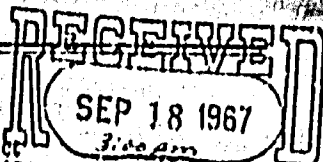


931-2

1. Considered 1100 8, 1957
2. Name of Applicant Lloyd E. Bjornstrom
3. Post Office Address WINDY
4. Amount of water claimed 2.8
5. Source of water supply Kegonsa River
6. Water to be used for irrigation
Acres to be irrigated 202
7. Water to be diverted and used in Trippe County
about 6 E miles 15 of Wewela
8. Proof of Publication Received Oct 27
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 931-2Water Division No. 2 Keyapaha River District _____
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Lloyd E. Blomstrom
 Postoffice address Winner, County Tripp, State South Dakota

I. If a corporation _____

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

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

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

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

Direct Labor(b) Cash on hand, \$ 5,000.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Blomstrom pump system3. Amount of water claimed 2.8 cubic feet per second4. Source of water supply Keya Paha River Between 1st 1st 4th5. Location of point of diversion See reverse side Between 1st 1st 4th990' from SW corner Lot 1 on Bank County Tripp6. Annual period or periods during which water is to be used Yearly, during growing season.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? irrigation(a) Number of acres to be irrigated 207 acres.(b) Legal subdivisions to be irrigated See back sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

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

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

(a) Nature of use _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

Map # 807-2

NOT APPLICABLE

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET--ACRES	ACRE-FOOT CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles.

LOCATION REF. OF HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5.....years.

11. Time required for complete application of water to the proposed beneficial use4..... years.

12. Choice of newspaper for publication of notice of intention to appropriateWINNER Advocate.....

STATE OF SOUTH DAKOTA

County ofDewey.....

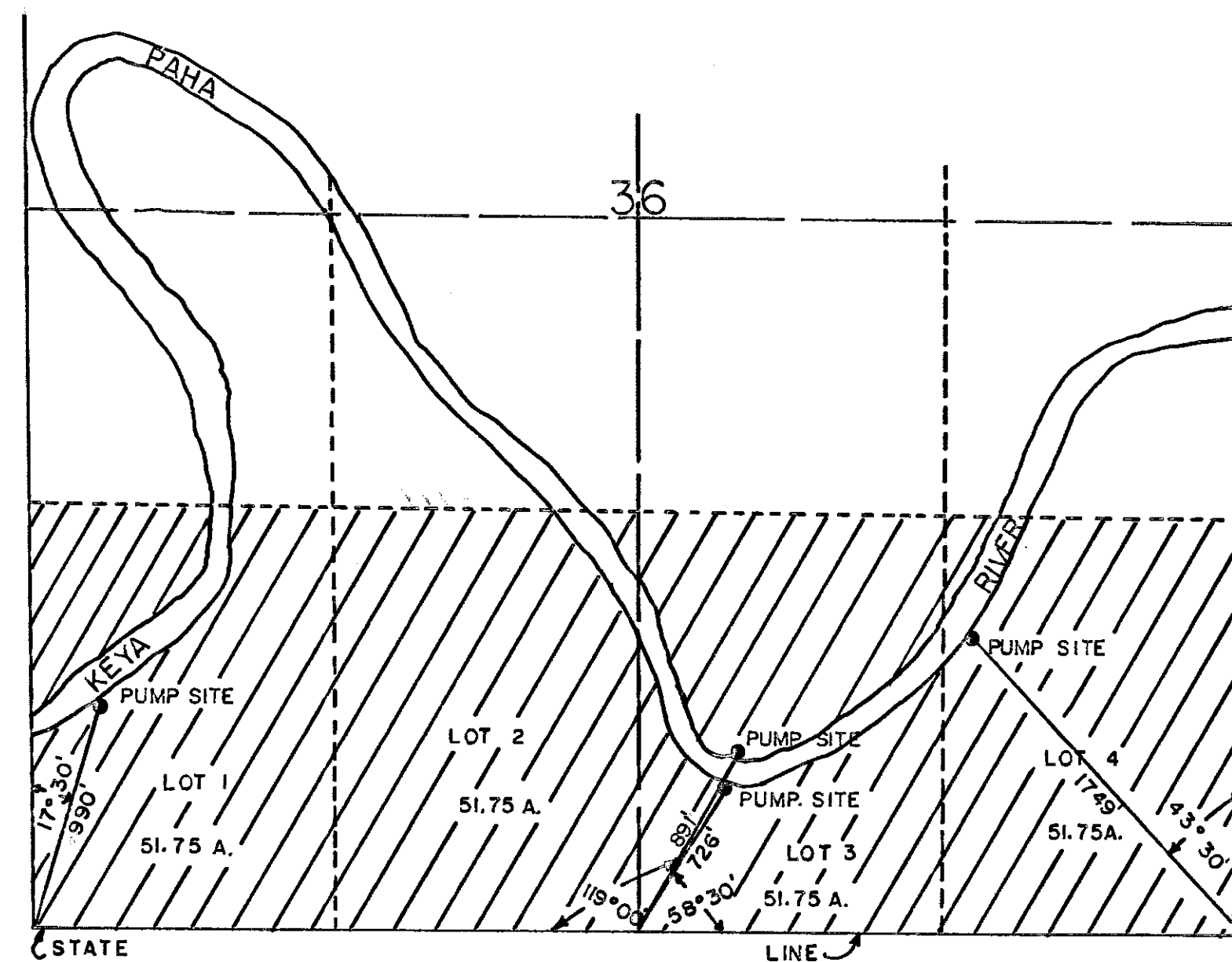
I, Ray E. Brumfield, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Ray E. Brumfield

Subscribed and sworn to before me this 16th day of September 1967

Ray E. Brumfield
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



N
SCALE 1" = 660'

LOCATION	SEC	TWP	RANGE	ACRES
LOT 1	36	95	75	51.75
LOT 2	36	95	75	51.75
LOT 3	36	95	75	51.75
LOT 4	36	95	75	51.75
TOTAL				207.00

 = LAND TO BE IRRIGATED

TRIPP COUNTY, SOUTH DAKOTA

LLOYD BLOMSTROM - OWNER

ENGINEER'S CERTIFICATE

I, WILLIAM J. O'DONNELL, SOUTH DAKOTA REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR 1221, CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF AN IRRIGATION PUMP SITE LOCATED IN LOTS 1-3-4 SEC. 36 T 95 N R 75 W OF THE 5TH P.M. TRIPP COUNTY, SOUTH DAKOTA. THE ABOVE DESCRIBED LAND BEING OWNED BY LLOYD BLOMSTROM.

DATE Sept 13-67


WILLIAM J. O'DONNELL P.E. - LS - 1221

ACKNOWLEDGEMENT

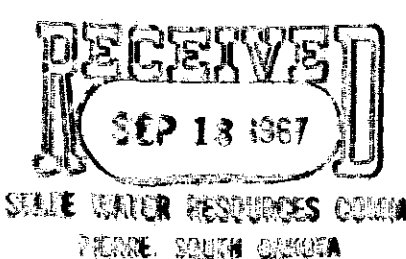
STATE OF NEBRASKA)
COUNTY OF CHERRY) SS

ON THIS 13 DAY OF September, 1967, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY APPEARED W. J. O'Donnell WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME AND HE ACKNOWLEDGED THE SIGNING OF SAID ENGINEER'S CERTIFICATE TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL AT VALENTINE, NEBRASKA IN CHERRY COUNTY, THE AFORESAID DATE.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 5-24-72

Map # 802-2 (Map # 91-2)



STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, NOVEMBER 15, 1967

This is to certify that the foregoing application was received by the Commission at 3:00 o'clock

P m. upon the 18TH day of SEPTEMBER, 1967

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Number of permit 931-2

Date of first receipt of application

SEPTEMBER 18, 1967

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

Date of receipt of corrected application _____

Date from which applicant may claim right _____

SEPTEMBER 18, 1967

Approved

NOVEMBER 8, 1967

Recorded in Book

10

Page

17

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

MAY 8, 1970

2nd. The whole of said work is to be completed on or before

NOVEMBER 8, 1972

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

NOVEMBER 8, 1976

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

IRRIGATION

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

6th. The amount of the appropriation herein granted shall not exceed 2.8 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 NOVEMBER 8, 1976, said water to be used during the following described annual period:

DURING GROWING SEASON

Witness my hand this

15TH

day of

NOVEMBER

19

67

State Water Resources Commission

By:

J. W. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY

24

19

72

Water License Issued

JULY

24

19

72

Remarks by the Applicant:

Four pump sites

Site	Location
Lot 1, Sec. 36, T95N, R75W of 5th P.M.	South bank of Keya Paha River Tripp County, South Dakota
Lot 3, Sec. 36, T95N, R75W of 5th P.M.	South bank of Keya Paha River Tripp County, South Dakota
Lot 3, Sec. 36, T95N, R75W of 5th P.M.	North bank of Keya Paha River Tripp County, South Dakota
Lot 4, Sec. 36, T95N, R75W of 5th P.M.	South Bank of Keya Paha River Tripp County, South Dakota

Legal sub-division of land to be irrigated

Lot 1, Sec. 36, T95N, R75W of 5th P.M.	- - - -	51.75 acres
Lot 2, Sec. 36, T95N, R75W of 5th P.M.	- - - -	51.75 acres
Lot 3, Sec. 36, T95N, R75W of 5th P.M.	- - - -	51.75 acres
Lot 4, Sec. 36, T95N, R75W of 5th P.M.	- - - -	51.75 acres

Total 207 acres

On or before

(First Publication October 5 1967.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 27 1967.

Notice is hereby given that Lloyd E. Blomstrom whose postoffice address is Winner S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from the Keyapaha River through the Blomstrom pump system the point of diversion of which is to be located on the both banks of said stream, between a point in Lot 1 and a point in Lot 4 both in Section 36 Twp. 95N Range 75W Said water to be used for the purpose of providing irrigation on the following described land:

Lot 1, Lot 2, Lot 3, and Lot 4, Section 36, T95N, R75W

and for irrigation

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of November 19 67, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: Lloyd Blomstrom, Winner, S.D.

By:

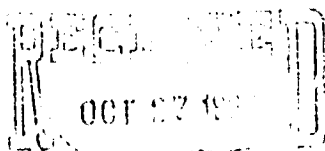
~~Chief Engineer, State Water Resources Commission~~

RICHARD SCHMOYER
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Tripp } ss.A. L. Johansen being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Winner Advocate a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in thecity of Winner County ofTripp and State of South Dakota; that the said notice was published in said newspaper on the following dates:October 5, 1967October 12, 1967October 19, 1967October 26, 1967in each and every issue of the full number thereof, the first publication being made on the 5th day of October1967 and the last publication on the 26th day ofOctober 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas the printer and publisher of the said newspaper.A. L. JohansenSubscribed and sworn to before me this 26th day of October A. D. 1967Notary Public M. C. Heston County, S. D.

(No. 931-2)

Appropriation Of Water

Office of State Water Resources
Pierre, S. Dak., September 27, 1967.

Notice is hereby given that Lloyd E. Blomstrom whose post-office address is Winner, S. Dak., has made an application, in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.8 cubic feet of water per second of time from the Keyapaha River through the Blomstrom pump system, the point of diversion of which is to be located on both banks of said stream in between a point in Lot 1 and a point in Lot 4 both in Section 36 Twp. 95N Range 75W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 1, Lot 2, Lot 3, and Lot 4, Section 36, T95N, R75W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 8th day of November, 1967, at 2:00 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: Richard Schmoyer

Richard Schmoyer

Water Rights Specialist (40-43)

Permit No. 931-2

Water Division 2 KEYAPAH RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by Lloyd E. Blomstrom
Winner, S.D. 57580 holder
 of Permit No. 931-2, bearing date of priority of September 18, 1967
 authorizing the diversion of 2.8 cu. ft. per second of the waters of Keyapaha River
 for Irrigation purposes, in Tripp 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:

Berkaley Centrifugal pump, Mod. B4J - 4"
 John Deer, 4020 Diesel, 85 H.P.

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

2000 feet of 6 inch diameter main line

C. Works used to apply water to beneficial use.

Vermeer circular boom, Mod. L-180

The system is in the following condition, Very good

The point of diversion is located between a point N. 17° 30' E., 990 ft. from the SW Corner of
Section 36, and a point N. 43° 30' W., 1749 ft. from the SE Corner of Section 36,

all in T95N, R75W

The works are capable of diverting and conveying to the place of use 1.3

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: All in Section 36, T95N, R75W

Lot 1	39 acres
Lot 2	44 acres
Lot 3	17 acres
Lot 4	30 acres

comprising a total of 130 acres of land.

Date July 14, 1972
Donald Driscoll
 (Signature)

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

Form 15.

Permit No. 931-2

Water Diversion No. 2 Keyapaha River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lloyd E. Blomstrom

the holder of
Permit No. 931-2, issued upon Application No. 931-2, bearing date of priority of September 18,
1967 authorizing the diversion of 2.8 cu. ft. per second of the waters of
Keyapaha River County of Tripp, State of South Dakota at
between a point North $17^{\circ} 30'$ East, 990 feet from the SW Corner,
Section 36, and a point North $43^{\circ} 30'$ West, 1749 ft. from the SE Corner,
Sec. 36, T95N, R75W, 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 1.3 cu. ft. per second of water.

Date July 24, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 931-2.

(1) WHEREAS, On the 18th day of September A. D. 19 67

Lloyd F. Blomstrom

made Water Right Application No. 931-2, for a permit to use 2.6 cubic feet per second of the waters of Payapaha River

County of Tripp, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 15th day of November A. D. 19 67

Permit No. 931-2, with a date of priority of September 18, 1967

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 8th day of November A. D. 19 72 and for the application to beneficial use of said water on or before the 8th day of November A. D. 19 76

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 1.3 cubic feet per second of water for beneficial use and.

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

for irrigating the following land in Section 36, T95N, R75W

Lot #1 39 acres

Lot #2 44 acres

Lot #3 17 acres

Lot #4 30 acres

Total 130 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Lloyd L. Blount

_____ of Winnipeg, South Dakota

the holder _____ and owner _____ of said permit No. 931-2 a water right, dating from September 18, 1967

_____ to use of 1.3 cubic feet per second of the waters

of Keyapaha River

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

purposes hereinbelow mentioned, to be diverted at between a point North 17° 30' East, 990 feet from the

SW Corner, Sec. 36, and a point North 43° 30' West, 1749 ft. from the SE Corner,

Section 36, T95N, R75W

and conduct to and upon portions of Section 36, T95N, R75W, more fully described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 931-2 and subject to the laws of the State of South Dakota.

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

this 26th day of July A. D.

Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRILES

**SOUTH DAKOTA Department of
Water & Natural Resources**
Jou Foss Building
Pierre, South Dakota 57503
Division of Water Rights
(605) 773-3352

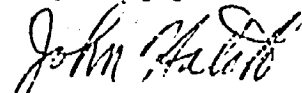
August 11, 1980

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

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

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 11, 1991

931-2

NOTICE

TO: Lloyd E. Blomstrom
P.O. Box 623
Winner, SD 57560

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

John Hatch

SUBJECT: Amendment of Water Right No. 931-2, Qualification
Regarding Cut Off Periods

Notice is given that the Water Management Board will consider adding the following qualifications to Water Right No. 931-2.

Qualification to be added:

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

The hearing to consider amendment of Water Right No. 931-2 to add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

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

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Attachment

931-2

CERTIFICATION

I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right No. 931-2 addressed as stated below.

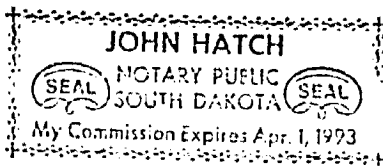
Lloyd E. Blomstrom, Box 623, Winner SD 57580

Marie R. Arthur

Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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



John Hatch
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

931.2

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



FINDINGS OF FACT

I

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

II

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

III

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

IV

The Keya Paha River is a spring fed river.

V

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

VI

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

VII

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

VIII

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

IX

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

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 10 cfs bypass requirement, senior appropriators will be

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

CONCLUSIONS OF LAW

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

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

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

FINAL DECISION

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

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

BY THE BOARD

Chairman
Water Management Board

m-pld51.jpg

South Dakota

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

June 13, 1991

NOTICE

931-2

Lloyd E. Blomstrom
PO Box 623
Winner SD 57580

Dear Mr. Blomstrom:

This letter is in response to action taken by the Water Management Board to amend Water Right No. 931-2. The Board amended Water Right No. 931-2 by adding the qualification on the enclosed "Attachment" which should be placed with the water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,

John Hatch

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

enclosure

ATTACHMENT TO WATER RIGHT NO. 931-2

LLOYD E. BLOMSTROM

The Water Management Board amended Water Right No. 931-2 at the February 27, 1991 Board meeting to add the following qualification:

Qualification added:

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

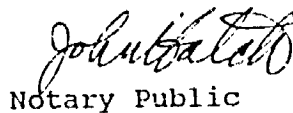
931.2

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

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of June, 1991.



Notary Public

Permit No. 931-2Keypah River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Lloyd E. Blomstrom
 of P.O. Box 623 Winner, SD 57580 holder of
 Permit No. 931-2, bearing the priority of Sept. 18, 1967, 19 authorizing
 the diversion of 1.3 cu. ft. per second of the waters of Keypah River
 for Irrigation purposes, in Tripp County.

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

A. Works used to divert the water:

Berkley Centrifugal Pump, Model B4I-4"
John Deere 4220 Diesel, 85 HP

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

1320 ft. of 6 inch Dia. Flexible Hose

C. Works used to apply water to beneficial use:

Heinzman Traveler w/ Nelson Big Gun, Model P200

The system is in the following condition Good

The point of diversion is located Between a point 960' North & 165' East (Lot 1)
of the SW corner and 1480' North & 1250' West (Lot 4) of the SE corner
Sec. 36-T45N-R75W.

The works are capable of diverting and conveying to the place of use 1.33
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Sec. 36-T45N-R75W

Lot 1 - 21 Acres
Lot 2 - 17
Lot 3 - 24
Lot 4 - 21

comprising a total of 83 acres of land and the license should be issued for 1.19 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date June 28, 1990

Kimothy R. Shae
 (signature)

LICENSE FOR PERMIT NUMBER 931-2

1. Legal location of wells: Between a Point N. 11°30'E, 990 ft. from the SW
Corner of Section 36, and a Point N. 43°30'W, 1749 ft from
dams & structures: the SE Corner of Section 36-T95N-R75W

2. Well Information: Well Drilling Firm _____

Completion Report Yes___ No___ No. of Wells_____ Depth_____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkley Cank Pump Motor a) make John Deere-Diesel

b) model B4I b) model No. _____

c) size 4" c) horsepower rating 85 HP

d) capacity ≈ 600 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 6" Dia.

b) type flexible hose

c) length 1320 feet

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

:

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make Heinzman Traveler w/
- 2) nozzle size Nelson Big Gun
- 3) capacity (GPM) ≈ 600
- 4) hose size 6" Dia.
- 5) hose length 132 ft.

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
---	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
---	---	2. Special qualifications to permit being abided by?
---	---	3. All structures, wells and lands on map?
---	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	---	5. Is chemigation used?
---	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 931-2

(1) Lloyd E. Blomstrom of P.O. Box 623, Winner, SD 57580 was issued License No. 931-2, July 24, 1972 for a water right to appropriate 1.3 cubic feet of water per second from the Keyapaha River, Tripp County, South Dakota for irrigation purposes. Water License No. 931-2 with a priority date of September 18, 1967 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water License No. 931-2 was originally issued for irrigation of 130 acres in Lots 1 thru 4, T95N, R75W. Based upon a June 28, 1990 inspection of the water use system, Water License No. 931-2 is being reissued to reflect what is actually being irrigated.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.19 cubic feet of water per second for beneficial use. The location of the diversion point(s) are: between a point 960'N and 165'E (Lot 1) of the SW corner and 1490'N and 1250'W (Lot 4) of the SE corner Section 36, T95N, R75W.

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

T95N, R75W Section 36	Lot 1	21 Acres
	Lot 2	17 Acres
	Lot 3	24 Acres
	Lot 4	21 Acres
	Total --	83 Acres

(4) Pursuant to Section 46-5-30.1 Lloyd E. Blomstrom of P.O. Box 623, Winner, SD 57580 the holder(s) and/or owner(s) of Water Right No. 931-2 is issued a license to appropriate water, the right to use 1.19 cubic feet of water per second from the Keyapaha River with a priority date of September 18, 1967 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 931-2 and subject to South Dakota State Law.


MAY 28 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

MAY 28 1991

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

Dear Mr. Blomstrom:

Enclosed is Reissued Water License No. 931-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

John Hatch

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

enclosures



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

August 29, 1991

NOTICE

PERMIT NO(S). 931-2

TO: Lloyd Blomstrom
P.O. Box 623
Winner, SD* 57580

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

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

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

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

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

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

CERTIFICATION

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

Garner Sargent, RR, Clearfield, SD 57581

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

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

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

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

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

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

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

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

Charles Richey, HC 88, Box 47, Wewela, SD. 57578.

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

Victor Weickum, Wewela, SD 57578.

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

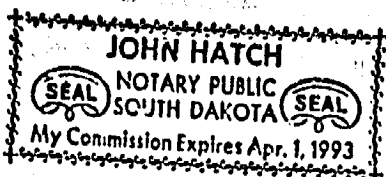
Chas F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) ss

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

John H. Bates
Notary Public



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.

3. Article Addressed to:
**LLOYD BLOMSTROM
PO BOX 623
WINNER SD 57580-0623**

5. Signature (Addressee)

6. Signature (Agent)

Mark R. Clark

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

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

Consult postmaster for fee.

4a. Article Number

931-2 P 837 642 528

4b. Service Type

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

7. Date of Delivery

9-18-94

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

PS Form 3811, December 1991 ☆ USGPO: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



February 16, 1994

LLOYD BLOMSTROM
PO BOX 623
WINNER SD 57580-0623

931-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 931-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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) 931-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



931-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-2181

February 22, 1994

931-2

Jack Blomstrom
4300 Oriole Court
Casper, WY 82604

Dear Mr. Blomstrom:

Enclosed, as we discussed, is the 1993 irrigation questionnaire pertaining to Water Right No. 931-2. Please complete the form and return it to our office as soon as possible.

Also enclosed is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on the water right. Please review the transfer form and complete as necessary. Upon completion, return the form to our office with a required filing fee of \$2.50. The water right can then be transferred out of Lloyd's name into Blomstrom Oil Company.

I have taken Lloyd Blomstrom's name off of the agenda for the April Water Management Board Meeting. Since he did not pass the form on to you, it was not possible for you to complete the questionnaire and return it in a timely manner.

Thank you for notifying us of the circumstances involving the correspondence sent to Lloyd. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

931-2

JOHN J. BLOMSTROM
4300 Oriole Court
Casper, WY 82604
(307) 237-4042



March 10, 1994

Genny McMath
Environmental Scientist
Water Rights Division
Department of Environmental and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Your February 22, 1994 letter to me
Water Right No. 931-2

Dear Ms. McMath:

Enclosed is the completed Water Management Board Irrigation Questionnaire. I think it has been completed appropriately. If there are questions as you review it that indicate I made a mistake in putting the information together, please let me know. Also, please address any future correspondence you may have to me in Casper in order to insure a timely response.

I have enclosed the Notice of Transfer of Ownership with the \$2.50 filing fee. This appears to be one of those things that my dad neglected to do a number of years ago. Thank you for sending the form. I also want to thank you for your considerate and very professional manner in dealing with me.

Very truly yours,


John J. Blomstrom

JJB/lsk
Enclosures

931-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 931-2

Date: March 10, 1994

I/We request that Water Right No. 931-2

formerly owned by: Lloyd E Blomstrom, PO Box 623, Winner, SD 57580

be transferred to: (name & address) BLOMSTROM OIL COMPANY

P.O. Box 623, Winner, SD 57580

(Telephone No) (605) 842-3424

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

87 acres in Lots 1, 2, 3, & 4, Section 36, T95N, R75W

I/We understand that the validity of Water Right No. 931-2 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.

WYOMING
~~STATE OF SOUTH DAKOTA~~)
County of NATRONA)

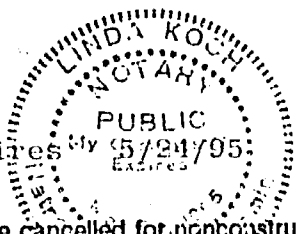
I/We John J. Blomstrom being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Blomstrom Oil Company
by John J. Blomstrom
(Signed)

Subscribed and sworn to before me this 10th day of March, 19 94.

Linda Koch
(Notary Public)

My commission expires



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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

931-2
414085

Pierre, _____ March 14, 19 94

RECEIVED OF Blonstrom Oil Company, P.O.Box 623, Winner, SD 57580

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. 931-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch (Signature)
Chief Engineer



931-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 16, 1994

No. 931-2

John J. Blomstrom
4300 Oriole Court
Casper, WY 82604

Dear Mr. Blomstrom:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 931-2.

Our records now show Blomstrom Oil Company as the owner of Water Right No. 931-2.

Sincerely,

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

enclosure

931-2



2-10-99

Water Rights Program
Pierre, Dak.

I am writing to request a form
for transfer of water rights.
We need to transfer the water
rights pursuant to purchase of
the land.

Thank you.

Sincerely,

Vernon and Jean Van Epps
PO Box 64
Springview
NE 68778



931-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1999

Vernon & Jean Van Epps
HC 80 Box 64
Springview, NE 68778

Dear Mr. & Mrs. Van Epps:

Enclosed, as you requested, is a "Notice of Transfer of Ownership" form for use in filing an ownership change with a water permit.

Please complete the form and then sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50. The check or money order for the filing fee can be made payable to the "Water Rights Program".

If I can answer any questions for you please get in touch with me.

Sincerely,

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

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 1999

931-2

Vernon & Jean Van Epps
HC 80 Box 64
Springview, NE 68778

Dear Mr. & Mrs. Epps:

Thank you Jean for visiting with me about Water Right No. 931-2. Enclosed is a copy of the water right that you may keep for your records. I am also enclosing a 1999 irrigation questionnaire and a partially completed "Notice of Transfer of Ownership" form.

The transfer form should be completed and then signed in the presence of a notary public. Upon completion, please return it to us with a required filing fee of \$2.50. As soon as we receive the completed transfer form and fee from you, the water right and all pertinent records will be transferred to your names.

The 1999 irrigation questionnaire should be completed and returned as soon as possible. The due date for the annual questionnaire is actually December 1st, but if you need extra time to complete it, please let me know.

All of the paperwork involved may seem a bit overwhelming but if you have any questions, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 931-2



Date: 12-20-99

I/We request that Water Right No. 931-2

formerly owned by: Blomstrom Oil Company

be transferred to: (name & address) Vernon and Jean VanEpps

HC 80 Box 64 Springview Ne 68778 Telephone No. 402 497 2156

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

83 acres - Lots 1, 2, 3 & 4 of Section 36, T95N, R75W

I/We understand that the validity of Water Right No. 931-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Tripp)

I/We Jean Van Epps & Vernon Van Epps

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.

Jean VanEpps Vernon VanEpps
(Signed)

Subscribed and sworn to before me this 20 day of Dec., 19 99.

[Signature]
(Notary Public) 11-12-2004

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NC 416310

Pierre, _____ December 27, 1999

RECEIVED OF Vernon and Jean VanEpps, EC 80, Box 64, Springview, NE 68778
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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

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

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

Fee for Filing Transfer Form Water Right No. 931-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 27, 1999

931-2

Vernon & Jean Van Epps
HC 80 Box 64
Springview, NE 68778

Dear Mr. & Mrs. Van Epps:

Thank you for sending in the "Notice of Transfer of Ownership" for Water Right No. 931-2. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 416310 in the amount of \$2.50, which you paid for filing the ownership change. I am also enclosing a copy of the transfer form you submitted. You may keep both of these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

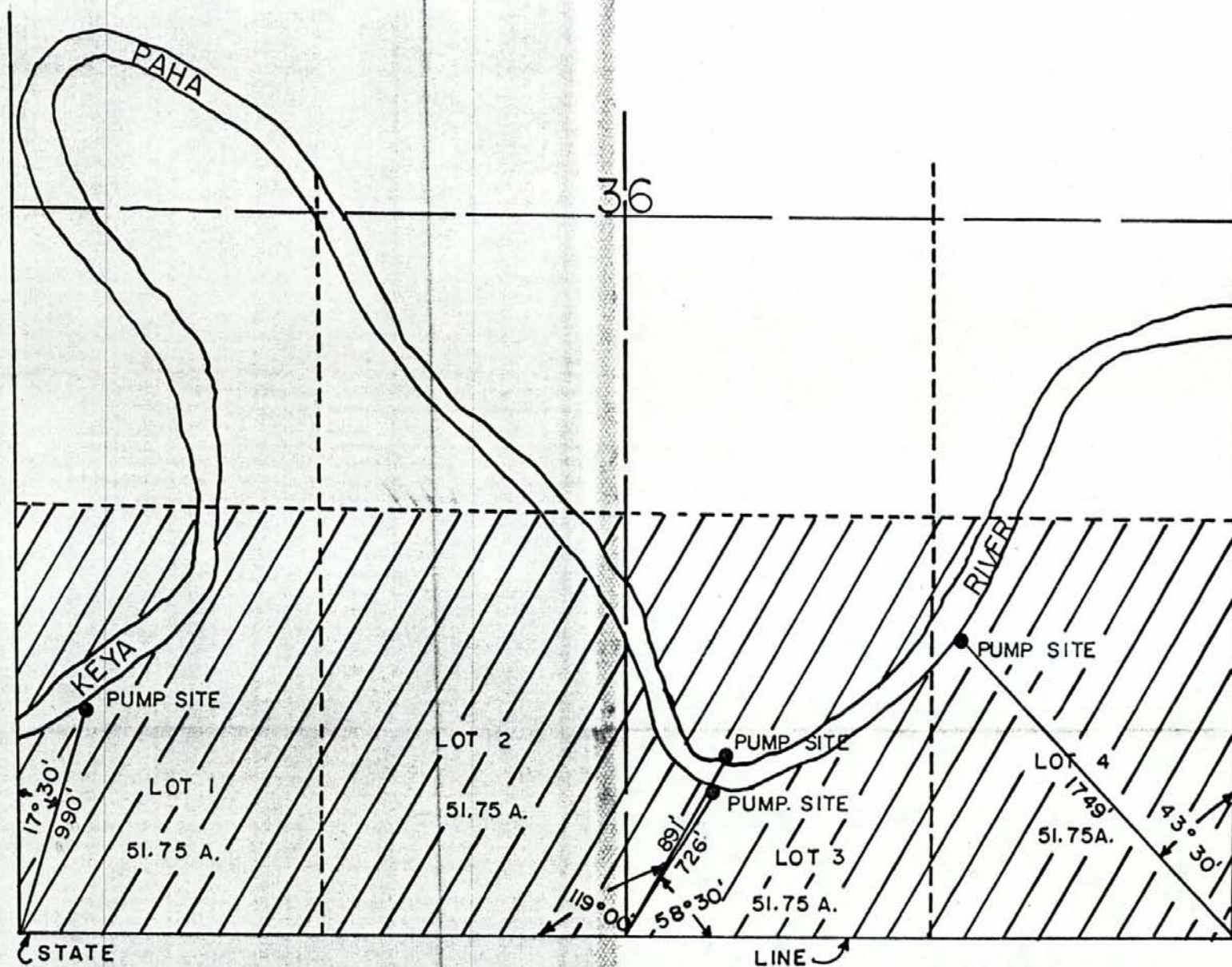
NOT TO SCALE

(240-4)



Nebraska

Water Right
No. 931-2Timothy H. Hoad
August 7, 1990





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 931-2

To: VERNON & JEAN VAN EPPS
HC 80 BOX 64
SPRINGVIEW NE 68778

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 931-2

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

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



DEPARTMENT of ENVIRONMENT
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July 17, 2006

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 931-2

To: VERNON & JEAN VAN EPPS
HC 80 BOX 64
SPRINGVIEW NE 68778

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 931-2

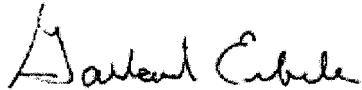
Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has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

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

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s) 931-2

To: VERNON & JEAN VAN EPPS
HC 80 BOX 64
SPRINGVIEW, NE 68778



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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 931-2

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

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



February 22, 2008

931-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

VERNON & JEAN VAN EPPS
HC 80 BOX 64
SPRINGVIEW, NE 68778

Dear Water Right Holder:

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

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

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

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

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: VERNON & JEAN VAN EPPS
93925 908TH RD
SPRINGVIEW NE 68778

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

Subject: Keya Paha River Qualification Reminder for Permit No(s) 931-2

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: VERNON & JEAN VAN EPPS
93925 908TH RD
SPRINGVIEW NE 68778

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

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

Shutoff Order for Water Right Nos. 931-2

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

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

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

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

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

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

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

CERTIFICATION

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

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

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

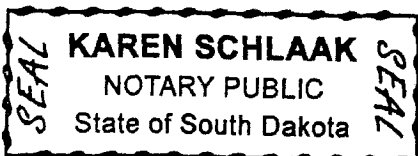
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

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

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

November 15, 2016

931-2

Vernon & Jean Van Epps
93925 908th Rd
Springview NE 68778

Dear Mr. & Mrs. Van Epps:

Thank you for the prompt return of your 2016 irrigation questionnaire.

On the form you indicated you did not irrigate but would like to keep the permit in case you rent or sell the property. Please keep in mind that water rights for irrigation can not be held for future use. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

The above information may or may not have any bearing on your farming operation but I wanted to let you know in advance what the criteria are for maintaining a water right. If you have any questions, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2022

VERNON & JEAN VAN EPPS
93925 908TH RD
SPRINGVIEW, NE 68778

Dear Keya Paha River Water Right Holder:

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

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

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 7, 2026

Permit No. 931-2

VERNON & JEAN VAN EPPS
43925 908th AVE
SPRINGVIEW, NE 68778

Dear Appropriators:

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

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

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

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

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

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

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

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program