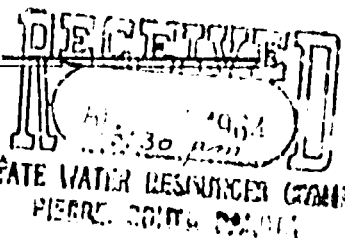


825-2

1. Considered 7-15, 1961
2. Name of Applicant Harry Perry, Jr.
3. Post Office Address Presho
4. Amount of Water Claimed 6.0
5. Source of water supply White River & Ground Water
6. Water to be used for irrigation
Acres to be irrigated 420.5
7. Water to be diverted and used in Lyman County about
16.5 Miles of Vivian
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 825-2

Water Division No. 2 White River
(Blanks to be filled by the Engineer for the W. D. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Harry Perry, Jr.
Postoffice address Presho County Lyman State S. Dak.

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

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

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

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

Contract

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

2. Name of diversion work Harry Perry, Jr. Irrigation Project #1

3. Amount of water claimed 6.0 cubic feet per second

4. Source of water supply White River & ground water

5. Location of point of diversion _____

_____ or _____ bank Lyman County.

6. Annual period or periods during which water is to be used April thru October

7. To be used for:

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

(a) Number of acres to be irrigated 424.5 acres.

(b) Legal subdivisions to be irrigated See attachment

(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 all be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

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

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

2-116-2
Map

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$ 1,300.00

(c) Plumbing, \$.....

(d) Canalearth, \$.....

1 1/2" pipe, \$ 1,500.00

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc) Canal levellingPossible 3 dugouts into ground water 40' x 100' x 12'

II. Dimensions of works.

Pumping plant w/ pipe to pump
1500 pipe

(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.....feet; height.....feet;
Material.....

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

LOCATION BELOW HEADGAT	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 4 years.

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

Lyman County Herald, Fresno, S. Dak.

STATE OF SOUTH DAKOTA

County of

Hughes

83.

I,

Harry Perry, Jr.

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

Signed

Harry Perry, Jr.

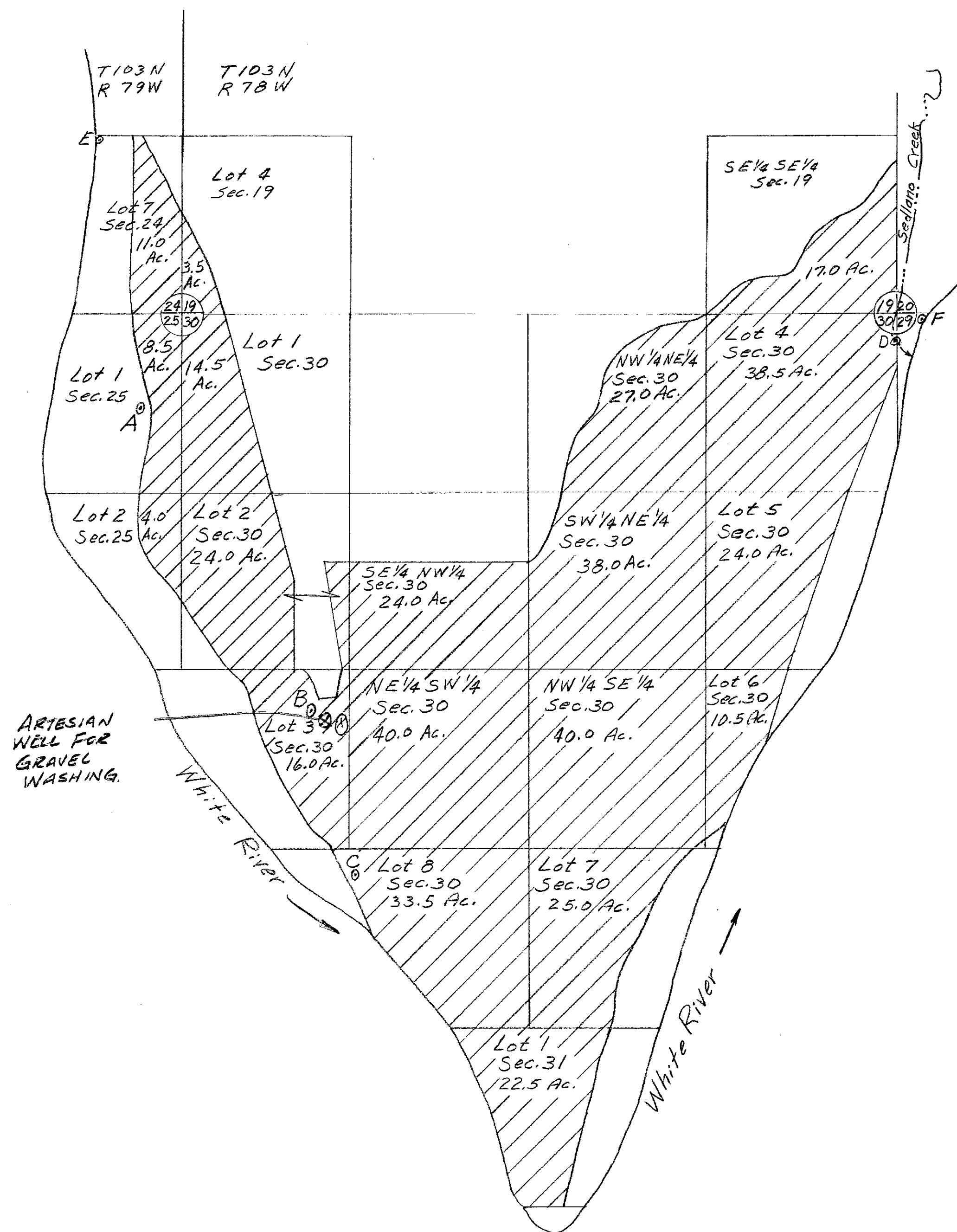
Subscribed and sworn to before me this

15th

day of

April1964

Notary Public (or other qualified officer.)



Denotes land to be irrigated

LOCATION OF LANDS TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
Lot 7	24	103N	79W	11.0
Lot 1	25	103N	79W	8.5
Lot 2	25	103N	79W	4.0
Lot 4	19	103N	78W	3.5
SE 1/4 SE 1/4	19	103N	78W	17.0
Lot 1	30	103N	78W	14.5
NW 1/4 NE 1/4	30	103N	78W	27.0
Lot 4	30	103N	78W	38.5
Lot 2	30	103N	78W	24.0
SE 1/4 NW 1/4	30	103N	78W	24.0
SW 1/4 NE 1/4	30	103N	78W	38.0
Lot 5	30	103N	78W	24.0
Lot 3	30	103N	78W	16.0
NE 1/4 SW 1/4	30	103N	78W	40.0
NW 1/4 SE 1/4	30	103N	78W	40.0
Lot 6	30	103N	78W	10.5
Lot 8	30	103N	78W	33.5
Lot 7	30	103N	78W	25.0
Lot 1	31	103N	78W	22.5
Total				420.5

Scale: 8" = 1 mile
 HARRY PERRY JR.
 IRRIGATION PROJECT NUMBER ONE
 Lyman County, South Dakota
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed by <i>Harry Perry Jr.</i>	Date 4-10-64	Approved by _____
Drawn by <i>Harry Perry Jr.</i>	Title _____	_____
Traced by _____	Sheet No. _____	Drawing No. _____
Checked by _____	of _____	_____

Remarks by State Water Resources Commission:

Numerous water rights exist below your diversion point which get their water from the White River. On your diversions from the river, restrictions under this permit 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, August 10, 1964

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

9 p.m. upon the 15th day of April, 1964

State Water Resources Commission

By:

Clinton Jones
Chief Engineer, Executive Officer

Number of permit 825-2

Date of first receipt of application April 15, 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 April 15, 1964

Approved July 15, 1964, Recorded in Book 8 Page 227

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 _____

January 15, 1967

2nd. The whole of said work is to be completed on or before July 15, 1969

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

July 15, 1973

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 6.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before July 15, 1973; said water to be used during the following described annual period.

April thru October
1973 day of August, 1964

Witness my hand this

State Water Resources Commission

By:

Bill Baine
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 29, 1969

Water License Issued SEPTEMBER 29, 1969

Diversion points: From the White River,
 between a point in the NW¹ NW⁴ Section 27,
 T103N R7BW, and a point in Lot 7, Section 24
 T103N R7BW. From dugouts in Lot 1, Section
 26, T103N R7BW, and Lots 3 & 8, Section 30, T103N R7BW.

Lands to be irrigated:

T103N R7BW	Section 22	Lot 7	11.0 acres
	Section 25	Lot 1	8.5 "
	" 26	Lot 2	4.0 "
T103N R7BW	Section 19	Lot 4	3.5 "
	" 19	SE ¹ SE ⁴	17.0 "
	Section 30	Lot 1	14.5 "
	" 30	NW ¹ NE ⁴	27.0 "
	" 30	Lot 4	38.5 "
	" 30	Lot 2	24.0 "
	" 30	SE ¹ NW ⁴	24.0 "
	" 30	SW ¹ NE ⁴	38.0 "
	" 30	Lot 5	24.0 "
	" 30	Lot 3	16.0 "
	" 30	NE ¹ SW ⁴	40.0 "
	" 30	NW ¹ SE ⁴	40.0 "
	" 30	Lot 6	10.5 "
	" 30	Lot 8	33.5 "
	" 30	Lot 7	25.0 "
Section 31		Lot 1	22.5 "
Total			424.5 acres

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 40' x 100' Depth 12'

Type of casing open dugout
(wood, concrete, steel, etc.)

Size of casing _____, Thickness of casing _____

Length of casing _____. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen _____

Size of perforated screen _____ (diameter) _____ (length)

Thickness of gravel pack _____, length of gravel pack _____

(c) Water Bearing Materials

Distance to water 8' Character of water bearing materials sands and gravels

Thickness of water bearing material _____

(d) Pump and Motor

Type of pump trailer mounted centrifugal 6"
(centrifugal, propeller, mixed flow, etc.)

Name of pump _____, size _____

Kind of motor _____ (gasoline, electric, diesel, etc.)

Horsepower _____, Name of Motor _____

(e) Complete well

Capacity _____ at drawdown of _____ Estimated cost _____

(f) Owner of land upon which well is located

Harry Perry, Jr.
Name
Presko, S. Dak
Address

(g) Distance to nearest existing wells

On same owner's property 200 yds On property owned by others over 1 mile

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 825-2

(1) WHEREAS, On the 15th day of April A. D. 19 64
Harry Perry, Jr.

made Water Right Application No. 825-2 for a permit to use 6.0 cubic feet per second of the waters of the White River and ground water

County of Lyman, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 10th day of August A. D. 19 64
 Permit No. 825-2, with a date of priority of April 15, 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 15th day of July A. D. 19 69 and for the application to beneficial use of said water on or before the 15th day of July A. D. 19 73

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 6.0 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 irrigation of the lands described below:

T103N, R79W	Section 24	Lot 7	11.0	Acres
	Section 25	Lot 1	8.5	"
		Lot 2	4.0	"
T103N, R78W	Section 19	Lot 4	3.5	"
	Section 30	SE $\frac{1}{4}$ SE $\frac{1}{4}$	17.0	"
		Lot 1	14.5	"
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	27.0	"
		Lot 4	38.5	"
		Lot 2	24.0	"
		SE $\frac{1}{4}$ NW $\frac{1}{4}$	24.0	"
		SW $\frac{1}{4}$ NE $\frac{1}{4}$	38.0	"
		Lot 5	24.0	"
		Lot 3	16.0	"
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	"
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	"
		Lot 6	10.5	"
		Lot 8	33.5	"
		Lot 7	25.0	"
	Section 31	Lot 1	24.5	"

(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 Harry Perry, Jr.

_____ of Pierre, South Dakota
the holder _____ and owner _____ of said permit No. 825-2 a water right, dating from April 15, 1964
_____ to use of 6.0 cubic feet per second of the waters
of the White River and ground water

in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at from the White River between points in the NW 1/4
Section 29, T103N, R78W and in Lot 7, Section 24, T103N, R79W; from ground water at a point
in Lot 3, Section 30, T103N, R78W.

and conduct to and upon portions of Sections 24 and 25, T103N, R79W and of Sections 19 and 30 and
31, T103N, R78W, described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 825-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of September A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

by:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 825-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harry Perry, Jr.

_____ the holder _____ of
Permit No. 825-2, issued upon Application No. 825-2, bearing date of priority of April 15,
1964 authorizing the diversion of 6.0 cu. ft. per second of the waters of the
White River & ground water County of Lyman, State of South Dakota ~~or~~ from
White River between a point in the NW 1/4, Section 29, T103N, R78W, and a point
in Lot 7, Section 24, T103N, R79W; from ground water from a point in Lot 3, Section 30,
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 16.3 cu. ft. per second of water.

Date September 29, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Page 1 - Notice of Intention to Appropriation of Water

Re: 1942

Filed for publication on or before June 15, 1942

INTRODUCTION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., June 5, 1942

Notice is hereby given that Harry Perry, Sr., whose postoffice address is Frank, 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 a certain foot of water per second of time from the White River and ground water through the Perry Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of the White River, between a point in the NW 1/4 of Section 29, T103N, R73W, and a point in lot 1, Section 30, T103N, R73W and from ditches located in lot 1, Section 29, T103N, R73W, and in lots 3 and 5, Section 30, T103N, R73W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 7, Section 29; Lots 1 and 2, Section 30, T103N, R73W; Lot 4, S81 S81, Section 19; Lots 1, 2, 3, 4, 5, 6, 7 and 8, S81 S81, S81 S81, S81 S81 and S81 S81, Section 30, Lot 1, Section 31, T103N, R73W.

This application will be taken up by the State Water Resources Commission at Pierre for consideration upon the 15th day of July, 1942, at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission
by:

CC: John W. Ryan, Publisher
Lynan County Herald
Presho, S. Dak.

BURTON F. JONES
Water Right Specialist

FORM 8- NOTICE OF INTENTION
TO APPROPRIATE WATER
APPROPRIATION OF WATER

Office of State Water
Resources Commission
Pierre, S. Dak.

Notice is hereby given that Harry Perry, Jr., 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 6.0 cubic feet of water per second of time from the White River and ground water through the Perry Irrigation Project No. 1, the point of diversion in the NW 1/4 NW 1/4 Section 29, T103N, R78W, and a point in Lot 7, Section 24, T103N, R79W, and from dugouts located in Lot 1, Section 25, T103N, R79W, and Lots 3 and 8, Section 30, T103N, R78W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 7, Section 24, Lots 1 and 2, Section 25, T103N, R79W; Lot 3, SE 1/4 SE 1/4 Section 19, Lots 1, 2, 3, 4, 5, 6, 7 and 8, NW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 and NW 1/4 SE 1/4, Section 30, Lot 1, Section 31, T103N, R78W.

This application will be taken up by the State Water Resources Commission at Pierre for consideration upon the 15th day of July, 1964, at 2 P. M. All interested persons may appear and be heard.

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

Information presented.
State Water Resources
by: BURTON F. JONES
Water Right Specialist
June 11, 25 - July 2 & 9

RECEIVED
AUG 7 1964

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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:

Notice of Intention to
Appropriate Water
Appropriation of Water

A PRINTED COPY OF WHICH IS HERETO ATTACHED WAS PRINTED AND PUBLISHED

IN SAID NEWSPAPER FOR four CONSECUTIVE WEEKS.
THE PUBLICATION OF SAID NOTICE IN SAID NEWSPAPER AFORESAID WAS ON

THURSDAY, THE 18 DAY OF June A. D., 1964
AND THAT THE PRECEDING PUBLICATIONS WERE SEVERALLY

THURSDAY, THE 25 DAY OF June A. D., 1964

THURSDAY, THE 2 DAY OF July A. D., 1964

THURSDAY, THE _____ DAY OF _____ A. D., 196____

THURSDAY, THE _____ DAY OF _____ A. D., 196____

THURSDAY, THE _____ DAY OF _____ A. D., 196____

THURSDAY, THE _____ DAY OF _____ A. D., 196____

THURSDAY, THE _____ DAY OF _____ A. D., 196____

AND THE LAST PUBLICATION ON THURSDAY, THE 9 DAY OF

July 1964; THAT THE FULL SUM OF FEES CHARGED FOR

PUBLISHING THE SAME, TO-WIT: THE SUM OF \$ 16.07, 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 13

DAY OF July 1964

Leahle Parks
NOTARY PUBLIC.

Permit No. 825-3Water Division 2 WHITE RIVER Water DistrictREPORT 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 Harry Perry, Jr.
of Pierson holderof Permit No. 825-2, bearing date of priority of April 15, 1969, 19 authorizing the diversion of 6.0 cu. ft. per second of the waters of White River and Ground water
for irrigation purposes, in Lyman County 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: (1) Consolidated Machine Co. pump, 6" Mod. 90M (1500 gpm) Ford Industrial Gasoline Motor - 50 HP (2) Jaeger 10" pump, (4000 gpm) International UD-9 Diesel Engine. (3) Spitz foundry pump 6" (1500 gpm) Fairbanks Morse 30 HP, Electric motor. (4) Ground water sump-Diversion X, Buried 9' x 30' perforated tank, 350 gpm.

B. Works used to transport water to place of use,
2700 feet of 8" and 10" aluminum pipe. About 1 mile of 3' x 2' ditch and several miles of temporary dikes 1½' x 4'C. Works used to apply water to beneficial use.
400' of 8" gated pipe, and 421.5 acres irrigated, flood irrigation using permanent and temporary dikes.The system is in the following condition: goodThe point of diversion is located from White River between a point in the NW¼ NW¼, Section 29, T103N, R78W, and a point in Lot 7, Sec. 24, T103N, R79W. in Lot 3, Section 30, T103N, R78W
ground waterThe works are capable of diverting and conveying to the place of use (7350 gpm) 16.3
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 attached list in Water Permit No. 825-2comprising a total of 421.5 acres of land.Date September 16, 1969Donald Driscoll
(Signature)
DONALD DRISCOLL, Deputy Chief Engineer
Water Resources Commission

MORTGAGE

THIS INDENTURE, made this 31st day of August, 1971, between

Harry Ferry, Jr. and Gloria E. Ferry, husband and wife, -----

of the County of Lyman and State of South Dakota, party of the first part, and the METROPOLITAN LIFE INSURANCE COMPANY, a corporation whose post office address is 1 Madison Avenue, New York, N. Y., party of the second part.

WITNESSETH: That the said party of the first part, in consideration of the sum of -----

-----ONE HUNDRED THOUSAND----- Dollars (\$ 100,000.00)
in hand paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, convey, and confirm to the said party of the second part, and its assigns, forever, the following-described real estate, in the County of Lyman and State of South Dakota, to wit:

Twp. 103 North; R 79 West of the 5th Principal Meridian

Sec. 24: Lots 6 and 7

Sec. 25: Lots 1 and 2

Twp. 103 North; R 78 West of the 5th Principal Meridian

Sec. 7: Lots 3 and 4; E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$

Sec. 18: Lots 1, 2, 3, 4; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$

Sec. 19: Lots 1, 2, 3, 4; E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$

Sec. 30: Lots 1, 2, 3, 4, 5, 6, 7, 8; E $\frac{1}{2}$ N $\frac{1}{2}$; W $\frac{1}{2}$ N $\frac{1}{2}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 20: That part of the NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying west of County highway #20 as described in Affidavit recorded in Book 10 of Miscellaneous, Page 255.

Sec. 31: Lots 1 and 2

ALL IN Lyman County, South Dakota, subject to existing right of ways and any previous reservations of record.

OPAEWER RANCH

Twp. 103 North, R 79 West of the 5th Principal Meridian

Sec. 3: S $\frac{1}{2}$

Sec. 2: S $\frac{1}{2}$

Sec. 11: All

Sec. 10: E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$

All mortgagor's right, title, and interest in White River Grazing Association described as follows: Mellette County: Twp. 42N. Rge. 25W of the 6th P.M.

Mellette County: Twp. 43 North, Range 25 West of 6th Principal Meridian

Sec. 23: E $\frac{1}{2}$; SW $\frac{1}{4}$ Sec. 13: Lot 1; E $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, & Sec. 26: NE $\frac{1}{4}$ & SW $\frac{1}{4}$

Sec. 24: All Lots 2, 3, 4 and S $\frac{1}{2}$ Sec. 35: E $\frac{1}{2}$

Sec. 25: All Sec. 14: Lots 3, 4 & 5 & E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ Sec. 36: NE $\frac{1}{4}$ SW $\frac{1}{4}$ & Lots 3 & 4

Tripp County: Twp. 103 North, Range 79 W of the 5th Principal Meridian

Sec. 24: Lots 8, 9 and 10

Sec. 25: Lots 3, 4, 5, 6, 7, 8; SW $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 36: Lots 1, 2, 3, 4 and E $\frac{1}{2}$

Tripp County: Twp. 103 North, R 78 W of the 5th Principal Meridian

Sec. 30: Lot 10

Sec. 31: Lot 9 and SE $\frac{1}{4}$ SW $\frac{1}{4}$

It is agreed that all irrigation pumps, electric motors, engines, pipes and all other irrigation equipment connected therewith now or hereafter placed or installed on said premises together with all water and watering rights of every kind and description shall be construed as affixed to and a part of the real estate hereinabove described and subject to all of the provisions of this Mortgage.

The Note secured by this Mortgage is further secured by a Financing Statement and Security Agreement of even date herewith, covering personal property as described in said Financing Statement and Security Agreement.

This Mortgage is given to secure a Deferred Purchase Money Note, which represents funds advanced by Mortgagee to pay for the balance of the purchase price paid to the grantor for said land and is to be deemed given for the purchase price and the continuation of the original Vendor's Lien on said premises.

TO HAVE AND TO HOLD the same, with the appurtenances thereto belonging or in anywise appertaining, including any right of homestead and every contingent right or estate therein, unto the said party of the second part, and its assigns forever; the intention being to convey an absolute title in fee to said premises. It is not the intention to transfer the right to possession of or income from said premises prior to the expiration of the period of redemption.

And the said party of the first part hereby covenants that he is lawfully seized of said premises and has good right to convey the same; that said premises are free and clear of all encumbrances; and that he will warrant and defend the same against the lawful claims of all persons whomsoever.

RECEIVED
SEP 1 1971

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

PROVIDED, HOWEVER, that if the said party of the first part, his heirs, executors, or administrators shall pay, or cause to be paid, to the said party of the second part, or its assigns, the principal sum of -----
---ONE HUNDRED THOUSAND----- Dollars (\$100,000.00) to be paid as follows:
\$3,000.00 on January 1, 1973; \$3,000.00 on January 1, 1974; \$3,000.00 on January 1, 1975; \$3,000.00 on January 1, 1976, and a like amount annually thereafter on each January 1st up to and including January 1, 1991,

and the balance to-wit: -----FIFTY-NINE THOUSAND-----
Dollars (\$59,000.00) on the 1st day of January , 1992 , with interest thereon
at the rate of 8.25 per cent per annum from date hereof payable annually on the

1st day of January, 1992, in each year together with interest at the highest rate permitted by law, on any part of the principal which is not paid at maturity according to the provisions of a certain promissory note bearing even date herewith executed by the said party of the first part and payable to the order of Metropolitan Life Insurance Company at its office in New York, N. Y., which promissory note further provides that if any interest or any part of the principal sum is not paid when due, the principal and interest shall become due and collectible at once with interest on the principal at the highest rate permitted by law from the date of default without notice at the option of the holder of said Note, both principal and interest to be payable in lawful money of the United States, with exchange on the City of New York, which shall be legal tender for the payment of all debts and dues, public and private, at the time of payment and shall perform all and singular the covenants herein contained; then the estate hereby granted shall cease and this Mortgage shall become null and void and be released at the expense of said party of the first part.

And the said party of the first part does hereby covenant and agree to pay, or cause to be paid, the principal sum and interest herein specified, in manner aforesaid, together with all costs and expenses of collection, as provided by law, if any there shall be, and in case of foreclosure to pay the cost of continuing abstract of title to the premises herein described, and any costs, charges, or attorney's fees, as provided by law, incurred and paid by the said party of the second part, or its assigns, in maintaining the priority of this Mortgage.

And the said parties of the first part do further covenant and agree to pay all taxes, assessments, charges, and liens of all kinds levied upon said premises before any penalty interest or costs for nonpayment attaches thereto; also to abstain from the commission of waste on said premises and keep the buildings now existing and those thereafter made upon said real estate, constantly insured against fire, lightning, and windstorm for the insurable value thereof in some insurance company or companies acceptable to the party of the second part, or its assigns, and all such policies of insurance shall be assigned and delivered to the said party of the second part, its legal representatives or assigns; provided, however, that such insurance shall not be required for a greater sum than the amount of said indebtedness then unpaid. And any such contract of insurance effected by said parties of the first part, their heirs, legal representatives, and assigns, shall be primarily subject to appropriation for the payment of said indebtedness; and in case of the failure of the said parties of the first part and their assigns to pay such taxes, assessments, charges, and liens, or effect such insurance as above provided, then the said party of the second part, or its assigns may do so and the amounts paid therefor together with interest thereon at the highest rate permitted by law from the date of payment, and a reasonable attorney's fee in connection therewith, shall be secured by this Mortgage and shall be collectible with, as a part of, and in the same manner as the indebtedness hereby secured.

In case of default in the payment of said principal sum of money or any part thereof, or interest thereon at the time or times above specified for payment thereof or in case of nonpayment of any taxes, assessments or insurance as aforesaid, or of breach of any covenant or agreement herein contained, then and in either case, the whole principal and interest of said note and of any other indebtedness hereby secured shall at the option of the holder thereof immediately become due and payable with interest on the principal at the highest rate permitted by law from date of default without notice and this mortgage may be foreclosed by action or by advertisement as provided by statute or the rules of practice relating thereto and this paragraph shall be deemed as authorizing and constituting a power of sale as mentioned in said statutes or rules and any acts amendatory thereof.

Effective upon the expiration of the period of redemption the party of the first part assigns to the party of the second part, its successors or assigns, all the profits, revenues, royalties, rights and benefits accruing to them under all oil, gas or mineral leases on said premises.

And it is further mutually covenanted and agreed that in event of the passage, after the date of this Mortgage, of any law deducting any lien thereon from the value of land for the purpose of taxation, or changing in any way the laws now in force for the taxation of mortgages or debts secured by mortgage or the manner of the collection of any such taxes, so as to affect this Mortgage, the whole of the principal sum secured by this Mortgage, together with the interest due thereon, shall, at the option of the said party of the second part, without notice, become immediately due and payable.

It is further mutually covenanted and agreed that the party of the second part, its successors and assigns shall at their option be subrogated to the lien, although released or record, of any prior encumbrance, mechanic's, vendor's or other lien or liens on said premises paid out of the proceeds of the loan secured hereby.

The party of the second part may release for such consideration, or none, as it may require, any portion of the above-described land without, as to the remainder of the security, in any wise impairing or affecting the liens and priorities herein provided for the party of the second part compared to any subordinate lienholder.

In case the party of the second part shall be made a party to any suit at law or in equity, including bankruptcy and condemnation proceedings, by reason of this Mortgage, the reasonable charges for services in such suit or proceeding of attorneys of said party of the second part, its successors or assigns, which may be fixed by the court in any such suit or proceeding, and all expenses in that behalf incurred, shall be immediately due and payable, with interest thereon at the highest rate permitted by law, and become so much additional indebtedness secured by this Mortgage.

If all or any part of the mortgaged property be condemned or taken through eminent domain proceedings, all or such part of any award or proceeds thereof as the mortgagee in its sole discretion may determine in writing, are hereby assigned and shall be paid to the mortgagee and applied to the payment of the mortgage indebtedness.

In the event that the mortgaged premises, or any portion thereof be sold or conveyed prior to the time the indebtedness secured hereby shall have been paid in full, then the entire indebtedness secured by this Mortgage shall at the option of the Mortgagee, become due and payable.

Plural or singular words used herein to designate the undersigned, the party of the first part, shall be construed to refer to the maker or makers of this Mortgage, whether one or more persons, or a corporation; and all covenants and agreements herein made by the undersigned shall bind the heirs, personal representatives, successors, and assigns of the undersigned, and every option, right, and privilege herein reserved or secured to the Mortgagee shall inure to the benefit of its successors and assigns.

IN WITNESS WHEREOF, the said party of the first part has hereto set his hand and seal the day and year first above written.

-----[S]-----
Harry Ferry, Jr.

-----[S]-----
Gloria E. Ferry

September 17, 1971

Mr. H. L. Fuller, Attorney
310 South First Avenue
Sioux Falls, South Dakota 57102

Dear Mr. Fuller:

Reference is made to your letter of September 16, 1971 regarding the Water Rights of Harry Perry, Jr.

His Water License No. 825-2 authorizes the diversion of up to 6.0 cubic feet per second of water to irrigate up to 421½ acres of land. A report of inspection indicated there was an existing capability of up to 16.3 c.f.s. of water. The diversion rate of 6.0 c.f.s. of water is the maximum diversion that the Water Resources Commission can authorize to irrigate 421½ acres of land. (See SDCL 1967, Section 46-5-6). Enclosed for your information is a copy of description of the lands where irrigation is authorized.

Water License No. 825-2 has not been assigned.

Normally certificates are not issued for dry draw location notices. (SDCL 1967, Section 46-4-3), although they can be and in rare cases are issued. (SDCL 1967, Section 46-4-7).

The records of the dry draw locations notices, listed in your letter, have been checked and they are all filed in this office (no certificates issued) except the one listed for Knute Selland for the NW¼ NW¼, Section 19, 107-78. There is one filed for Knute Selland in the NW¼ NW¼, Section 19, 103-78.

Sincerely,

J.W. GRIMES
Executive Officer

BY

DONALD DRISCOLL
Deputy Chief Engineer



Department of Water & Natural Resources

the Foss Building
3 East Capitol
Pierre, South Dakota 57501-3181

February 17, 1989

Harry Perry, Jr.
HCR 80, Box 16
Presho, SD 57568

Dear Mr. Perry:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

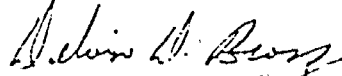


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 1992

825-2
1010-2

Doug Perry
Box 525
Presho, SD 57568

Dear Mr. Perry:

In response to your 1991 irrigation questionnaires, enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 825-2 and 1010-2. The water rights are currently listed in the name of Harry Perry, Jr.

The transfer forms should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

REPRODUCTION
REDUCTION

ROLL NO. 11-22

DATE MICROFILMED

CAMERA OPERATOR



825-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 25, 1992

SECOND NOTICE
PERMIT NO. 825-2
1010-2

Doug Perry
Box 525
Presho, SD 57568

Dear Mr. Perry:

On January 16, 1992, notice was sent to you concerning the transfer of Water Right Nos. 825-2 and 1010-2 in the name of Harry Perry, Jr. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 per transfer, a total of \$5.00. The rights can then be transferred to your name. If you are not the present owner of the land covered under these rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

Doug Perry
Box 525
Presho, SD 57568

825-2
1010-2

4a. Article Number
P 906 559 901

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
062791

5. Signature (Addressee)
Doug Perry

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

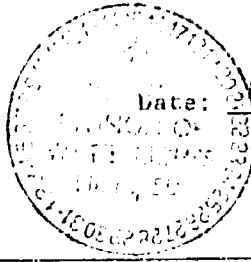
6. Signature (Agent)

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 825-2



Date: June 29, 1992

I/We request that Water Right No. 825-2

formerly owned by: Harry Perry Jr

be transferred to: (name & address) DOUGLAS J. PERRY

(Telephone No.) (605) 895-5305

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

Lot 7, Sec 24, Lots 1-2 Sec 25, T103N, R79W; Lot 4 Sec 19 SE 1/4 SE 1/4, Lots 1-8, NW 1/4 SE 1/4, NE 1/4 SW 1/4, W 1/2 NE 1/4, SE 1/4 NW 1/4 Sec 30, Lot 1 Sec 31, T103N, R78W.

I/We understand that the validity of Water Right No. 825-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Lyman)

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

Douglas J Perry
(Signed)

Subscribed and sworn to before me this 29 day of June, 19 92.

Janice Soukela
(Notary Public) (605) 895-5305
exp. 12/31/95

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

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



825-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



(825-2
1010-2

July 30, 1992

Douglas J. Perry
Box 525
Presho, SD 57568

Dear Mr. Perry:

We are in receipt of your "Notice of Transfer of Ownership" forms for Water Right Nos. 825-2 and 1010-2. Before we can proceed with the processing of the transfer, we must be in receipt of a \$2.50 fee per transfer, a total of \$5.00.

If you have further questions, please feel free to contact Genny McMath at (605) 773-3352.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

RECEIPT

413437

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 22, 19 92

RECEIVED OF Linda Perry, PO Box 525, Presho, SD 57568

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 825-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch / Gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 24, 1992

No. 825-2
1010-2

Douglas J. Perry
P.O. Box 525
Presho, SD 57568.

Dear Mr. Perry:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 825-2 and 1010-2.

Our records now show you as the owner of Water Right Nos. 825-2 and 1010-2.

Sincerely,

Cheryl F. Frost

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

825-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DOUGLAS J PERRY
PO BOX 525
PRESHO SD 575680525

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 825-2 & 1010-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 825-2 & 1010-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

825-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: DOUGLAS J. PERRY
PO BOX 525
PRESHO, SD 57568

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

RE: Failure to Report Chemical Use under Water Permit No(s) 825-2

The first notice to file chemigation report(s) for Permit No(s) 825-2 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 825-2. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 825-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

3. Article Addressed to:

DOUGLAS J PERRY
PO BOX 525
PRESHO SD 575680525

825-2

4a. Article Number
R 006 560 055

- 4b. Service Type
- ☐ Registered
 - ☒ Certified
 - ☐ Express Mail
 - ☐ Insured
 - ☐ COD
 - ☐ Return Receipt for Merchandise

7. Date of Delivery
07 30 92

5. Signature (Addressee)

6. Signature (Agent)
Jinda Perry

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

Thank you for using Return Receipt Service.

825-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1993

Douglas J. Perry
Box 525
Presho, SD 57568

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

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

Sincerely,

Barry A. McLaury
Natural Resources Analyst
Water Rights Division

825-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1993

825-2
1010-2

Douglas J Perry
PO Box 525
Presho, SD 57568-0525

Dear Mr. Perry:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires.

As I discussed by telephone with Mrs. Perry, since we did not send the forms to you in a timely matter after you requested them, your name was deleted from the March 3rd Water Management Board meeting agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1999

NOTICE

TO: DOUGLAS J PERRY, BOX 52, VIVIAN, SD 57576
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 2312-2, 825-2. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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 45-1-12, 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) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on or before March 1, 1999, 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 (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.



825-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1999

825-2
2312-2

Douglas J Perry
Box 52
Vivian, SD 57576

Dear Mr. Perry:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Permit No. 825-2 and 2312-2.

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

If you have any questions, please contact me.

Sincerely,

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



825-2

**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 24, 2006

NOTICE

TO: DOUGLAS J PERRY, BOX 52, VIVIAN, SD 57576

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3902

Your item was delivered at 11:57 am on January 25, 2006 in VIVIAN, SD 57576. The item was signed for by K PERRY.

[Shipment Details >](#)

Notification Options

▶ [Track & Confirm by email](#) [What is this?](#) [Go >](#)

▶ [Request Proof of Delivery](#) [What is this?](#) [Go >](#)

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](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 3902

DOUGLAS J PERRY
BOX 52
VIVIAN SD 57576

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

ore mailing.
CHRYSE

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

825-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2006

825-2
2312-2

Douglas Perry
Box 52
Vivian SD 57576

Dear Mr. Perry:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 825-2 and 2312-2.

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

If you have any questions, please contact me.

Sincerely,

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



8252
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: DOUGLAS J PERRY, BOX 52, VIVIAN, SD 57576

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 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, 2009** 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) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 6, 2009**, 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/eforms/secure/eforms/E0455V7-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.

825-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2009

825-2
2312-2

Douglas Perry
Box 52
Vivian SD 57576

Dear Mr. Perry:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 825-2 and 2312-2.

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

If you have any questions, please contact me.

Sincerely,

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

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



825-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: DOUGLAS J PERRY, BOX 52, VIVIAN, SD 57576

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 17, 2016

825-2
2312-2

Douglas J Perry
Box 52
Vivian SD 57576

Dear Mr. Perry:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 825-2 and 2312-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: DOUGLAS J PERRY, PO BOX 52, VIVIAN, SD 57576
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OIKGWN**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 1, 2023

825-2
2312-2

Douglas J Perry
PO Box 542
Vivian SD 57576

Dear Mr. Perry:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right/Permit Nos. 825-2 and 2312-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

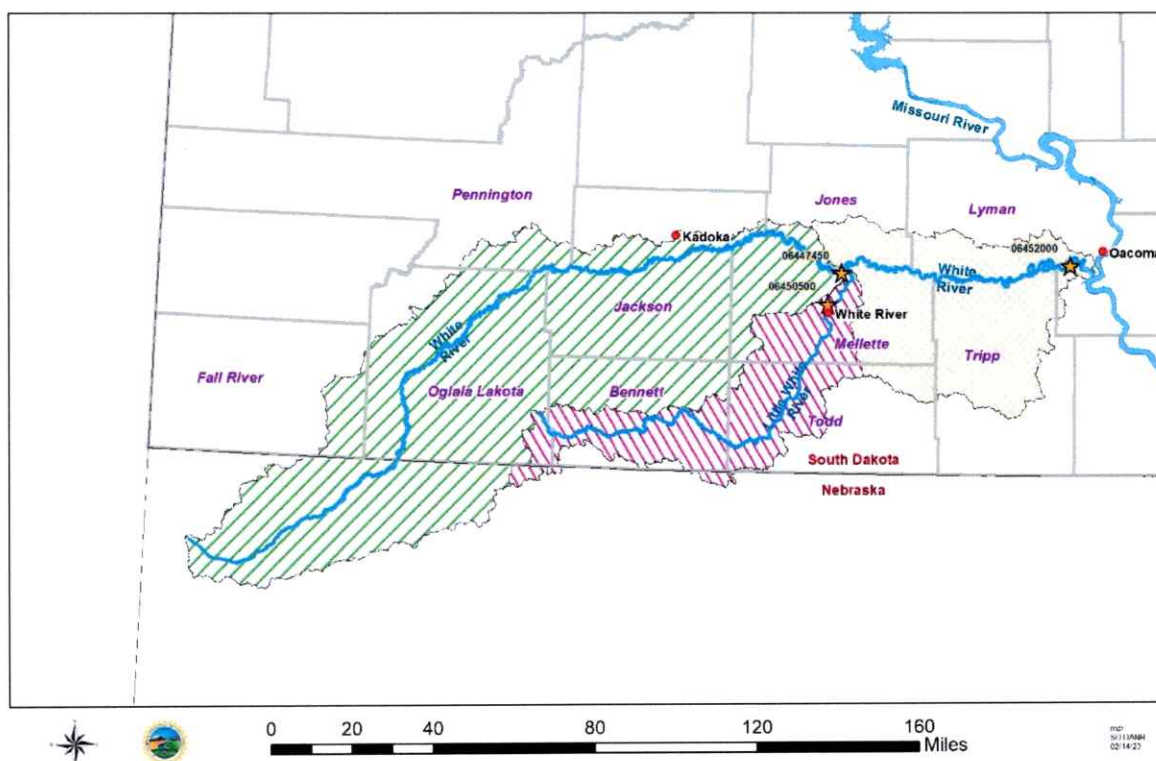


Figure 1. White River Watershed Map.

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

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

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

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

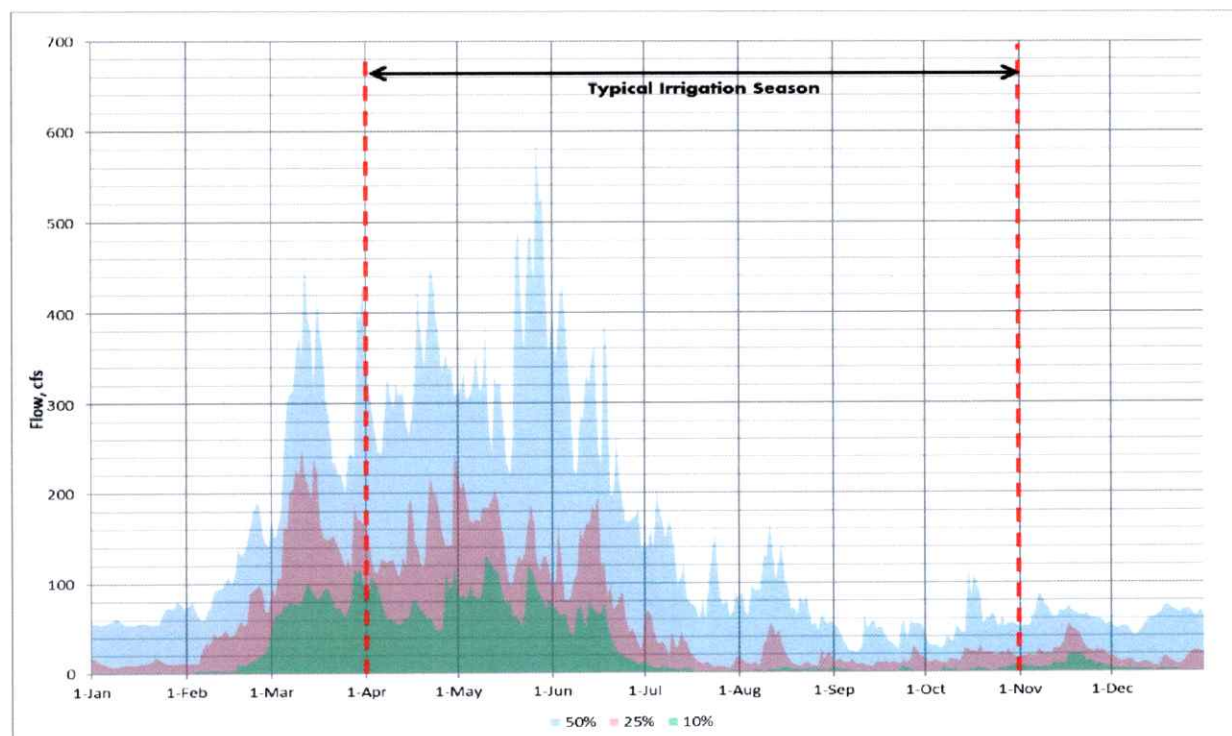


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

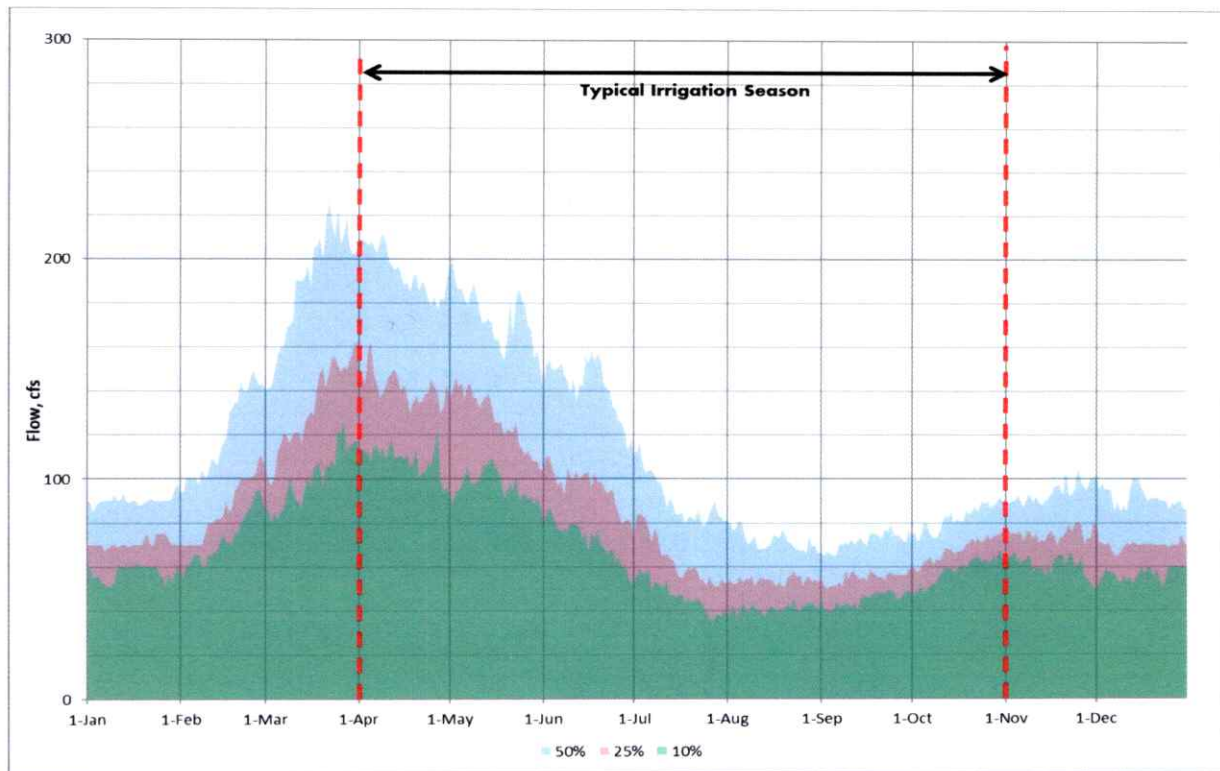


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

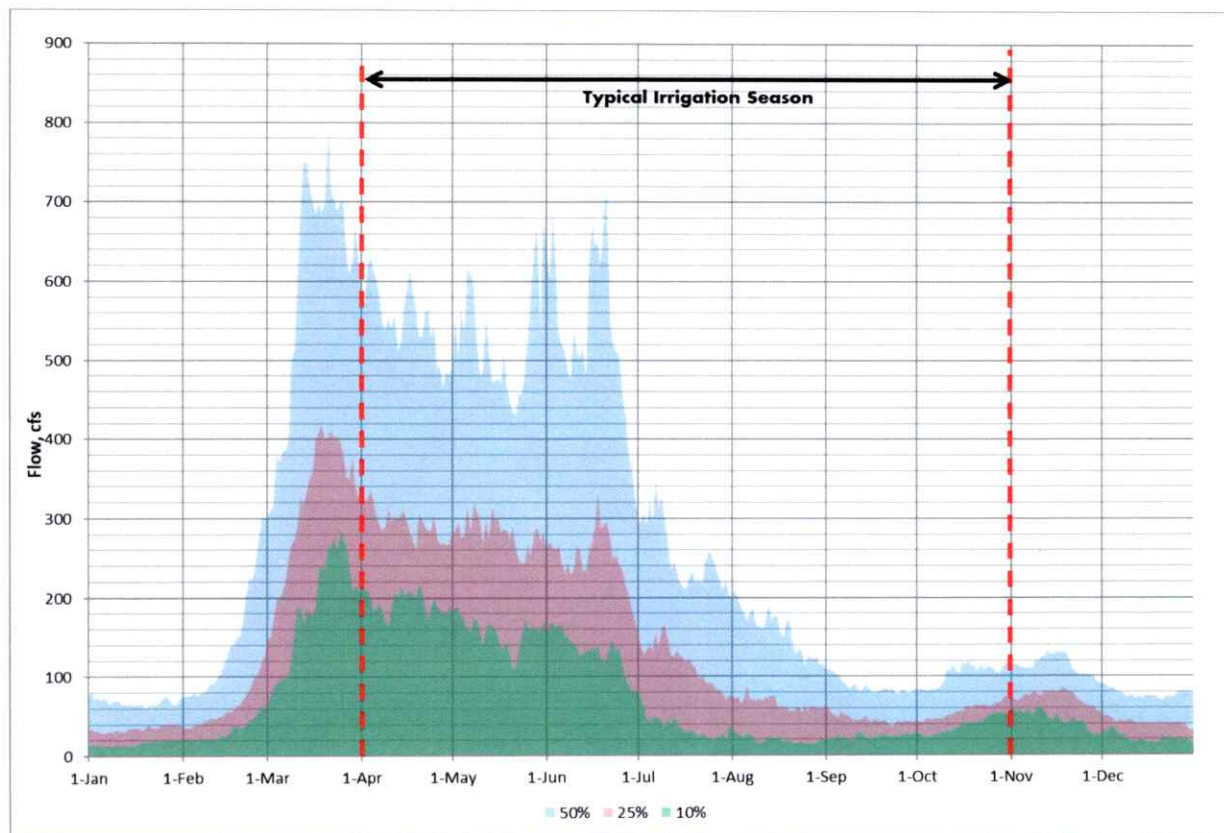


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

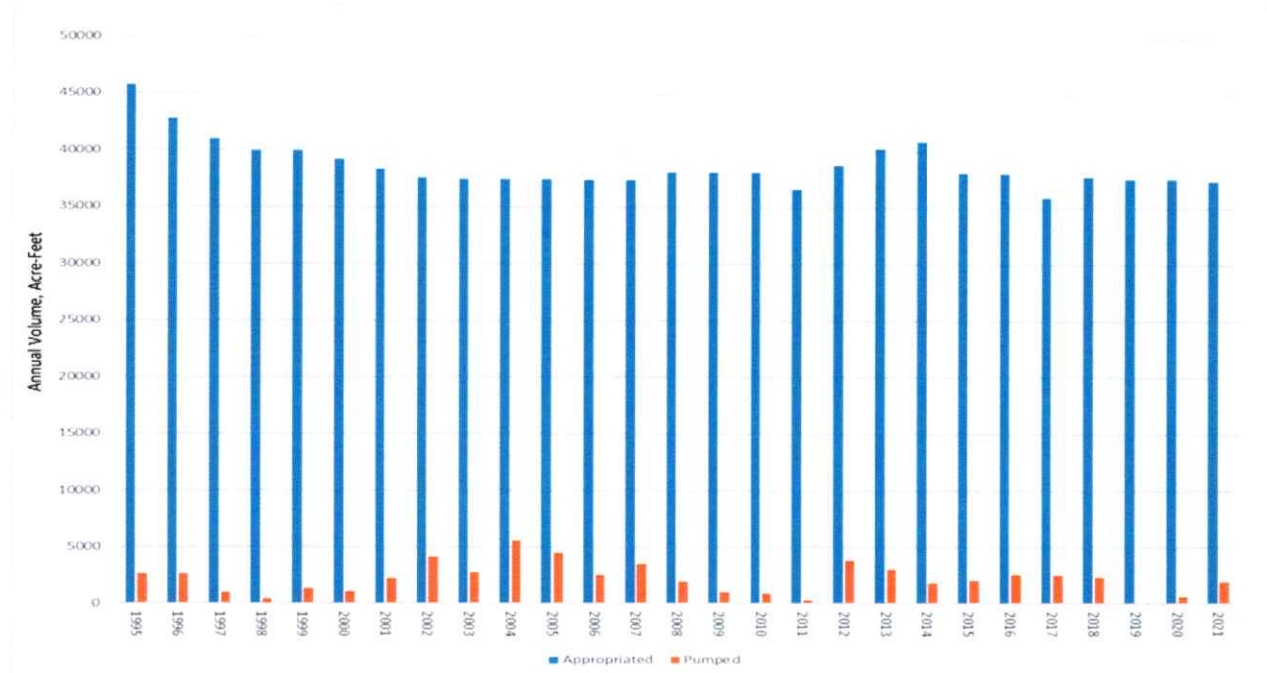


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 14, 2023

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

Dear White River Water Right Holder,

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

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

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

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

Sincerely,

Chief Engineer

Water Rights Program, DANR



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: DOUGLAS PERRY, PO BOX 52, VIVIAN, SD 57576

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LULGXX**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 16, 2024

~~825-2~~
~~2312-2~~

Douglas Perry
PO Box 52
Vivian SD 57576

Dear Mr. Perry:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 825-2 & 2312-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: DOUGLAS PERRY, PO BOX 52, VIVIAN, SD 57576

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 825-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2312-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2312-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 825-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XYYLDR**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 6, 2025

2312-2
825-2

Douglas Perry
PO Box 52
Vivian SD 57576

Dear Mr. Perry:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 825-2 & 2312-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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