

932.0

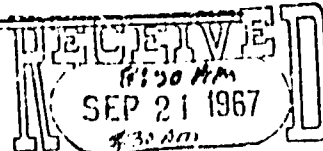
1. Considered Nov 8, 1967
2. Name of Applicant Wayne Soderstrom
3. Post Office Address Mundo
4. Amount of water claimed 1.50
5. Source of water supply White River
6. Water to be used for irrigation
 Acres to be irrigated 107.9
7. Water to be diverted and used in Texas County
 about 12.5 miles of Mundo
8. Proof of Publication Received Nov 1
 Not Received _____
9. Application Approved 67
 Subject to _____
 Not Approved _____
 Action deferred _____

10. Remarks:

Statement

No. 932-2

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



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

Wayne Sanderson

1. Name of applicant _____
Postoffice address Murdo, County Jones, State So. Dak.

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

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

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

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

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

2. Name of diversion work Sanderson Diversion #1

3. Amount of water claimed 1.54 cubic feet per second

4. Source of water supply White River

5. Location of point of diversion S70°11' E., 6665' from NW Corner, Section 5, T4S, R29E
in Lot 3, Section 4 _____ on left bank Jones County.

6. Annual period or periods during which water is to be used April 1st to November 1st

7. To be used for: _____ gravity

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

(a) Number of acres to be irrigated 107.9 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 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 # 464-2

8. Estimated cost of work:

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

(b) Pumping plant, \$ 7500

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures

Land leveling \$ 1575

Total, \$ 2025

9. Description of diversion works:

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

pumping plant, ditching, land leveling

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----

material used in construction-----

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

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

(d) Canal: Total length 2.25 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----two-----years

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

12. Choice of newspaper for publication of notice of intention to appropriate-----
Murdo Coyote, Murdo, S.D.

STATE OF SOUTH DAKOTA

County of Jones } ss.

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

Signed

Subscribed and sworn to before me this

16

day of

September

1927

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

NUMEROUS WATER RIGHTS EXIST BELOW YOUR DIVERSION
POINT WHICH GET THEIR WATER FROM THE WHITE RIVER.
RESTRICTIONS UNDER THIS PERMIT TO APPROPRIATE
WATER MAY BE NECESSARY DURING SOME YEARS TO
PROVIDE SUPPLIES FOR THESE PRIOR WATER RIGHTS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, NOVEMBER 15, 1967

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 21ST day of SEPTEMBER, 1967

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 932-2

Date of first receipt of application SEPTEMBER 21, 1967

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 SEPTEMBER 21, 1967

Approved NOVEMBER 8, 1967 Recorded in Book 10 Page 18

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

NOVEMBER 8, 1968

2nd. The whole of said work is to be completed on or before NOVEMBER 8, 1969

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

NOVEMBER 8, 1972

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 1.54 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, 1972, said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 15TH day of NOVEMBER, 1967

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Constructor Issued JUNE 14, 1973

Water License Issued JUNE 14, 1973

SANDERSON DIVERSION #1

Location	Sec.	Twp.	Rge.	Acres
Lot 1	5	4S	29E	15.7
Lot 2	5	4S	29E	3.3
SE $\frac{1}{4}$ NE $\frac{1}{4}$	5	4S	29E	15.4
Lot 1	4	4S	29E	16.2
Lot 2	4	4S	29E	13.7
Lot 3	4	4S	29E	32.8
Lot 4	4	4S	29E	10.8
Total				107.9

Div. Pt. - from the NW Corner of Section 5, T4S, R29E; S70°
11' E., 5665 feet in Lot 3, Station 4, T4S, R29E.

Form 15.

Permit No. 932-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That Wayne Sanderson

_____ the holder _____ of
Permit No. 932-2, issued upon Application No. 932-2, bearing date of priority of September 21,
1967 authorizing the diversion of 1.54 cu. ft. per second of the waters of
the White River County of Jones, State of South Dakota at
between points South 70° 11' East, 6665 feet from the NW Corner, Section 5,
and a point South 65° East, 860 feet from the NW Corner, Lot 4, Section 4, T48, R29E
_____, for irrigation

_____, has ^a complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.5 cu. ft. per second of water.

Date June 14, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 932-2

(1) WHEREAS, On the 21st day of September A. D. 19 67
Wayne Sanderson

made Water Right Application No. 932-2 for a permit to use 1.54 cubic feet per second of the waters of the White River

County of Jones State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 15th day of November A. D. 19 67
 Permit No. 932-2 with a date of priority of September 21, 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 69 and for the application to beneficial use of said water on or before the 8th day of November A. D. 19 72

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 1.53 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 T45, R29E

		<u>Acres</u>
<u>Section 4</u>	<u>Lot 1</u>	<u>16.5</u>
	<u>Lot 2</u>	<u>13.7</u>
	<u>Lot 3</u>	<u>32.8</u>
	<u>Lot 4</u>	<u>10.8</u>
<u>Section 5</u>	<u>Lot 1</u>	<u>15.0</u>
	<u>Lot 2</u>	<u>3.0</u>
	<u>SW 1/4 NE 1/4</u>	<u>15.0</u>
<u>Total</u>		<u>107.2 Acres</u>

(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 Wayne Sanderson

_____ of Murdo, South Dakota

the holder _____ and owner _____ of said permit No. 932-2 a water right dating from September 21, 1967

_____ to use of 1.53 cubic feet per second of the waters

of the White River

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

purposes hereinbelow mentioned, to be diverted at between points South 70° 11' East, 6665 feet from the

NW Corner, Section 5, and a point South 65° East, 860 feet from the NW Corner,

Lot 4, Section 4, T4S, R29E

and conduct to and upon portions of Sections 4 and 5, T4S, R29E, more fully described on the
face of this license,

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 932-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of June A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By: _____
Chief Engineer, Executive Officer J.W. GRIFES

On or before October 5, 1967
 (First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 26, 1967

Notice is hereby given that Wayne Sanderson whose postoffice address is Murdo S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from the White River through the Sanderson Diversion #1, the point of diversion of which is to be located on the left bank of said stream in the Lot 3 ~~XXXXXX~~ of Section 4 Twp. 4S Range 29E. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 1, Lot 2, and SE 1/4 NE 1/4 Section 5; Lot 1, Lot 2, Lot 3 and Lot 4, Section 4, all in T4S, R29E

~~XXXXXX~~ XXXXXX

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:

~~XXXXXXXXXXXXXXXXXXXX~~
 RICHARD SCHMOYER
 Water Rights Specialist

cc: Wayne Sanderson
 Murdo, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Jones } ss.M. H. Ingalls being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

Murdo Gazette 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 Murdo County ofJones and State of South Dakota;

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

Thursday, Oct. 5, 1967Thursday, Oct. 12, 1967Thursday, Oct. 19, 1967Thursday, Oct. 26, 1967

in each and every issue of the full number thereof, the first

publication being made on the 5th day of Oct.1967 and the last publication on the 26th day ofOct. 1967, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher^X of

the said newspaper.

APPROPRIATION OF WATER
Office of State Water Resources
CommissionPierre, S. Dak., September
20, 1967

Notice is hereby given that Wayne Sanderson whose post-office address is Murdo, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.54 cubic feet of water per second of time from the White River through the Sanderson Diversion No. 1, the point of diversion of which is to be located on the left bank of said stream in the Lot 3 of Section 4, Twp. 4S Range 29E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lot 1, Lot 2, and SE 1/4 NE 1/4 Section 5; Lot 1, Lot 2, Lot 3 and Lot 4, Section 4, all in T4S, R29E.

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.

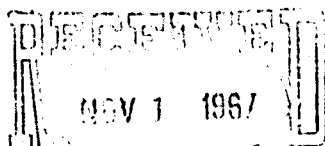
State Water Resources Commission

By: Richard Schmoey
Water Rights Specialist

cc: Wayne Sanderson

Murdo, S. D.

Pub: Oct. 5, 12, 19, 23

Subscribed and sworn to before me this 30th day of October A. D. 1967Notary Public Jones County, S. D.

STATE WATER RESOURCES COMMISSION

PIERRE, S. D. 57501

Permit No. 932-2

Water Division No. 2 White River Water District

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Murdo

(Date) Mar. 31, 1970

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

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

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

for irrigation purposes
in accordance with the terms and con-

ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Wayne Sanderson

2. The postoffice address of such person or the place of business of such corporation is Murdo
County of Jones State of S. D.

3. The number of such permit is 932-2 and the date set for the completion of such work is
June 1, 1970

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 1.54 cubic feet per second.

6. The amount of land for which said water is available is 107.8 acres,
particularly described as follows: Lot 1 S5 Twp. 4S Rge. 29E, Lot 2 Sec 5 Twp. 4S Rge. 29E,
Sec 1 NE 1/4 S5 Twp. 4S Rge. 29E, Lot 1 S4 Twp. 4S 29E, Lot 2 S4 Twp. 4S Rge. 29E, Lot 3 S4
Twp. 4S Rge. 29E, Lot 4 S4 Twp. 4S Rge. 29E

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

(Signature of Owners)

Wayne Sanderson

Permit No. 932-2Water Division No. 2 White River Water District**Notice of Application of Water to Beneficial Use**

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

(P. O.) Murdo(Date) Mar 31, 1970

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of _____ State of South Dakota,
 before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use

of 1.54 cubic feet per second of the waters of White River

In accordance with the terms and conditions of Permit No. 932-2
 heretofore issued by the Water Resources Commission of South Dakota.

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

Wayne Sanderson Murdo, S. D. 57559

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 100%

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Lot 1-35 Twp. 4S Rge. 29E 15.7 acres, Lot 2-35 Twp. 4S Rge. 29E 3.2 acres, SE 1 NE 1 35 Twp. 4S Rge. 29E 15.4 acres, Lot 1-34 Twp. 4S Rge. 29E 16.2 acres, Lot 2-34 Twp. 4S Rge. 29E 13.7 acres, Lot 3-34 Twp. 4S Rge. 29E 32.8 acres, Lot 4-34 Twp. 4S Rge. 29E 10.8 acres, Total-107.9 acres

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

6. The right to take the water from such works is based upon permit No. 932-2

7. The source of supply from which such water is diverted is White River

8. The date of priority which said user is prepared to establish is June 1, 1970

(Sign) Wayne Sanderson

Permit No. 932-2Water Division 2 WHITE RIVER Water District

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

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

I have this day made a thorough examination of the water use system constructed by Wayne Sanderson
_____ of Murdo, South Dakota holder _____
 of Permit No. 932-2, bearing date of priority of September 21, 1967
 authorizing the diversion of 1.54 cu. ft. per second of the waters of White River
 for irrigation purposes, in Jones 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:

Cornell pump. Model 6NHSTLHF6, Serial 13291, 13½ 40' 10" suction pipe.
 Misc. fittings, power take off.

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

C. Works used to apply water to beneficial use.

Area is dyked along river side of field. Land has been leveled west portion has
 been border dyked and ditched to carry water over area, has 3200 ft. of 10 inch
 gated pipe and 520 ft. of 8" gated pipe to water area.

The system is in the following condition: excellent

The point of diversion is located between points South 70° 11' East, 6665 ft. from NW Cor. Sec. 5,
and a point South 65° 0' East, 860' from NW Cor. Lot 4, Sec. 4, all in T4S, R29E

The works are capable of diverting and conveying to the place of use 2.5cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: lot 1, Sec. 4, 16.5 acres.Lot 2, Sec. 4, 13.7 acres; Lot 3, Sec. 4, 32.8 acres; Lot 4, Sec. 4, 10.8 acres;Lot 1, Sec. 5, 15.0 acres; SE¼ NE¼, Sec. 5, 15.4 acres, Lot 2, Sec. 5, 3.0 acresAll in T4S, R29Ecomprising a total of 106.9 acres of land.Date May 25, 1973

Marvin D. Knecht
 (Signature)

MARVIN KNECHT, Engineer, W.R.C.



932-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: WAYNE SANDERSON, HC 77 BOX 6, MURDO, SD 57559

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No(s) 932-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 932-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

932-2

■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____		B. Date of Delivery 1 22 01	
1. Article Addressed to: WAYNE SANDERSON HC 77 BOX 6 MURDO SD 57559		C. Signature X Wayne Sanderson		☐ Agent ☐ Addressee	
		D. Is delivery address different from Item 1? If YES, enter delivery address below:		☐ Yes ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.			
		4. Restricted Delivery? (Extra Fee)		☐ Yes	
2. Article Number (Copy from service label) 7000 0600 0026 9814 3024					
PS Form 3811, July 1999		Domestic Return Receipt		102595-00-11-0002	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2001

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Wayne Sanderson, HC 77 Box 6, Murdo, SD 57559
FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*
SUBJECT: Amendment to Water Right No. 932-2

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board has amended Water Right No. 932-2 to add the following qualification:

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

This action was taken for failure to return the 2000 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

932-2

M. W. S. D.

77122. 10-01

Dept of Natural Resources
Joe Trone Building
523 East Capitol
P.O. Box 2, D. 57501-3182

Dear Sir,

Dear Sir: In regard to your letter of May 9th, I am
sorry I neglected sending in my report for 1900. I
wish you I did not attend to it. I did not write any
in 1900 - Cows get cheap and I get older.
I would like to keep some kind of a water right if
possible, the land is in good shape if I could
get labor to irrigate again. Thank you for your
information on this matter.

Синдский

2201 1/2 Sand 4107
P.O. Box 306
Mar 30 P.D. 57509





932-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2002

NOTICE**TO:** WAYNE SANDERSON, PO BOX 306, MURDO, SD 57559 0306**FROM:** Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 932-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 932-2 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 932-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

932-2

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

1. Article Addressed to:

WAYNE SANDERSON
 PO BOX 306
 MURDO SD 57559 0006

2. A

7001 2510 0004 4797 3909

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

A. Received by (Please Print Clearly) B. Date of Delivery
 C. Signature *Wayne Sanderson* ☐ Agent ☐ Addressee
 D. Is delivery address different from item 1? ☒ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Registered Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

JAN 2002
 WATER RIGHTS
 PROGRAM
 MURDO SD



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 2002

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wayne Sanderson, PO Box 306, Murdo, SD 57559-0306

FROM: Garland Erbele Chief Engineer
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 932-2

Pursuant to the provisions of the notice dated January 16, 2002, and following the hearing March 13, 2002, the Water Management Board has ordered:

That Water Right No. 932-2 be suspended until December 31, 2002, for failure to submit the 2001 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2002 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2001 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 1-2, 2002 in Pierre, SD. The letter should include your reasons for not completing the 2001 irrigation questionnaire.

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



932-2
**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 14, 2004

NOTICE

TO: WAYNE SANDERSON, PO BOX 306, MURDO, SD 57559 0306
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 932-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 932-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 932-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



932-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9586

Your item was delivered at 9:51 am on January 15, 2004 in MURDO, SD 57559. The item was signed for by W SANDERSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

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Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9586

WAYNE SANDERSON
PO BOX 306
MURDO SD 57559 0306

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

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PS Form 153, July 2001

(See Reverse)



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www.state.sd.us/denr

March 10, 2003

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Wayne Sanderson, PO Box 306, Murdo, SD 57559-0306

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

SUBJECT: Three Year Suspension of Water Right No. 932-2

On March 3, 2004, the Water Management Board ordered:

That Water Right No. 932-2 be suspended until December 31, 2006, for failure to submit the 2003 irrigation questionnaire.

Suspension of the water right means water may not be pumped during the 2004, 2005 or 2006 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaire.

Water Right No. 932-2 authorizes diversion of water from the White River for irrigation purposes. Our records show the land has only been irrigated once in the last 14 years and may be subject to cancellation due to abandonment and/or forfeiture. Please contact our office to discuss this issue and whether or not you have an intent to maintain the water right.

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

CERTIFICATION

932-2

I hereby certify that on March 8, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2004 regarding Notice of One Year Suspension Water Right No. 3451-3, 2366-3, 2453-3, 3332-3, 6165-3, 3198A-3, 2480A-3, 1723-2, 921-1, 1080-2, 2696-3A, 4414-3, 4658-3, 6073-3, Amendment of Water Right #470A-1 & one Year Suspension of Water Right #1554-1, Amendment of Water Right #4528-3 & One Year Suspension of Water Right #4535-3 Three Year Suspension of Water Right No. 932-2, One Year Suspension of Water Permit #2464-3, 5353-3, 5552-3, 1362-3, 1363-2 & 1365-2 addressed as stated below:

3451-3
Martin Bertrand
48342 W Authier Rd
Jefferson SD 57038

2366-3
Wayne W Brown
48113 SD 48
Akron IA 51001

2453-3
Jack & Gale Coleman
41247 SD Hwy 37
Springfield SD 57062-6324

3332-3
John W Collins
RFD 148
Aurora SD 57002

6165-3
Alex and Ann Falk
1301 N 4th St
Aberdeen SD 57401

3198A-3
J V Kenneally
PO Box 50
Raymond SD 57258-0050

2480A-3
Dennis H & Jackie McDowell
227 W Lakeshore Dr
Carrollton GA 30117

1723-2
Tim Palmer
HC 2 Box 19A
Martin SD 57551

921-1
Wendelyn Richter
RR 2 Box 198
Whitewood SD 57793

1080-2
Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

6073-3
Dirk Byers
Six Mile Creek Golf Course
PO Box 93
White SD 57267-0093

470A-1 & 1554-1
Stanley Wood
18950 137th Ave
Newell SD 57750

4528-3, 4535-3
Dwight Brenner
28-53 397th Ave
Armour SD 57313

4528-3, 4535-3
Elsie Sanders
3366 Midway Ave
Grant Pass OR 97527

4528-3, 4535-3
Jerry Peacock
2032 Central Blvd
Rapid City SD 57702

932-2
Wayne Sanderson
PO Box 306
Murdo SD 57559-0306

2464-3
John R Talsma
41125 Bottom Rd
Springfield SD 57062

5353-3
Michael A Koslowski
13329 443rd Ave
Waubay SD 57273

5552-3
Robert V Kellen
Kellen & Streit Inc.
30662 SW Jim River Rd
Yankton SD 57078-6018

1362-2, 1363-2 & 1365-2
Oakley Eide
RR 2 Box 26
Burke SD 57523


Eric Gronlund
Natural Resource Engineer
Water Rights

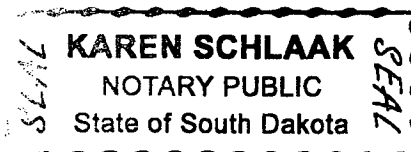
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 9th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



INTERNAL MEMORANDUM

TO: Water Right No. 932-2, File

FROM: Gale N. Selken P.E., Natural Resources Engineer Director



SUBJECT: Irrigation

On August 4, 2004 a field investigation was conducted to determine if Water Management Board action to suspend irrigation on Water Right No. 932-2 for the 2004 irrigation season was being complied with.

There was no irrigation noted on August 4, 2004.

A letter in water permit 932-2 dated March 10, 2001 from Mr. Sanderson indicated that he did not plan on irrigating in the future.



INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer

Aaron A. Tieman

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932- 2 2	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116- 2	Gregory	7/19/2006	No system in place, no irrigation.
2197-3	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Terry W Sanderson, 1304 E Ponderosa Dr, Sioux Falls SD 57103

DATE: January 6, 2009

TELEPHONE: 605 338-1281

RE: Water Right No. 932-2

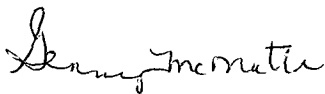
COMMENTS:

Correspondence sent to Wayne Sanderson regarding the annual irrigation questionnaire was returned to our office back in October. I contacted the Jones county assessor's office today to find out if the land had been sold. I obtained Terry W and Alice Kay Sanderson's names as owners.

I contacted Mr. Sanderson concerning the water right. He indicated his father passed away in November and he will own the land once all the paperwork is done.

Mr. Sanderson confirmed that the land is not being irrigated and has not been irrigated for at least 15 years. The system has been sold. We discussed cancellation of the water right and he indicated he would like to keep the water right in the event they sold the land. I explained the statutes and Water Management Board rules on irrigating once every three years unless legal excuse exists.

I told Mr. Sanderson that we would be scheduling the water right for cancellation consideration based on the information we had on file. I encouraged him to attend the hearing once it was scheduled and talk to the board and present any information he may have. I also let him know he had the right to be represented by an attorney. I am mailing him a follow up letter with a copy of the water right and excerpts of the statutes and Board rules for him to review.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

January 6, 2009

932-2

Terry W Sanderson
1304 E Ponderosa Dr
Sioux Falls SD 57103

Dear Mr. Sanderson:

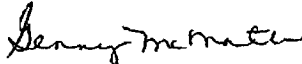
Thank you for visiting with me about Water Right No. 932-2 listed in your father's name (copy enclosed). I thought I would go ahead and mail you some information ahead of the cancellation notice so you had time to review it and make a decision on what you would like to do as far as the water right is concerned.

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. The three year period may be waived if legal excuse exists for the years of non-use. I have enclosed excerpts of the Water Laws and Water Management Board Rules dealing with these issues.

During our conversation you confirmed the land had not been irrigated for at least 15 years but expressed a desire to keep the water right if possible. Based on the information we have on file, the Water Rights Program will be proceeding with cancellation consideration. A notice will be sent to you sometime in the next few weeks which will effectively schedule the matter before the Water Management Board for them to make a decision. You have the opportunity to come before the Board and present any information you may have. You also have the right to be represented by council.

Please review the enclosed information and contact me if you have any questions.

Sincerely,


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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 21, 2009

NOTICE OF CANCELLATION

TO: Terry W Sanderson, 1304 E Ponderosa Dr, Sioux Falls SD 57103

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

SUBJECT: Cancellation of Water Right No. 932-2

Water Right No. 932-2, listed in the name of Wayne Sanderson, authorizes diversion of water from the White River for irrigation purposes. Genny McMath with our program recently visited with you about the water right and whether or not the land was being irrigated. You confirmed the land has not been irrigated for at least 15 years and that the system has been sold. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 932-2 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 932-2 at 10:00 a.m., March 11, 2009 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD *(the agenda time is an estimate and the actual time of hearing may be later than 10:00 am).*

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 932-2 based upon facts presented at the public hearing. Information obtained from the Jones County Assessor indicates you are owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by March 2, 2009. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by March 2, 2009.

Prior to March 2, 2009, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by March 2, 2009.



**DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER
FOR WATER RIGHT NO. 932-2, WAYNE SANDERSON**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 932-2, with land now owned by Terry W Sanderson.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture. On January 6, 2009, Genny McMath spoke with Terry Sanderson concerning the water right. Mr. Sanderson indicated the system had been sold and the land has not been irrigated for at least 15 years.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
January 21, 2009

Note:

Cancellation of the water right does not prohibit a new application for this project in the future.

CERTIFICATION

I hereby certify that on January 21, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated January 21, 2009 regarding cancellations of water rights addressed as stated below:

Terry Sanderson, 1304 Ponderosa Dr., Sioux Falls SD 57103 **932-2**
Delbert Tschetter, 39835 219th St., Huron SD 57350 **2407-3**

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, 300 N Dakota Ave., Suite 403, Sioux Falls SD 571051


Gail Jacobson

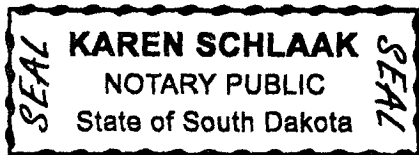
Gail Jacobson
Secretary
Water Rights

[illegible]

Sworn to, before me, this 21st day of January, 2008.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013



McMath, Genny

From: McMath, Genny
Sent: Monday, January 26, 2009 1:10 PM
To: 'Kay Sanderson'
Subject: RE: Water Right No. 932-2 (Wayne Sanderson)

Mr. Sanderson,
Thank you for your comments and yes, you are correct – please send something in by March 2nd opposing the cancellation.

I guess my advice to you at this point would be to attend the hearing and talk to the board about your concerns. The staff will present what information we have to the board which is basically the land has not been irrigated for “x” amount of years. I would urge you to gather any information you can from your farm manager concerning the existence of an irrigation system, the reasons for not irrigating or any other information that may help the Board make a decision on the status of the water right.

The Board will want to know why the land was not irrigated. Was it due to lack of water? Too much water? Was a system present to be used if conditions warranted irrigation? There are many things they look at when making a determination.

Again, the letter opposing the cancellation should be submitted no later than March 2nd and if possible, I would urge you to attend the hearing.

I hope I have answered your questions. You can call me or email anytime with more questions.

Genny McMath
Water Rights Program
773-3352

-----Original Message-----

From: Kay Sanderson [mailto:tkсандerson@sio.midco.net]
Sent: Monday, January 26, 2009 10:30 AM
To: McMath, Genny
Subject: Water Right No. 932-2 (Wayne Sanderson)

Genny McMath
Environmental Scientist
Water Rights Program

Dear Ms. McMath:

Regarding the above water right cancellation which you had called me about. I have received the notice of cancellation.

When we talked earlier, I indicated that I wouldn't pursue renewing the water right. However, since that time, I mentioned the cancellation to the person who does the farming, Charles Strait-White River, SD), and his opinion was that I should attempt to keep the water right if at all possible. He stated that he does have the necessary irrigation equipment and may want to irrigate on the farm. He further stated that keeping the water right active in the future by pumping water at the prescribed intervals would not be a problem.

If I understand the cancellation letter, I need to send a written petition to the chief engineer by March 2, 2009 stating my reasons for opposing cancellation.

I would appreciate a reply from you with any details that might be helpful in making this appeal.

Thank You,
Terry Sanderson
Personal Representative of Wayne Sanderson

01/26/2009

RECEIVED

FEB 13 2009

WATER RIGHTS
PROGRAM

February 11, 2009

Mr. Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
PMB 2020
523 East Capitol
Pierre, South Dakota 57501-3182

Subject: Cancellation of Water Right No. 932-2

Dear Sir:

I am writing in opposition to the cancellation of the above mentioned water right.

HISTORY:

My Father, Wayne Sanderson, purchased the land which this water right applied to in 1966. He was 53 years old at the time and had previously been self-employed in the business of building stockdams, roads, etc. He used his own machinery to level the river bottom land for gravity irrigation and proceeded to raise and irrigate corn for many years. A gravity irrigation system employing gated pipe and a centrifugal pump powered by either an M Farmall or a Ford Major tractor (both diesel). The Little White River entered the White River midway on the south boundary of the property; Dad placed his pump site below the mouth of the Little White River to access cleaner water as well as a more dependable supply of water. Once irrigation began, the pump would run night and day until the field was completely irrigated, and in dry years the process would immediately start over. Many years of successful corn crops resulted. Some years the crop was sold in the field to neighbors who brought in silage choppers, and for many years Dad picked the crop with a two row corn picker, cribbed the ear corn, and sold it to local livestock operators. As he entered his 70's, Wayne planted the ground to alfalfa and gradually began to do less irrigating. Approximately five years later the alfalfa was plowed up and the farming was turned over to a neighbor, Charles Strait, who has raised small grain crops (milo, winter wheat, oats). No irrigation has been done in recent years although the irrigation pump and gated pipe were on hand until 2005. At the age of 92, Wayne came to live in Sioux Falls at an assisted living place, and I sold the irrigation equipment along with other machinery and small tools. Wayne passed away on 11/1/08 at the age of 95. The farm is now in mine and my wife's name and we hope to be able to keep it in the family for future generations to enjoy as well as providing a source of income from the farmable land.

The individual doing the farming on the land, Charles Strait, has a 10" PTO irrigation pump which could readily be used to irrigate the cropland. In speaking with Mr. Strait on the matter of the water right, he advised me to attempt to keep the water right as it may be

desirable to irrigate future crops. He stated that it would not be a problem to use his pump and ditch irrigation.

Although the land has not been irrigated in recent years, I would submit that for most of those years the area has been in severe drought. The fact that the Little White River water was not pumped on this land meant a good deal more water for the irrigators downstream.

The south riverbank is experiencing extensive erosion from the river and it will be necessary at some point to attempt bank stabilization by tree planting. In all probability, irrigation would be necessary to get the trees started and maintain rapid growth.

Another consideration would be that my wife and I have four sons. Given today's uncertain economic situation it could be possible that one or more of them might need to operate the farm. If this were the case, irrigation would be necessary to realize maximum productivity.

In summary, I request to keep the water right in question. I feel the ability to irrigate will offer a valuable option in dealing with the typically dry weather of the area and it will add to the value of the land.

I will plan to attend the hearing on March 11, 2009.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Terry W. Sanderson".

Terry W. Sanderson
1304 E. Ponderosa Dr.
Sioux Falls, SD 57103-4941
Tele: (605) 338-1281
e-mail: tksanderson@sio.midco.net



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2009

932-2

Terry W Sanderson
1304 E Ponderosa Dr
Sioux Falls SD 57103-4941

RE: Cancellation Consideration of Water Right No. 932-2 – Wayne Sanderson

Dear Mr. Sanderson:

Thank you for your letter of February 11th outlining the history of use for Water Right No. 932-2. A copy of the letter will be presented to the Board at the hearing.

As outlined in the "Notice of Cancellation" dated January 21, 2009, you have the right to be present and to be represented by counsel. In your letter, you confirmed you would be attending the hearing. You will have the opportunity to visit with the Board at that time and answer any questions they may have.

Once again, the hearing will be held at 10:00 a.m., March 11, 2009 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

c: Diane Best, Assistant Attorney General w/copy of letter

CERTIFICATION

I hereby certify that on February 25, 2009, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 25, 2009 regarding cancellation consideration of a water permit addressed as stated below:

Terry W Sanderson, 1304 E Ponderosa Dr., Sioux Falls SD 57103 **932-2**

A copy of the above described Notice was sent to:

Diane Best, Assistant Attorney General, 300 N Dakota Ave., Suite 403, Sioux Falls SD 571051

Lou Ladd

Gail Jacobson
Secretary
Water Rights

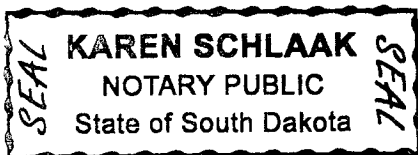
[illegible]

Sworn to, before me, this 25th day of February, 2009.

Karin Schlaak

Karen Schlaak
Notary Public

My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2009

NOTICE

Terry W Sanderson
1304 E Ponderosa Dr
Sioux Falls SD 57103-4941

RE: Cancellation Consideration of Water Right No. 932-2 – Wayne Sanderson

Dear Mr. Sanderson:

In preparation for the March 11, 2009, Water Management Board meeting, a review was conducted of the past irrigation questionnaire history for Water Right No. 932-2. Based on the review, we have made a determination not to proceed with cancellation consideration of the water right at this time. The issue has been removed from the agenda.

As indicated to you in previous correspondence, in order to maintain a water right, water must be placed to beneficial use for the purpose it was appropriated at least once every three years. Our records indicate the land was not irrigated in the last two years. Unless legal excuse exists, water must be placed to beneficial use in 2009 or the water right may again be subject to cancellation due to forfeiture.

The water right is still listed in the name of Wayne Sanderson. Enclosed is a partially completed "Notice of Transfer of Ownership" form for filing an ownership change. Please complete the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

c: Diane Best, Assistant Attorney General

**NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED**

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

MAR - 3 2009
**WATER RIGHTS
PROGRAM**

No. 932-2

Date: 2/26/2009

I/We request that Water Right No. 932-2

formerly owned by: Wayne Sanderson

be transferred to: (name & address) Terry W. Sanderson and Alice Kay Sanderson
1304 E. Ponderosa Dr.
Sioux Falls, SD 57103 Telephone No. (605) 338-1281

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

107.2 acres - Lots 1-4 of Section 4 and Lots 1, 2, SE ¼ NE ¼ Section 5, T4S, R29E

I/We understand that the validity of Water Right No. 932-2 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.

I/We Terry W. Sanderson
Alice Kay Sanderson, the new owner^s, certify that the above information is true and correct.

Terry W. Sanderson
Alice Kay Sanderson
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

Date 3/3, 20 09

RECEIVED OF Terry Sanderson 1304 E Ponderosa Dr Sioux Falls SD 57103

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 _____ 932-2	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

4-46

By

[Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2009

932-2

Terry W and Alice Kay Sanderson
1304 E Ponderosa Dr
Sioux Falls SD 57103

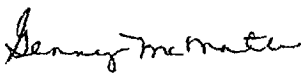
Dear Mr. and Mrs. Sanderson:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 932-2. The transfer has been completed. The water right formerly held by Wayne Sanderson is now listed in your names.

Enclosed is your Receipt No. 04046 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

If I can answer any questions for you, please contact me.

Sincerely,


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

enclosures



**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.

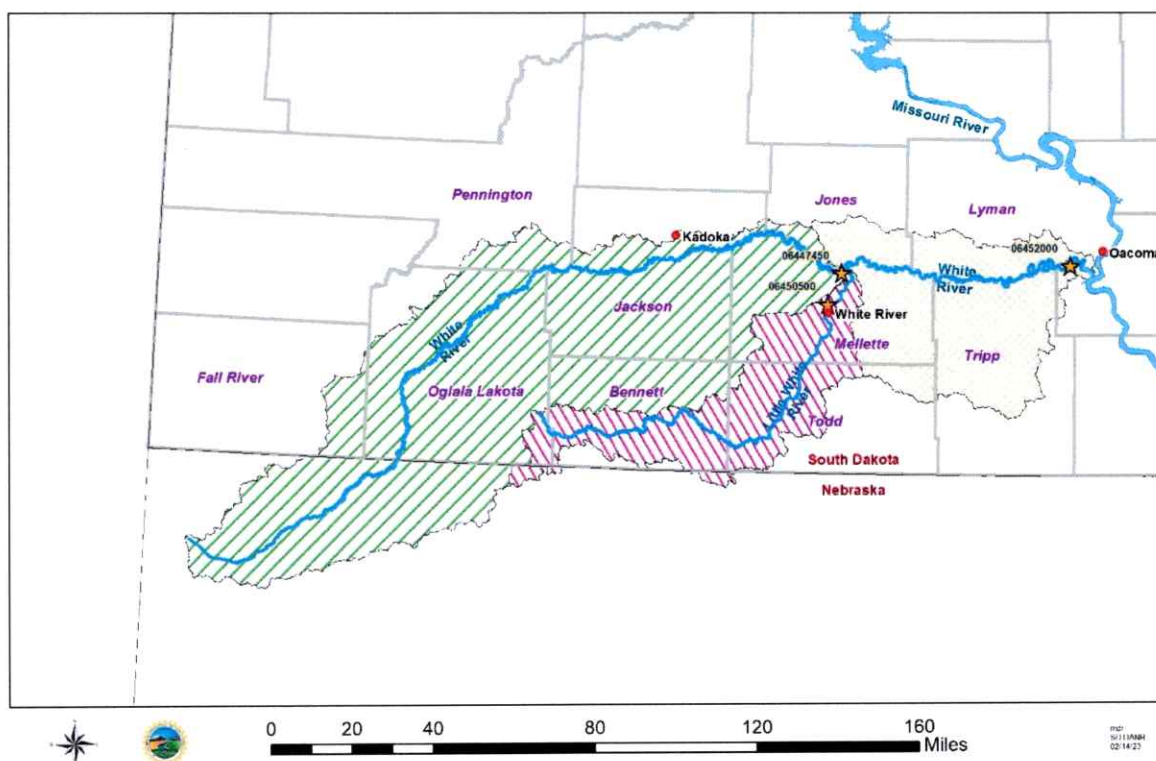


Figure 1. White River Watershed Map.

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.

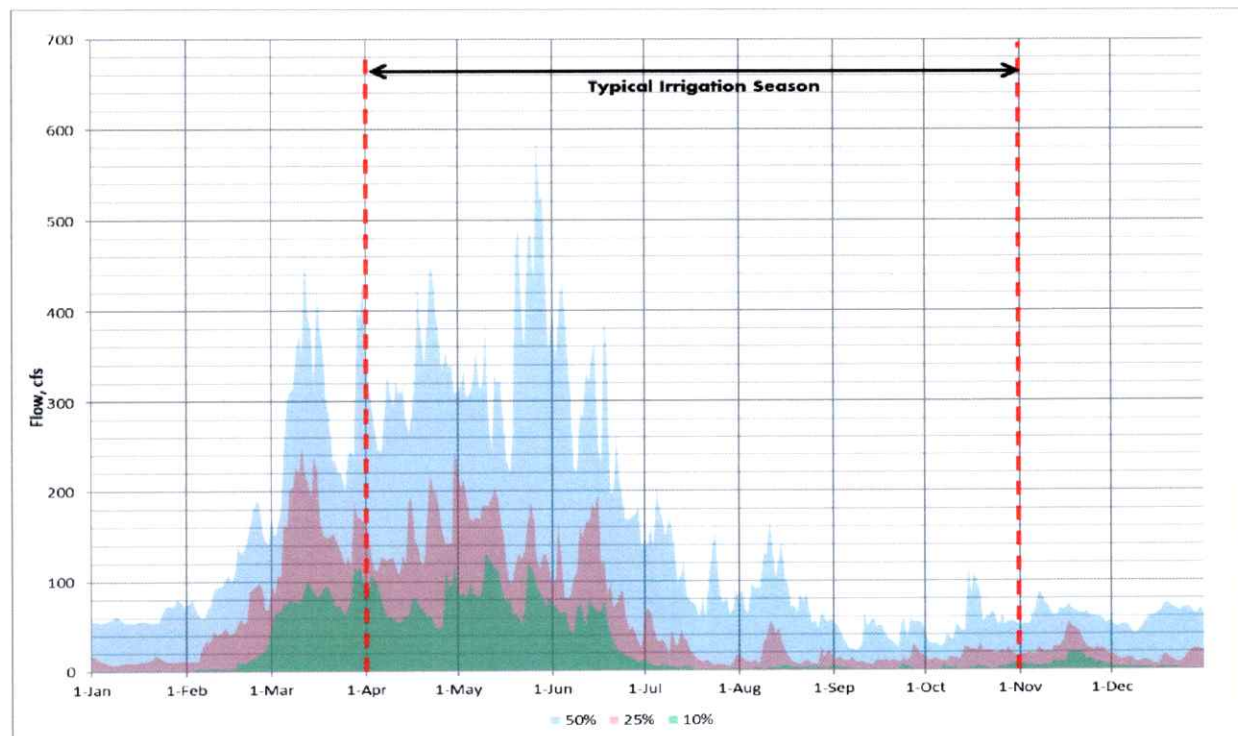


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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.

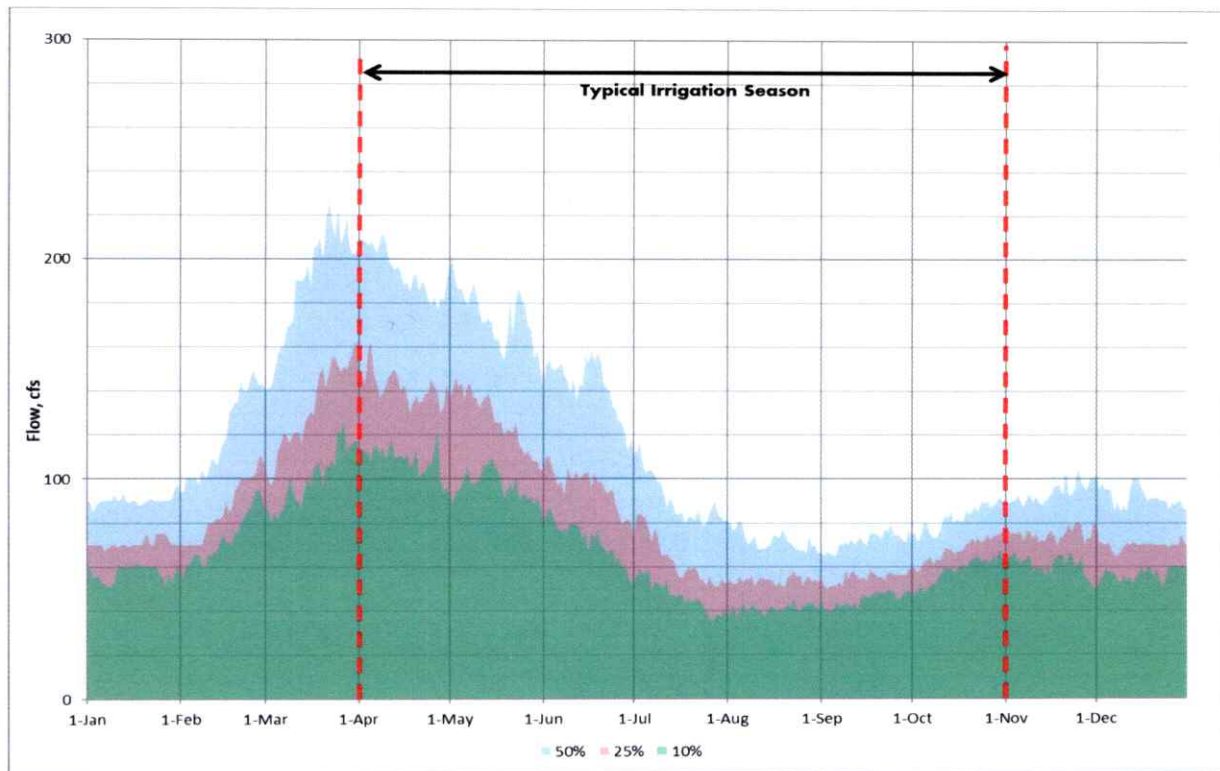


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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.

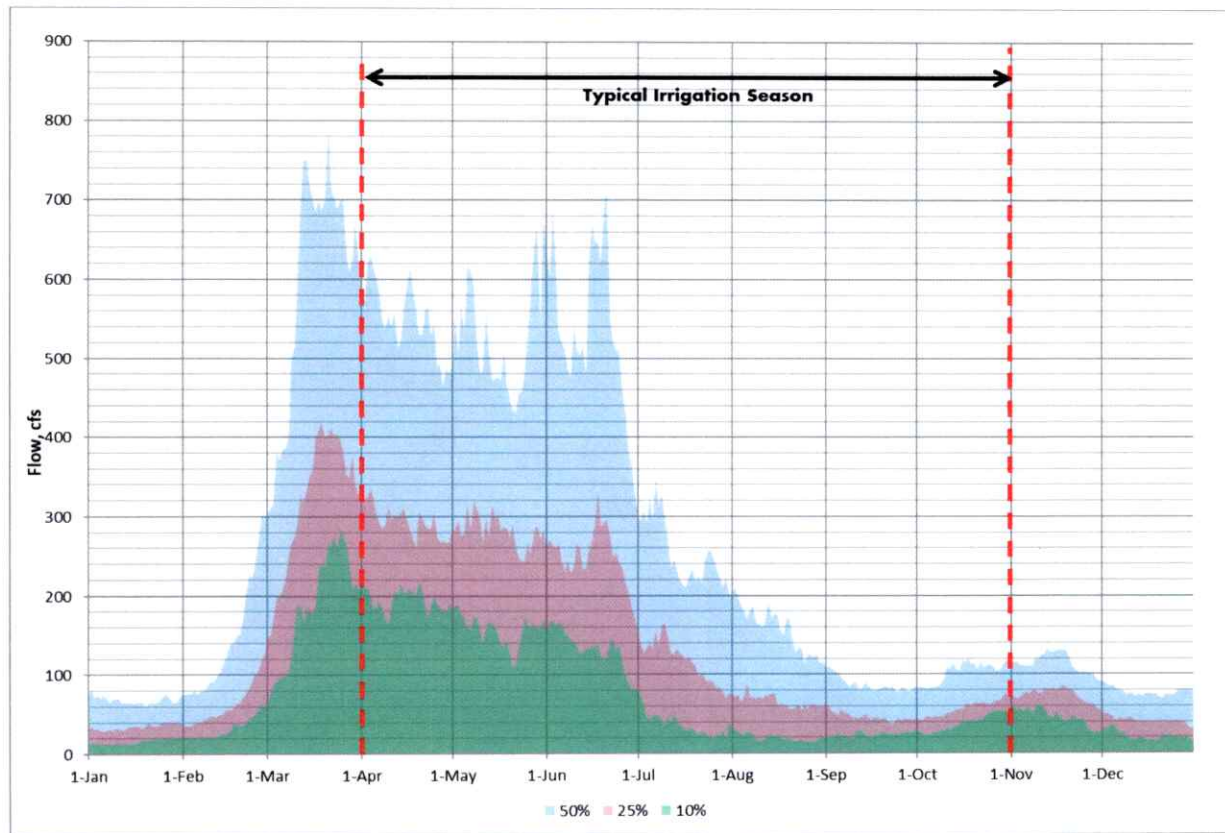


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

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).

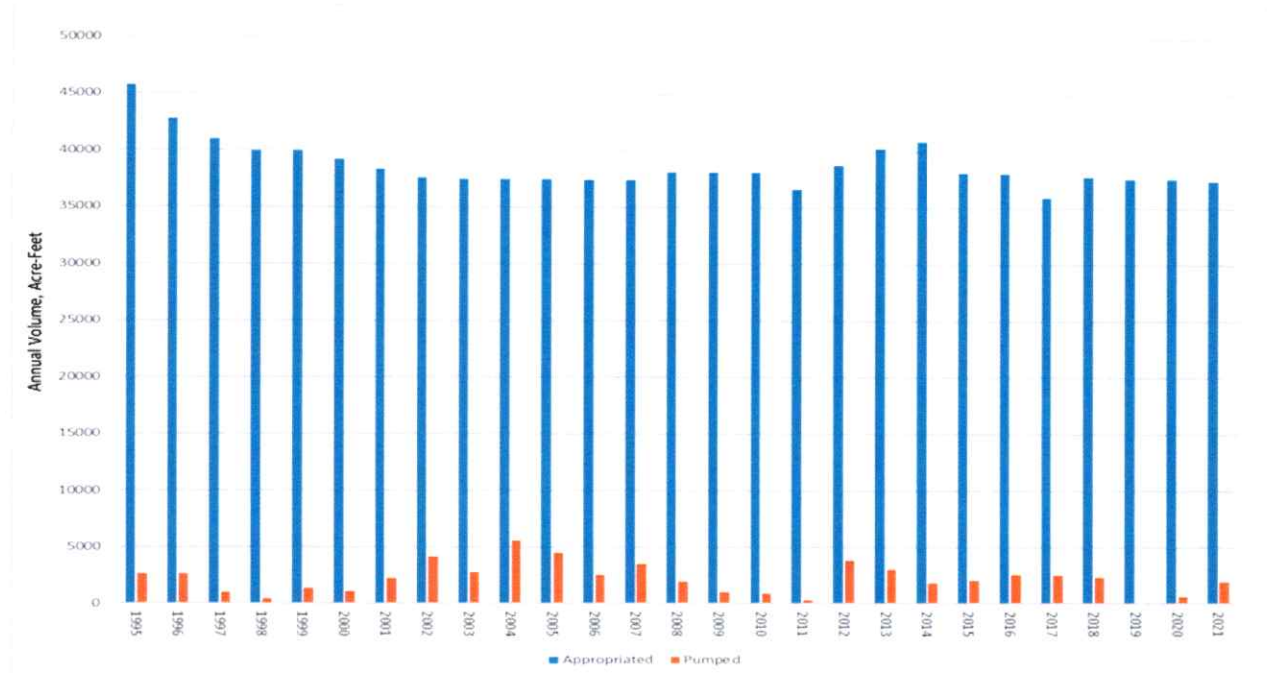


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

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.



**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

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
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November 14, 2025

932-2

Terry & Alice Sanderson
1304 Ponderosa Dr
Sioux Falls SD 57103

Dear Mr. & Ms. Sanderson:

I write to you today in response to the 2025 Irrigation Questionnaire information submitted for Water Right No. 932-2, authorizing diversion of 1.53 cubic feet of water per second (approx. 685 gpm) from the White River for irrigation of 107.2 acres located in portions of Sections 4 & Section 5; all in T4S-R29E.

On this year's report, and all previous reports dating back to 2017, the selection of "System Not Constructed" has been made, with irrigation last reported in 1991. Pursuant to SDCL 46-5-37, water appropriated under a permit/right that is not placed to beneficial use for a period of three (3) or more years, is subject to cancellation for abandonment, or forfeiture, or both.

Please contact me to discuss cancellation of Water Right No. 932-2.

Sincerely,

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

Dewell, Amanda

From: tksanderson@sio.midco.net
Sent: Wednesday, November 19, 2025 9:42 AM
To: Dewell, Amanda
Subject: [EXT] Water Right No. 932-2

From: Terry and Alice Sanderson
1304 E. Ponderosa Drive
Sioux Falls, SD 57103
tksanderson@sio.midco.net

We have received your letter concerning cancellation of the above noted water right and wish to make the following reply.

With regard to the property to which this water right applies, we are currently trying to come up with a plan for the usage of the land going forward. The individual who has been doing the farming has gotten to retirement age and we currently don't have any prospects for continuing as we have in the past. We are in the process of researching possible programs of CRP type and we would entertain the possibility of an operator who would be willing to rent the farmable ground for the growing of hay and feed crops. This type of operation could require the need for irrigation.

For the reasons listed above, we would respectfully request an extension of this water right for a period of three years

Thank you for your consideration and we would be happy to furnish further information you might desire.

Terry and Alice Sanderson