PUBLIC

MY COMMISSION EXPIRES _____, 19 __.

Scale: 1" = 400'

DONALD TRACY 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 _____	Sheet No. 1 of 1	Drawing No. _____

Map No 702-2 (Appl No 816-2)

Remarks by State Water Resources Commission:

Numerous water rights exist below your diversion point which get their water from the White River. Restrictions under this permit to appropriate water may be necessary during some years to provide supplies for these prior water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 8, 1964

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
9 m. upon the 18th day of February, 1964

State Water Resources Commission

By:

Durston Jones
Chief Engineer, Executive Officer

Number of permit 816-2

Date of first receipt of application February 18, 1964

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 February 18, 1964

Approved May 6, 1964, Recorded in Book 8 Page 180

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 6, 1966

2nd. The whole of said work is to be completed on or before May 6, 1969

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

May 6, 1969

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 2.05 cubic feet per second; neither shall it exceed the capacity of the above 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 6, 1969; said water to be used during the following described annual period:

March 1 thru November 30

Witness my hand this 8th day of May, 1964.

State Water Resources Commission

By:

Shelton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 13, 1969

Water License Issued OCTOBER 13, 1969

WATER LICENSE NO. 816-2

(1) WHEREAS, On the 18th day of February A. D. 19 66

Donald Tracy

made Water Right Application No. 816-2 for a permit to use 2.05 cubic feet per second of the waters of the White River

County of Lyman, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 8th day of May A. D. 19 66

Permit No. 816-2, with a date of priority of February 10, 1964

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 6th day of May A. D. 19 69 and for the

application to beneficial use of said water on or before the 6th day of May A. D. 19 69

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 2.05 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, R78W

Section 22	NW $\frac{1}{4}$ SW $\frac{1}{4}$	5.9 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	7.5 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.6 acres
	Lot 1	10.8 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34.2 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.5 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	9.9 acres
Section 27	Lot 4	2.2 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29.5 acres
	Lot 1	6.5 acres
Total		144.6 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 ~~XXXXXXXXXXXX~~ Donald Tracy

of Presho, South Dakota

the holder _____ and owner _____ of said permit No. 816-2 a water right, dating from February 18, 1964

to use of 2.05 cubic feet per second of the waters

of the White River

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

purposes hereinbelow mentioned, to be diverted between points located N. 63°30' W., 2680 feet and

N. 57°30' E., 2150 feet of the S.E. Corner, Section 22, T103N, R78W

and conduct to and upon portions of Sections 22 and 27, T103N, R78W, described on the face
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 816-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 31st day of October A. D.
Nineteen Hundred and Sixty-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.H. GRIGGS

Permit No. 816-2

Water Diversion No. 2 White River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Donald Tracy

_____ the holder _____ of
Permit No. 816-2, issued upon Application No. 816-2, bearing date of priority of February 18,
1964 authorizing the diversion of 2.05 cu. ft. per second of the waters of _____
the White River County of Lyman, State of South Dakota at _____
between points located N. 63° 30' W., 2680 feet and N. 67° 30' E., 2150 feet
of the S½ Corner, Section 22, T103N, R78W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.05 cu. ft. per second of water.

Date October 13, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LYMAN

SS.

ROBERT C. CAMERON, OF SAID COUNTY AND STATE BEING DULY SWORN ON HIS OATH SAYS, THE LYMAN COUNTY HERALD IS A WEEKLY NEWSPAPER OF GENERAL CIRCULATION AND PUBLISHED IN PRESHO, LYMAN COUNTY, AND STATE OF SOUTH DAKOTA; AND HAS BEEN SUCH NEWSPAPER DURING THE TIMES HEREINAFTER MENTIONED. THAT THE SAID NEWSPAPER IS A LEGAL WEEKLY, THAT IT HAS A BONAFIDE CIRCULATION OF MORE THAN 200 COPIES WEEKLY, THAT IT HAS BEEN PUBLISHED WITHIN SAID COUNTY OF LYMAN FOR MORE THAN FIFTY-TWO SUCCESSIVE WEEKS NEXT PRIOR TO PUBLICATION OF THE NOTICE HEREINAFTER MENTIONED AND HAS BEEN PRINTED DURING SAID PERIOD AND AT THE PRESENT TIME IN WHOLE IN AN OFFICE MAINTAINED AT THE PLACE OF PUBLICATION; THAT I, THE UNDERSIGNED AM PUBLISHER OF SAID NEWSPAPER, IN CHARGE OF THE ADVERTISING DEPARTMENT THEREOF, AND HAVE PERSONAL KNOWLEDGE OF ALL THE FACTS STATED IN THIS AFFIDAVIT; THAT THE ADVERTISEMENT HEADED:

Appropriation of Water

A PRINTED COPY OF WHICH IS HERETO ATTACHED WAS PRINTED AND PUBLISHED IN THE SAID NEWSPAPER FOR four CONSECUTIVE WEEKS. THE FIRST PUBLICATION OF SAID NOTICE IN SAID NEWSPAPER AFORESAID WAS ON

THURSDAY, THE 2 DAY OF April A. D., 1964
AND THAT THE PRECEDING PUBLICATIONS WERE SEVERALLY
THURSDAY, THE 9 DAY OF April A. D., 1964
THURSDAY, THE 16 DAY OF April A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964
THURSDAY, THE _____ DAY OF _____ A. D., 1964

AND THE LAST PUBLICATION ON THURSDAY, THE 23 DAY OF April, 1964; THAT THE FULL SUM OF FEES CHARGED FOR

PUBLISHING THE SAME, TO-WIT: THE SUM OF \$ 14.24, INSURES SOLELY TO THE PUBLISHER OF THE LYMAN COUNTY HERALD, THAT NO AGREEMENT OR UNDERSTANDING FOR ANY DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHATSOEVER.

Robert C. Cameron

SUBSCRIBED AND SWORN TO BEFORE ME, THIS 1

DAY OF May, 1964
Elmer E. Lusk
NOTARY PUBLIC.

APPROPRIATION OF WATER

Notice of Intention to appropriate Water

Office of State Water Resources Commission, Pierre, S. Dak., March 21, 1964.

Notice is hereby given that Donald Tracy whose postoffice address is Presho, 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 2.05 cubic feet of water per second of time from the White River through the Tracy Irrigation Project No. 1, the point of diversion of which is to be located on the north bank of

said stream between a point in Lot 1 and a point in the SE¼ of the SE¼ of Section 22 Twp. 163N Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 1, SE¼SW¼, N¼SW¼, NW¼-SE¼ and S¼SE¼, Section 22; Lots 1 and 4 and NW NE¼, Section 27, T103N, R78W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 P. M. All interested persons may appear and be heard.

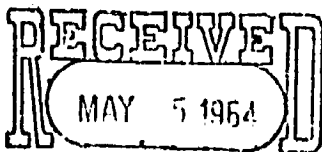
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: BURTON F. JONES

Water Right Specialist

April 2, 9, 16, 23



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 816-2

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 Donald Tracy
_____ of _____ Presho, S.D. _____ holder
of Permit No. 816-2, bearing date of priority of February 18, 1964
authorizing the diversion of 2.05 cu. ft. per second of the waters of White River
for irrigation purposes, in Lyman County.

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

The Water Use System consists of,

A. Works used to divert the water:

Gorman Rupp 6" pump, Mod. 86, A2JD
Ford Ind. 4 cyl. gasoline Engine, 50 HP

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

800 ft. 6 inch diameter steel spiral pipe
1½ miles of 3' x 2' raised earth dike, reconstructed annually

C. Works used to apply water to beneficial use.

Eight 6 inch siphon tubes, aluminum, with vacuum pump

The system is in the following condition: good

The point of diversion is located between points located N 63° 30' W, 2680 ft. and N 67° 30' E, 2150 ft. of the S½ corner of Section 22, T103N, R78W

The works are capable of diverting and conveying to the place of use 2.05
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: same as list attached to Water Permit No. 816-2

comprising a total of 144.6 acres of land.

Date September 16, 1969

Date _____
Donald Driscoll
 (Signature)
 Donald Driscoll, Deputy Chief Engineer
 Water Resources Commission

Form 20.

No. 816-2

NOTICE OF TRANSFER OF WATER PERMIT

WATER RIGHTS COMMISSION

State Office Building No. 2
Pierre, South Dakota 57501

Date JUNE 2, 1975

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

DESCRIBED IN WATER PERMIT NO 816-2

formerly owned by Donald Brany, Presko, SD

has been transferred to Liese Ranch, Inc, Presko

together with an 816-2 his to the beneficial use of water thereon as evidenced by Water Right Permit No. 816-2 as provided for in Section 31.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission for evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

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

Suscribed and sworn to before me this 2nd day of June, 1975

[Signature]
(Signed)

Justin A. Zickrick
(Notary Public)

My Commission Expires 3/27/83

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

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

April 12, 1985

Lien Ranch Inc.
SR 1 Box 17
Presho SD 57568

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 irrigation Questionnaire has not been submitted for Permit No(s) 816-2 & 973-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 816-2 & 973-2 to require the Irrigation Water Use Questionnaire to be submitted each year;

2. Postpone any action;

3. Take no action.

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

Sincerely,

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

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Dennis Lien
Lien Ranch Inc.
St. Rt. 1, Box 17
Presho, SD 57568

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

John Hatch

SUBJECT: Amendment to Water Permit No(s). 816-2 & 973-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 816-2 & 973-2 to add the following qualification:

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

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

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 816-2 & 973-2

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 816-2 & 973-2 to add the following qualification:

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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 23, 1987

LIEN RANCH INC, Dennis Lien
SR #1 BOX 17
PRESHO, SD 57568

NOTICE

Re: Violation of Water Permit No(s) 816-2, 973-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 816-2, 973-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 816-2, 973-2 qualification:

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

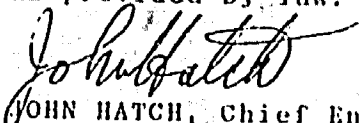
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 816-2, 973-2 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA

Department of Water & Natural Resources

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

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DENNIS LIEN- LIEN RANCH INC
SR #1 BOX 17
PRESHO, SD 57568

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

SUBJECT: One Year Suspension Of Water Permit No(s). 816-2,
973-2 If The 1986 Irrigation Questionnaire Is Not
Received By June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board ordered:

That Water Permit No(s). 816-2, 973-2 be SUSPENDED until December 31, 1987 unless the required 1986 Irrigation Water Use Questionnaire is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the 1987 Irrigation Season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

4. Article Number

P 321 925 619

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

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

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

5/16/87

DENNIS LIEN- LIEN RANCH INC
SR #1 BOX 17
PRESHO ID 83556A

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT



Department of Water & Natural Resources

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

May 22, 1987

Permit Nos. 973-2
816-2

Dennis Lien
Lien Ranch Inc
HCR 80 Box 17
Presho, SD 57568

Dear Mr. Lien:

I am writing to acknowledge receipt of your 1986 Irrigation Questionnaires. A notice was sent to you May 14, 1987 regarding the Board action taken May 6, 1987 to suspend your permits if the 1986 irrigation questionnaires were not received before June 1, 1987.

You may disregard the May 14 notice. With receipt of your 1986 questionnaires, your permits will not be suspended.

If you have any questions, please contact us.

Very truly yours,

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: LIEN RANCH INC, DENNIS LIEN, HCR 80 BOX 17, PRESNO, SD 57568

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

SUBJECT: Violation of Water Permit No(s). 816-2 & 973-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 816-2 & 973-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 816-2 & 973-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 816-2 & 973-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1997

NOTICE

TO: Dennis Lien, Lien Ranch, Inc., HCR 80 Box 17, Presho, SD 57568

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit Nos. 816-2 & 973-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 5 and February 11, 1997, to pick up and sign for the certified mail.

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

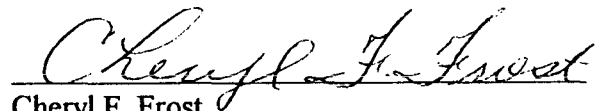
enclosure

CERTIFICATION

I hereby certify that on February 26, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 26, 1997, along with the Certified Letter that was sent on February 4, 1997, but was returned to our office unclaimed, regarding Unclaimed Certified Mail Concerning Violation of Water Permit Nos. 816-2 & 973-2 (Dennis Lien, Lien Ranch, Inc.), and Water Permit Nos. 977-3 & 1624-3 (Berwyn Svoboda), addressed as stated below:

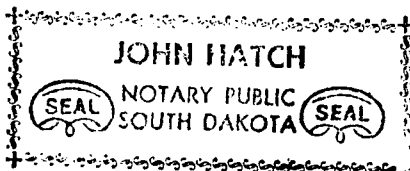
W.P. #'s 816-2 & 973-2: Dennis Lien, Lien Ranch, Inc., HCR 80, Box 17, Presho, SD 57568.

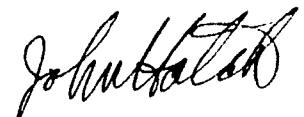
W.P. #'s 977-3 & 1624-3: Berwyn Svoboda, RR 1, Box 11, Burbank, SD 57010-9706.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 1997




Notary Public
JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

ADDRESS CORRECTION REQUESTED

CERTIFIED

P 378 080 547

MAIL

NOTICE 2-5-97
SECOND NOTICE 2-11-97
RETURNED 2-21



LIEN RANCH INC
DENNIS LIEN
80 BOX 17
PIERRE SD 57568

REASON CHECKED
Unclassified ☒ Addressed ☒ Addressed ☒
Insufficient Address ☐ No Such Street ☐ No Such Office in State ☐
Do not forward to this country ☐



Fold at line over top of envelope to
the right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

LIEN RANCH INC
DENNIS LIEN
HCR 80 BOX 17
PRESHO SD 57568

4a. Article Number

P378 080 547

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1997

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: LIEN RANCH INC, HCR 80 BOX 17, PRESNO, SD 57568

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: One Year Suspension of Water Right No. 816-2 and Water Permit No. 973-2

Pursuant to the provisions of the notice dated February 4, 1997, and following the hearing of March 5, 1997, the Water Management Board has ordered:

That Water Right No. 816-2 and Water Permit No. 973-2 be suspended until December 31, 1997, for failure to submit the 1996 irrigation questionnaires.

Suspension of a water right or permit means water may not be pumped during the 1997 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit the 1996 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for April 29, 1997, in Pierre, SD. The letter should include your reasons for not completing the 1996 irrigation questionnaires.

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

CERTIFICATION

I hereby certify that on March 7, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1997, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #884B-1: Dale Johnson, RR 3, Box 23AA, Vale, SD 57788.

W.R. #816-2 & W.P. #973-2: Lien Ranch, Inc., HCR 80, Box 17, Presho, SD 57568.

W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

W.R. #1342-2: Gerald Novak, Manager, HCR 1, Box 51, Martin, SD 57551.

Copy sent to: Leonard Novak, Box 139, Batesland, SD 57551.

W.R. #3466-3: I. A. Schwan, P.O. Box 97, Hitchcock, SD 57348-0097.

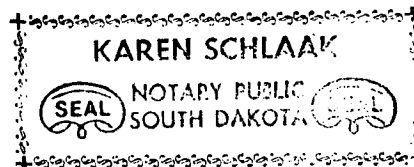


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1997


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

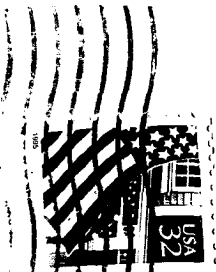
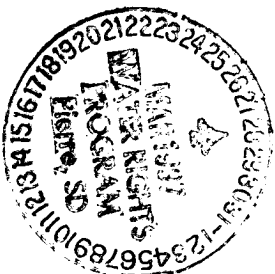
**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501**

ADDRESS CORRECTION REQUESTED



- ☒ MOVED, LEFT NO ADDRESS
- ☐ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER
- ☐ DO NOT REMAIN IN THIS COUNTRY
- ☐ INSUFFICIENT ADDRESS
- ☐ NO POSTAGE
- ☐ RETURN TO SENDER

Lien Ranch, Inc.
HCR 88, Box 17
Presho, SD 57568





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 1997

James Sundall
Director of Equalization
PO Box 126
Kennebec, SD 57544-0126

Dear Mr. Sundall:

I am contacting you in regard to ownership of land described in Water Right No. 816-2 and Water Permit No. 973-2. The land in question is as follows:

T103N, R78W	Section 22	N½ SW¼ SE¼ SW¼ NW¼ SE¼ S½ SE¼ Lot 1
	Section 25	SW¼ SW¼ NW¼
	Section 26	Lots 2 & 3
	Section 27	Lots 1 & 4 NW¼ NE¼

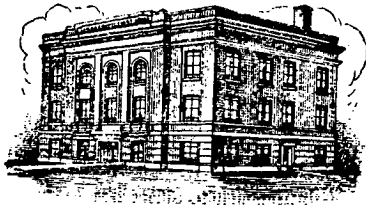
Our records currently show Lien Ranch, Inc., Presho, SD as owner of the land. The post office recently returned mail I directed to Lien's indicating they have moved and left no forwarding address. If possible, I would like to find out if the land is still listed under Lien Ranch or if it has been sold. I do not need copies of any documents, just verification of ownership and the current mailing address of the owner(s).

Thank you in advance and if I can answer any questions for you, please contact me.

Sincerely,

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

816-2



Lyman County
Director Of Equalization

P. O. Box 126
Kennebec, South Dakota
57544

Phone 605/869-2206

June 5, 1997



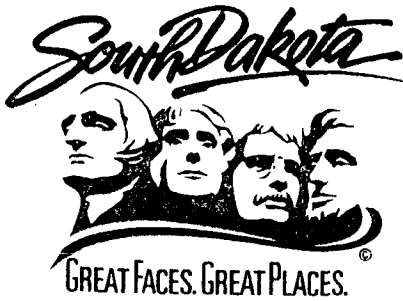
Genny McMath
Dept. of Env. & Nat. Res.
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms McMath:

In reply to your recent inquiry on the ownership of the Lien Ranch, it has been sold to Craig S. & Connie L. Mowry, HC 80 Box 16A, Presho, South Dakota 57568.

Sincerely,

James E. Sundall
James Sundall
Dir. of Equal.
Lyman County



816-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 9, 1997

816-2

973-2

Craig & Connie Mowry
HC 80 Box 16A
Presho, SD 57568

Dear Mr. & Mrs. Mowry:

I am contacting you in regard to ownership of land described in Water Right No. 816-2 and Water Permit No. 973-2. They are currently listed in the name of Lien Ranch, Inc. Recently, I contacted the Lyman County Director of Equalization and was told that you had purchased the land.

Enclosed is a copy of Water Right No. 816-2 and Water Permit No. 973-2 for your review. If the land is still being irrigated, they should be transferred to your names. I am including partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes.

Please review the forms and make any necessary corrections. Upon completion, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If the land is not being irrigated and you do not wish to maintain the water permit and right, please write or call and let me know. Thank you in advance for your help.

Sincerely,

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

enclosures



816-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 15, 1997

816-2
973-2

Craig & Connie Mowry
HC 80 Box 16A
Presho, SD 57568

Dear Mr. & Mrs. Mowry:

In June, I contacted you regarding ownership of land described in Water Right No. 816-2 and Water Permit No. 973-2, currently listed in the name of Lien Ranch, Inc. To date, I have not received a response from you concerning the above water permit and water right.

In my June 9th letter, I forwarded copies of the water right and water permit to you for your review. I also included partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes.

If the land is not being irrigated and you do not wish to maintain the water permit and right, please write or call and let me know. Otherwise, please complete the transfer forms and return them to our office along with a \$2.50 filing fee for each transfer.

Thank you in advance for your help.

Sincerely,

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

enclosures



816-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 2000

Craig Mowry
% George Mowry
Box 186
Presho, SD 57568

Dear Mr. Mowry:

I am contacting you once again concerning ownership of Water Right No. 816-2 and Water Permit No. 973-2. These are currently listed in the name of Lien Ranch, Inc. It is our understanding that you own the land described in these permits. Enclosed are copies for your review.

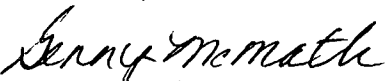
If the land is still being irrigated, the permit and right should be transferred to your name. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review them and complete the portion titled "*be transferred to: (name and address)*". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Under South Dakota Water Law, water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

If you do not irrigate and retaining the water permit and right is not critical to your farming operation, the above information may not be of interest to you. Please get in touch with me as soon as possible to let me know your intent towards Water Right No. 816-2 and Water Permit No. 973-2.

Thank you in advance for your help. I can be reached at the above Water Rights Program address or by phone at (605) 773-3352.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program

enclosures



816-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2000

Craig & Connie Mowry, renters
HC 80 Box 16A
Presho, SD 57568

NOTICE TO SUBMIT THE 2000 IRRIGATION QUESTIONNAIRE

*Enclosed is the 2000 Irrigation Questionnaire(s). Please complete and return it by **December 1, 2000**.

Returning the Irrigation Questionnaire(s) is required whether or not you irrigated this year. Some of the items to be aware of when completing the enclosed form(s) are:

- If you have multiple permits and do not know the specific legal descriptions which pertain to each permit, please contact us. It is acceptable to put the information for all permits on one form. However, **ALL** forms need to be returned.
- Completion of this form does not protect a water right from being subject to cancellation for periods of nonuse greater than three years unless legal excuse exists (legal excuse includes unavailability of water to satisfy a permit or excessive natural moisture such as flooding).
- A water right or permit is subject to suspension or cancellation if the irrigation questionnaire(s) is not returned.

If you have questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352. For those with internet access, you can send the information to her or ask questions by emailing genny.mcmath@state.sd.us. Additional copies of the questionnaire can also be downloaded by going to the Department website at <http://www.state.sd.us/denr/wr> and selecting "download forms".

For the Water Management Board

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

***Note:** A separate form for reporting the type of chemical and rate of application is no longer required. However, please indicate on your irrigation questionnaire whether or not chemicals or fertilizer were applied through your irrigation system.



816-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: CRAIG MOWRY, RENTER, HC 80 BOX 16A, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 816-2 & 973-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 816-2 & 973-2 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 816-2 & 973-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

816-2.

PLACE STICKER AT TOP OF ENVELOPE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ 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.	A. Received by (Please Print Clearly) <i>Craig Mowry</i> C. Signature <i>x [Signature]</i> B. Date of Delivery <i>1-26-01</i> ☐ Agent ☒ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No
1. Article Addressed to: CRAIG MOWRY, RENTER HC 80 BOX 16A PRESHO SD 57568	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) <i>7000 0600 0026 9814 2201</i>	

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



816-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2001

NOTICE OF ONE YEAR SUSPENSION

TO: Craig Mowry, renter, HC 80 Box 16A, Presho, SD 57568

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 816-2 and
Water Permit No. 973-2

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has ordered:

That Water Right No. 816-2 and Water Permit No. 973-2 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaires.

Suspension of a water permit or right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the "2000" irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the "2000" irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.



816-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: CRAIG MOWRY, RENTER, HC 80 BOX 16A, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 816-2 & 973-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 816-2 & 973-2 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 816-2 & 973-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



816-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3947

Your item was delivered at 1:34 pm on February 03, 2003 in PRESNO, SD 57568. The item was signed for by C MOWRY.

[Shipment History >](#)[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 3947

CRAIG MOWRY, RENTER
HC 80 BOX 16A
PRESNO SD 57568

Postmark Here

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

☐ Priority Mail
☐ Package Services



816-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2003

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

TO: Craig Mowry, HC 80 Box 16A, Presho SD 57568

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right Nos. 816-2 and 973-2

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing of March 5, 2003, the Water Management Board has ordered:

That Water Right Nos. 816-2 and 973-2 be suspended until December 31, 2005, for failure to submit the 2002 irrigation questionnaire.

Suspension means water may not be pumped during the 2003, 2004 or 2005 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2002 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2003, in Pierre, SD. The letter should include your reasons for not completing the 2002 irrigation questionnaires.

Our records indicate the land was irrigated once since at least 1992. If you no longer irrigate and do not wish to retain the water rights, let us know and they can be scheduled for cancellation consideration before the Water Management Board. Cancellation of the water rights would eliminate the need for annual submission of the irrigation questionnaire.

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



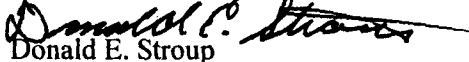
8/6-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2003

TO: Files 418-1, 1470-1, 2197-2, 843-1, 816-2, 973-2, 529-1, & 530-1

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Examination of Cancelled/Suspended Water Rights

Nos. 816-2 & 973-2, Craig Mowry. I checked these two water rights the summer of 2001 and found no evidence that irrigation had taken place for several years. There was no equipment for irrigation on-site. This information was written up and should have been on file. I made the examination for possible cancellation at the time.

No. 418-1, Dennis Lien. I made an on-site examination 8/22/03 and found no irrigation taking place or evidence that the acreage had been irrigated this year. The pasture is all weeds with a dozen or more horses grazing it.

No. 843-1, Laverne Wilburn. I had made an on-site check for K. Buehler on this. This was in response to a report of a flowing well. There was a hose discharging water into a pond at the location. Reported find to Buehler.

Nos. 529-1 & 530-1, Rod Anders. I made an on-site 8/21/03, getting to about 3-miles of the land authorized for irrigation. I could view the land authorized for irrigation and there was no evidence that irrigation had taken place this year.

No. 1470-1, William Holst. I made an on-site 8/22/03 and found irrigation had and was taking place. I placed a call to Mr. Holst on 8/25/03 requesting that he call me back on the subject.



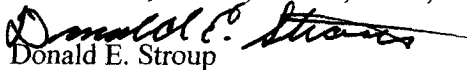
816-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2003

TO: Files 418-1, 1470-1, ~~816-2~~, 843-1, 816-2, 973-2, 529-1, & 530-1

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Examination of Cancelled/Suspended Water Rights

Nos. 816-2 & 973-2, Craig Mowry. I checked these two water rights the summer of 2001 and found no evidence that irrigation had taken place for several years. There was no equipment for irrigation on-site. This information was written up and should have been on file. I made the examination for possible cancellation at the time.

No. 418-1, Dennis Lien. I made an on-site examination 8/22/03 and found no irrigation taking place or evidence that the acreage had been irrigated this year. The pasture is all weeds with a dozen or more horses grazing it.

No. 843-1, Laverne Wilburn. I had made an on-site check for K. Buehler on this. This was in response to a report of a flowing well. There was a hose discharging water into a pond at the location. Reported find to Buehler.

Nos. 529-1 & 530-1, Rod Anders. I made an on-site 8/21/03, getting to about 3-miles of the land authorized for irrigation. I could view the land authorized for irrigation and there was no evidence that irrigation had taken place this year.

No. 1470-1, William Holst. I made an on-site 8/22/03 and found irrigation had and was taking place. I placed a call to Mr. Holst on 8/25/03 requesting that he call me back on the subject.



816-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: CRAIG MOWRY, RENTER, 25490 300TH AVE, PRESNO, SD 57568

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 816-2 & 973-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 816-2 & 973-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 816-2 & 973-2 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff will recommend to the Board that Nos. 816-2 and 973-2 be cancelled;**
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 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/efrms/secure/efrms/E0455V6-IQ.pdf>

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.

[Home](#) | [Help](#)**Track & Confirm**

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 3318**
Status: **Delivered**

Your item was delivered at 9:50 AM on January 23, 2008 in PRESKO, SD 57568. The item was signed for by C MOWRY.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

United States Postal Service
Customer ServiceUnited States Postal Service
Customer Service

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3318

CRAIG MOWRY, RENTER
25490 300TH AVE
PRESKO SD 57568

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

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



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 28, 2008

816-2
973-2

James Sundall
Director of Equalization
PO Box 126
Kennebec SD 57544-0126

Dear Mr. Sundall:

I am contacting you in regard to ownership of land described in Water Right No. 816-2 and Water Permit No. 973-2. The land in question is as follows:

all in T103N, R78W			
Section 22	N ½ SW ¼	Section 25	SW ¼
	SE ¼ SW ¼		SW ¼ NW ¼
	NW ¼ SE ¼		
	S ½ SE ¼	Section 26	Lots 2 & 3
	Lot 1		
		Section 27	Lots 1 & 4
			NW ¼ NE ¼

We still have the water permit and water right listed in the name of Lien Ranch, Presho SD. The last time I contacted you (June, 1997) concerning the land you indicated that Craig and Connie Mowry purchased the property. We have many attempts to contact the Mowry's and have been unsuccessful.

Can you tell me if ownership has changed again or if the Mowry's still own the property? I do not need any copies of documents, just a verification of ownership and a current mailing address for the owners.

Thank you for your help.

Sincerely,

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



**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 28, 2008

816-2
973-2

Craig Mowry
25490 300th Ave
Presho SD 57568-5705

Dear Mr. Mowry:

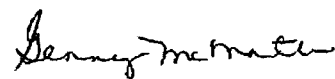
I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 816-2 and Water Permit No. 973-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the forms you indicated that a system was either not constructed or did not exist. Please keep in mind that water must be placed to beneficial use at least once every three years in order to maintain the water permit and water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water. In order to rely on legal excuse for not irrigating, a system would need to be in place and ready to use if conditions warranted irrigation.

Enough information exists to question whether Nos. 816-2 and 973-2 have legal status. If you no longer wish to maintain these, please contact our office. If you intend to irrigate, we would urge you to come before the Water Management Board to find out they have legal standing or if they have been abandoned and forfeited.

If you have any questions, please contact me.

Sincerely,


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

RECEIVED
MAR - 3 2008
WATER RIGHTS
PROGRAM

Phone # 605-895-2208

S T R U C T U R E S										DISCRETIONARY			FULL & TRUE			
Tn	Add	S/L	T/B	Rng	Q-S	Util	School Dist	Acr/Lot	Land	Residence	Other	Commercial	AG Exempt	Valuation	Exemption	T O T A L
25	0	15	103	78	3-0		42-1 AG	160.00	72062	0	0	0	0	0	0	72062
Rec #:1452 APR: 0.500 SE4																
Prop Addr: STR 15-103-78																
25	0	15	103	78	4-0		42-1 AG	160.00	87727	0	0	0	0	0	0	87727
Rec #:1453 APR: 0.609 SW4																
Prop Addr: STR 15-103-78																
25	0	22	103	78	1-0		42-1 AG	160.00	64739	0	0	0	0	0	0	64739
Rec #:1476 APR: 0.450 NE4																
Prop Addr: STR 22-103-78																
25	0	22	103	78	2-0		42-1 AG	160.00	51630	0	0	0	0	0	0	51630
Rec #:1477 APR: 0.359 NW4																
Prop Addr: STR 22-103-78																
25	0	22	103	78	3-0		42-1 AG	160.00	21562	0	0	0	0	0	0	21562
Rec #:1478 APR: 0.288 SE4 -RIVER																
Prop Addr: STR 22-103-78																
25	0	22	103	78	4-0		42-1 AG	144.20	53775	0	11765	0	-10000	0	0	55540
00 0 10420 0 0 0 10420																
NA 0 3510 0 0 0 0 3510																
Rec #:1479 APR: 0.466 LOT 1; NW4SW4; E2SW4																
OWNER OCCUPIED																
Prop Addr: 25490 300TH AVE																
MANUFACTURED HOME																
25	0	23	103	78	0-0		42-1 AG	611.60	168730	0	0	0	0	0	0	168730
Rec #:1480 APR: 0.307 LOTS 1-2-3; NE4; NW4; E2SE4; NW4SE4; N2SW4																
Prop Addr: STR 23-103-78																
25	0	24	103	78	2-0 2		42-1 AG	80.00	18465	0	0	0	0	0	0	18465
Rec #:1483 APR: 0.256 S2NW4																
Prop Addr: STR 24-103-78																

COUNTY OF LYMAN
REAL ESTATE NOTICE FOR THE YEAR 2008
SDCL 10-6-50
ASSESSMENT LIST OF REAL PROPERTY

CRAIG S & CONNIE L MOWRY
25490 300TH AVENUE
PRESHO SD 57568-5705

The value and classification of your real estate as shown on the assessment roll is as listed.

Tn	Add	S/L	T/B	Rng	Q-S	Util	Dist	Acr/Lot	Land	S T R U C T U R E S			AG Exempt	Valuation	DISCRETIONARY Exemption	FULL & TRUE T O T A L
										Residence	Other	Commercial				
25	0	24	103	78	3-0		42-1 AG	80.00	18571	0	0	0	0	0	0	18571
Rec #:1484 APR: 0.258 W2SE4																
Prop Addr: STR 24-103-78																
25	0	24	103	78	4-0		42-1 AG	160.00	36872	0	0	0	0	0	0	36872
Rec #:1486 APR: 0.256 SW4																
Prop Addr: STR 24-103-78																
25	0	25	103	78	2-0		42-1 AG	147.69	33894	0	0	0	0	0	0	33894
Rec #:1488 APR: 0.255 LOT 3; W2NW4; NE4NW4																
Prop Addr: STR 25-103-78																
25	0	25	103	78	4-0		42-1 AG	53.70	24552	0	0	0	0	0	0	24552
Rec #:1489 APR: 0.508 LOTS 4-5; NW4SW4																
Prop Addr: STR 25-103-78																
25	0	26	103	78	0-0		42-1 AG	80.00	17236	0	0	0	0	0	0	17236
Rec #:1490 APR: 0.257 LOTS 1-2-3-4																
Prop Addr: STR 26-103-78																
25	0	27	103	78	0-0		42-1 AG	157.30	49945	0	0	0	0	0	0	49945
Rec #:1491 APR: 0.353 LOTS 1-2-3-4; NW4NE4																
Prop Addr: STR 27-103-78																

TOTAL ACRES/LOTS: 2314.49

TOTAL VALUATION 735455

It Looks AS THOUGH CRAIG + CONNIE MOWRY OWN ALL OF THE LAND IN QUESTION.

James E. S. Hall
Director of Equalization
P.O. Box 126
Kennebec, SD 57544
Phone 605/869 2206



**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.

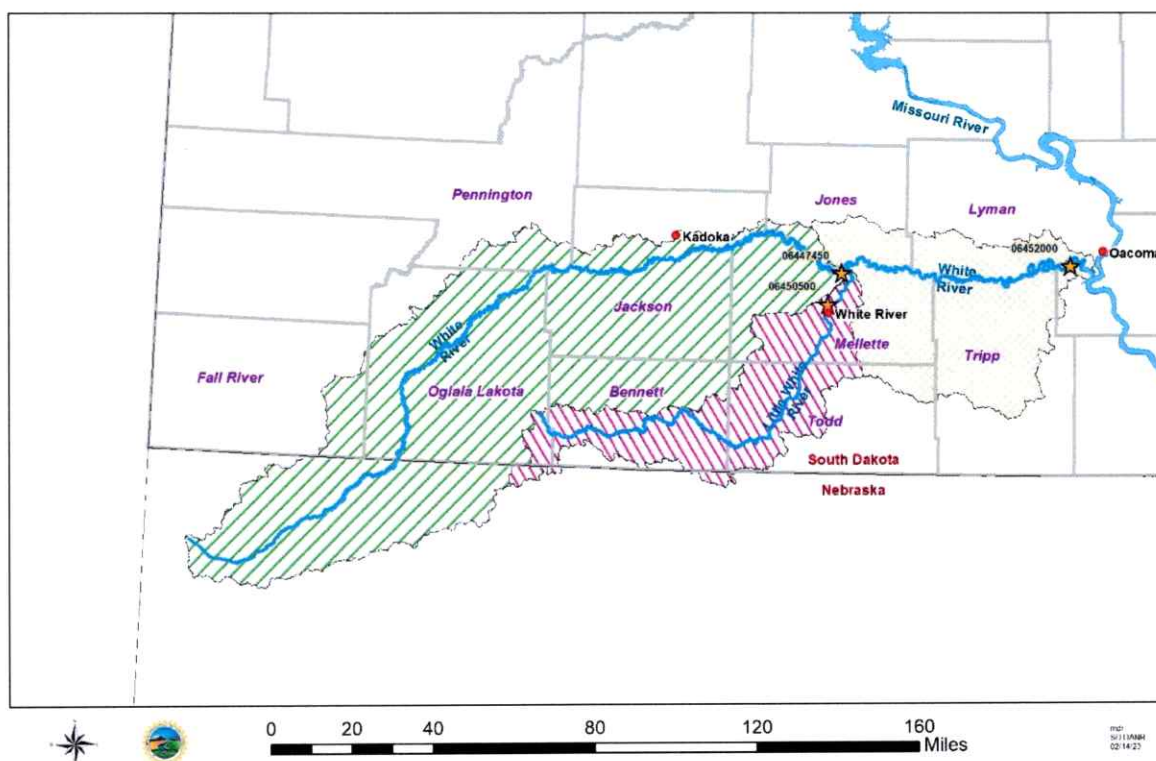


Figure 1. White River Watershed Map.

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.

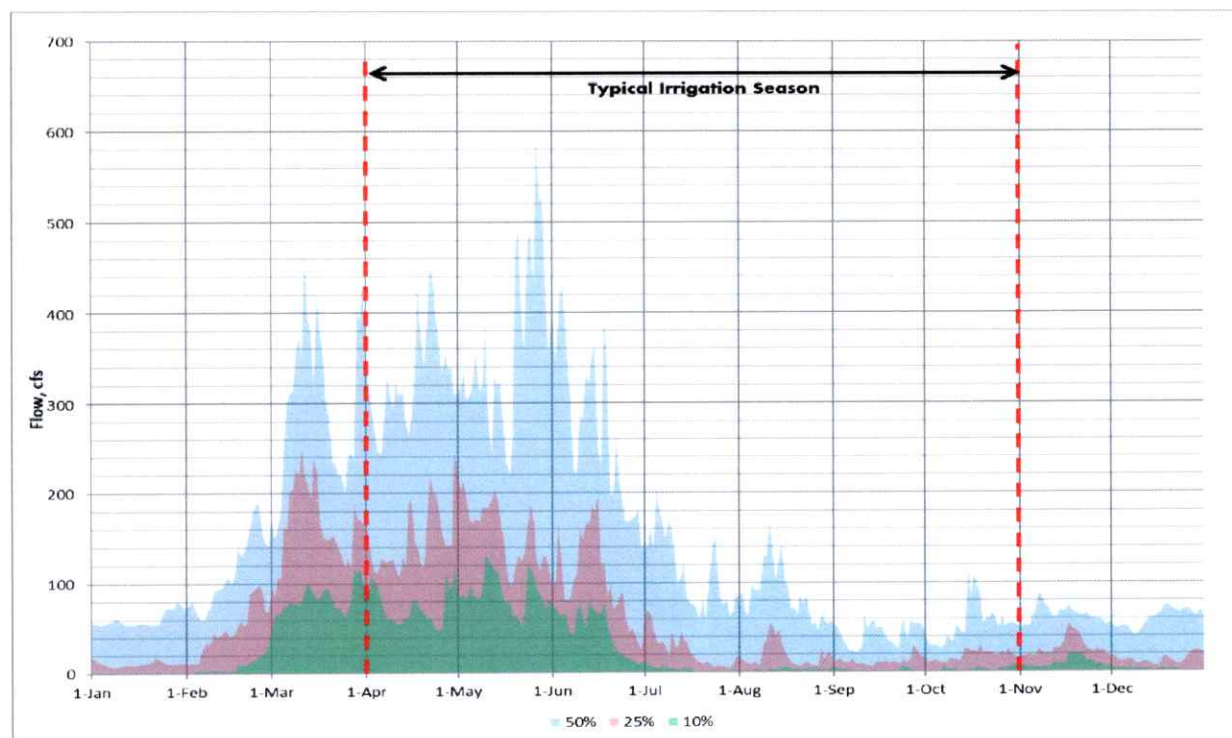


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

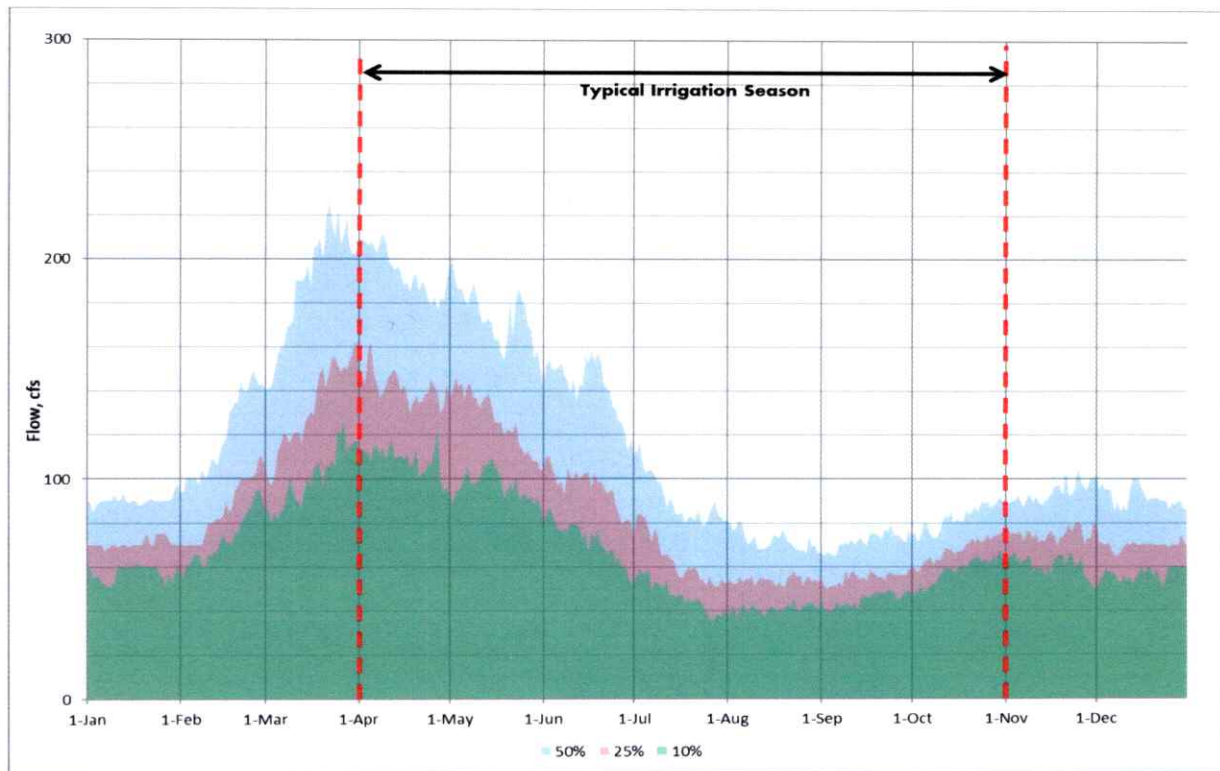


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

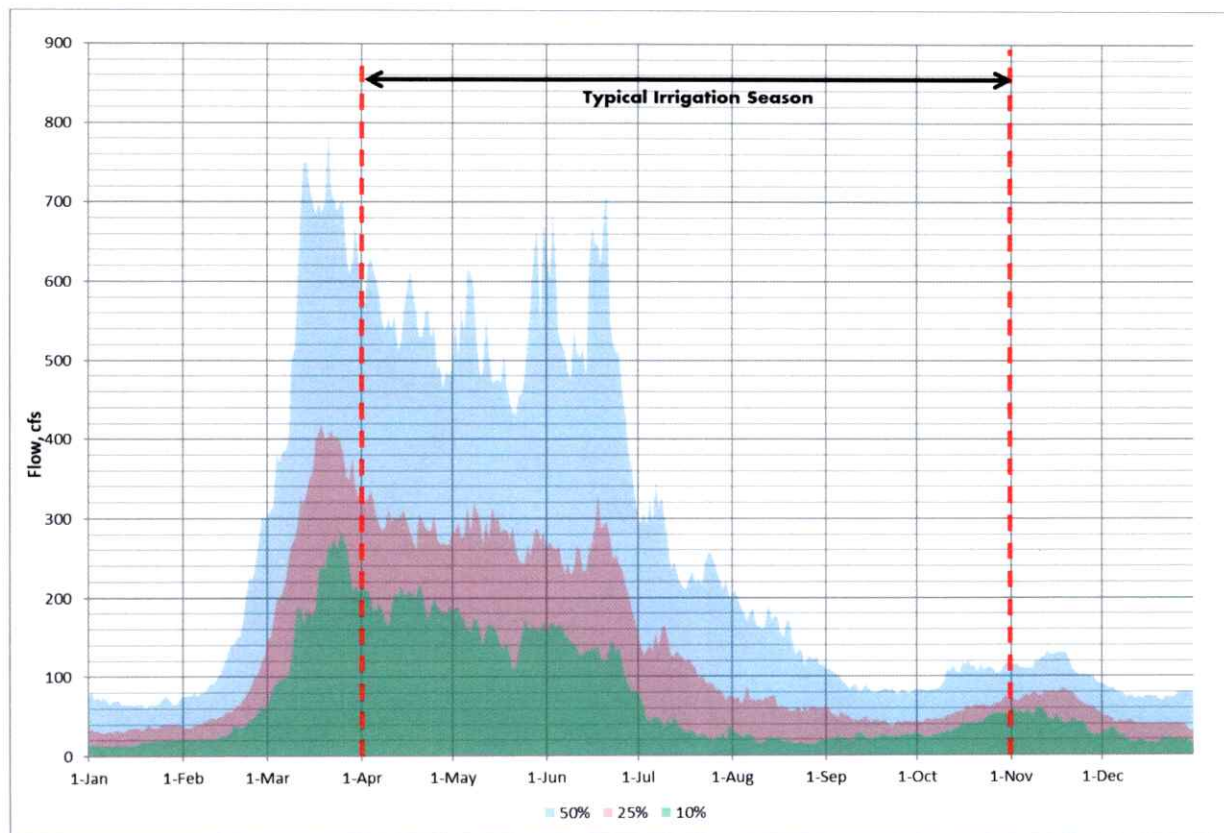


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

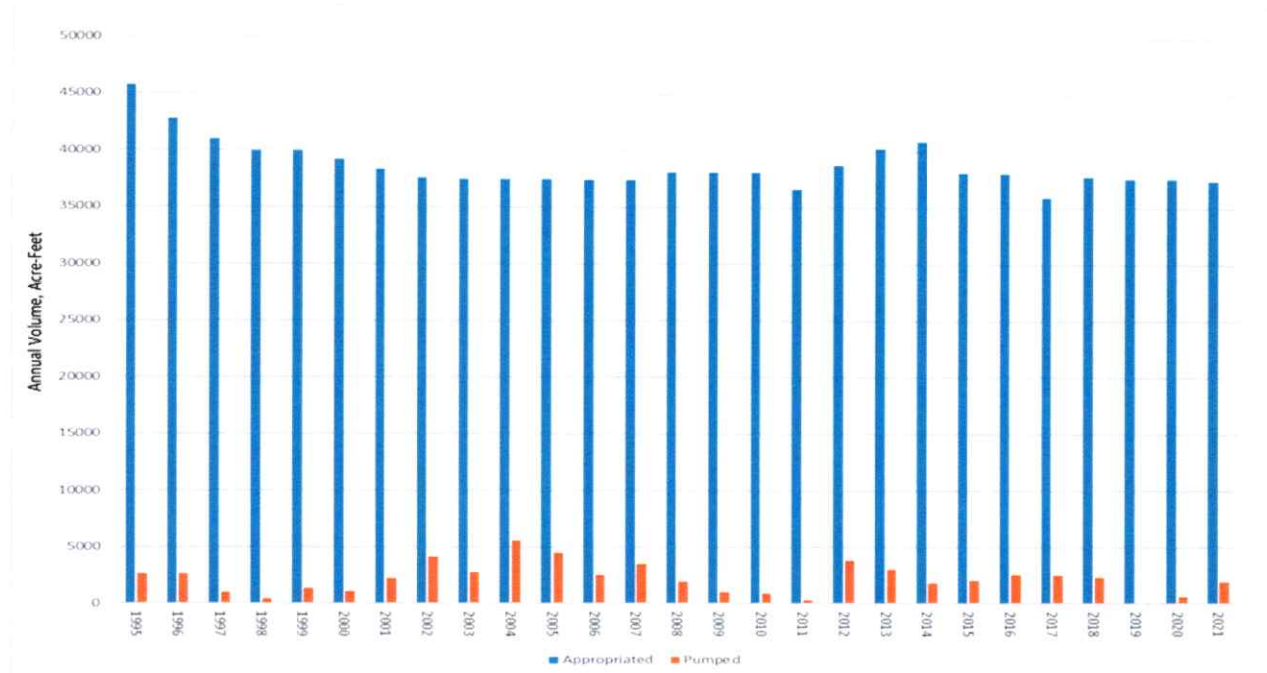


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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