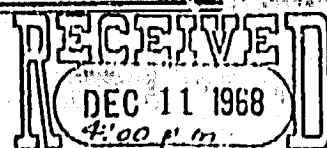


980-2

1. Considered 1-22 69
2. Name of Applicant MARTHA RANKIN
3. Post Office Address FT. PIERRE
4. Amount of water claimed 7.31
5. Source of water supply WHITE RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 512.20
7. Water to be diverted and used in MELLETTTE county
about 105 6W miles of MURDO
8. Proof of Publication
Received ✓
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 980-2Water Division No. 2 WHITE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Martha Rankin
Postoffice address Ft. Pierre, County Stanley, State So. Dakota

I. If a corporation

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

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

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

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

Contract and Direct Labor(b) Cash on hand, \$ adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Rankin Irrigation Project #13. Amount of water claimed 7.31 cubic feet per second4. Source of water supply White River5. Location of point of diversion See attachment_____ on right bank Mellette County.6. Annual period or periods during which water is to be used April thru October

7. To be used for: _____

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler(a) Number of acres to be irrigated 512.2 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. Some must also be shown on accompanying map.)

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

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

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

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

MAP No 848-2

8. Estimated cost of work:

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

9. Description of diversion works:

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

Trailer mounted pump and sprinkler system

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-----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-----five-----years.
 11. Time required for complete application of water to the proposed beneficial use-----four-----years.
 12. Choice of newspaper for publication of notice of intention to appropriate-----
 Jones County Tribune, Diaper, South Dakota

STATE OF SOUTH DAKOTA

County of Stanley } ss.

I, Martha Rankin, 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 Martha Rankin

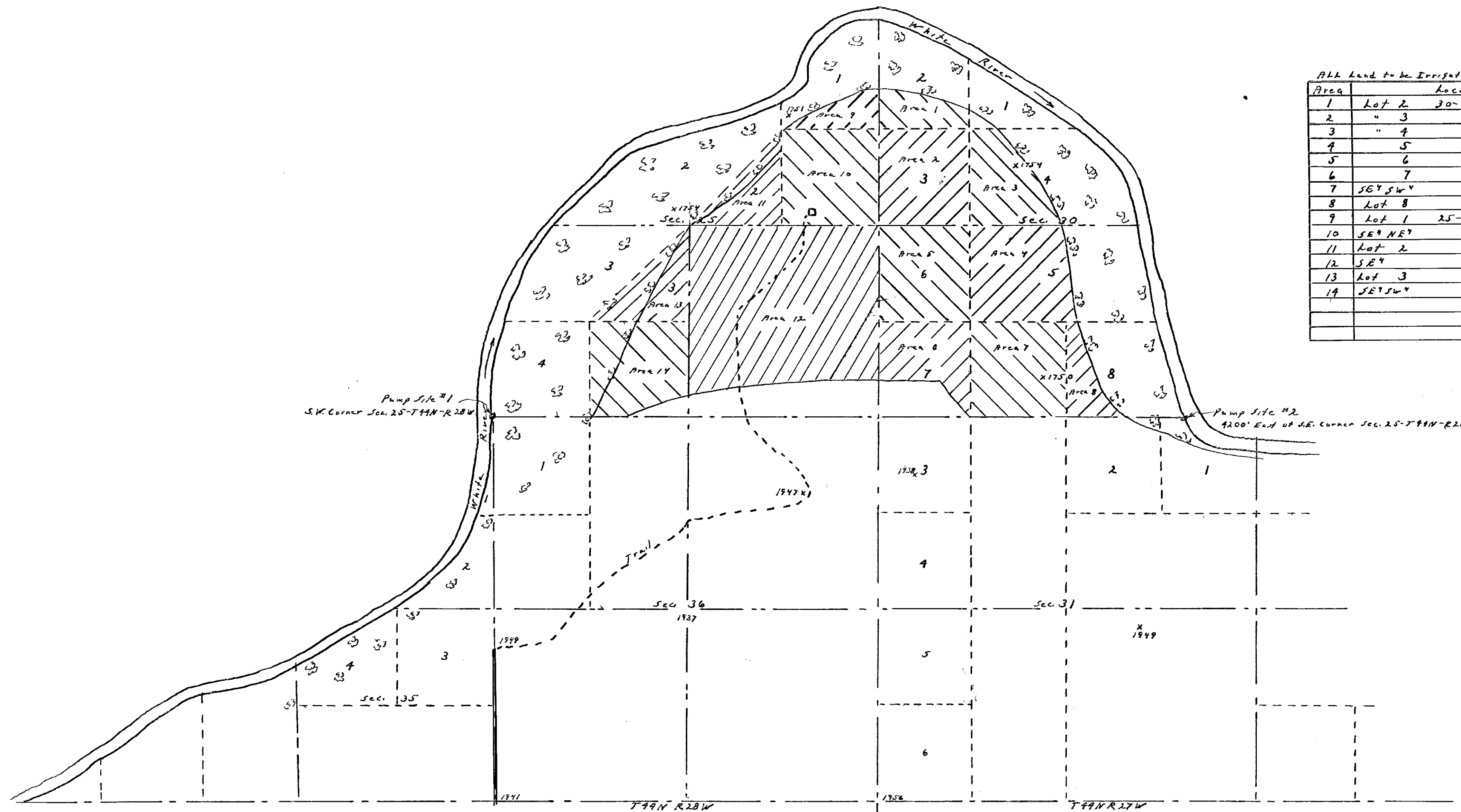
Subscribed and sworn to before me this 11th day of December 1968

Carroll L. Berwick
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My commission expires 6/17/70

RANKIN IRRIGATION PROJECT NO. 1
MELLETTE COUNTY, SOUTH DAKOTA



ALL Land to be Irrigated Owned by Martha Rankin

Area	Location	Acres
1	Lot 2 30-98-27	13
2	" 3	42.2
3	" 4	26.5
4	" 5	48
5	" 6	42.3
6	" 7	29
7	SE 1/4 SW 1/4	40
8	Lot 8	14
9	Lot 1 25-98-28	9
10	SE 1/4 NE 1/4	40
11	Lot 2	20
12	SE 1/4	136
13	Lot 3	20
14	SE 1/4 SW 1/4	27
Total		572

SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Martha Rankin, I have surveyed the tract of land as shown and that the above drawn plat is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 7th day of December, 1968, A.D.

R. V. Summerside
REGISTERED LAND SURVEYOR

Scale 1" = 1000'
Area to be irrigated

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, FEBRUARY 3, 1969

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
P.m. upon the 11TH day of DECEMBER, 1968

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 980-2

Date of first receipt of application DECEMBER 11, 1968

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 DECEMBER 11, 1968

Approved JANUARY 22 69, Recorded in Book 10 Page 312

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 JULY 22, 1971

2nd. The whole of said work is to be completed on or before JANUARY 22, 1974

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JANUARY 22, 1978

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 7.31 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 JANUARY 22, 1978, said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 3RD day of FEBRUARY, 1969

State Water Resources Commission

By:

John L. ...
Chief Engineer, Executive Officer

Certificate of Construction issued —, 19—

Water License issued —, 19—

5. Location of Point of diversion:

Between points in Lot 4, Section 25, T44N, R28W and in Lot 8, Section 30, T44N, R27W.

7.I (b) Legal Subdivisions to be irrigated:

Section 30, T44N, R27W	Lot 2	13.0 acres
	Lot 3	42.2 acres
	Lot 4	26.5 acres
	Lot 5	43.0 acres
	Lot 6	42.5 acres
	Lot 7	29.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
	Lot 8	14.0 acres
Section 25, T44N, R28W	Lot 1	9.0 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 acres
	Lot 2	20.0 acres
	SE $\frac{1}{4}$	136.0 acres
	Lot 3	20.0 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0 acres
	Total	512.2 Acres

on or before December 26, 1968
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 12, 1968

Notice is hereby given that Martha Rankin whose postoffice address is Pt. Pierre 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 7.31 cubic feet of water per second of time from the White River through the Rankin Irrigation Project #1 the point of diversion of which is to be located on the right between points in Lot 4, Section 25, T44N, R27W, and bank of said stream in the Lot 8 of Section 30 Twp. 44N Range 27W Said water to be used for the purpose of providing irrigation on the following described land:

Lots 2, 3, 4, 5, 6, 7, 8, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 30, T44N, R27W; Lots 1, 2, 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T44N, R27W

and for irrigation

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of January, 1969, at 2:00 P. M. All interested persons may appear and be heard.

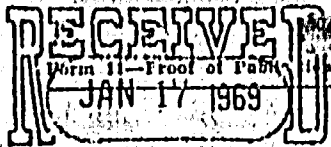
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~Burton F. Jones
Water Rights Specialist

cc: Donald Volmer, Draper, S.D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

PROOF OF PUBLICATION

APPROPRIATION OF WATER

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

December 12, 1968

Notice is hereby given that Martha Rankin, whose postoffice address is Ft. Pierre, 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 7.81 cubic feet of water per second of time from the White River through the Rankin Irrigation Project No. 1 at the point of diversion of which is to be located on the right bank of said stream between points in Lot 4, Section 25, T. 44N., R. 28W., and in Lot 6, of Section 30, T. 44N., Range 27W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 2, 3, 4, 5, 6, 7, 8, SE 1/4 SW 1/4, Section 30, T. 44N., R. 27W.; Lots 1, 2, 3, SE 1/4 NE 1/4, SE 1/4 SW 1/4, Section 25, T. 44N., R. 28W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of January, 1969, at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: Burton F. Jones
Water Rights Specialist
cc: Donald Volmer, Draper, S.D.
Pub: Dec. 19, 28 Jan. 2, 9

STATE OF SOUTH DAKOTA } ss.

County Davis

Mary Jane Dryall, A & P being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Davis County Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

Town of Harper County of Davis and State of South Dakota;

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

December 19, 26, Jan 27.

in each and every issue of the full number thereof, the first publication being made on the 19 day of December 1968 and the last publication on the 9th day of January 1969, 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 of the said newspaper.

Mary Jane Dryall

Subscribed and sworn to before me this 14 day of Jan. A. D. 1969

Notary Public Jones County, S. D.

980-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 980-2

Date: _____

I/We request that Water Permit No. 980-2

formerly owned by: Martha Rankin

be transferred to: (name & address) Robert Brast, HCR 74 Box 76, Murdo, SD 57559

Telephone No. _____

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

Lots 2-8, SE 1/4 SW 1/4 Sec 30, T44N, R27W; Lot 1-3, SE 1/4 NE 1/4, SE 1/4, SE 1/4 SW 1/4 Sec 25, T44N, R28W

I/We understand that the validity of Water Permit No. 980-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Hughes)

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

Robert Brast
(Signed)

Subscribed and sworn to before me this 27th day of November, 19 95.

Karen Schlaak
(Notary Public)
KAREN SCHLAACK, Notary Public

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

414679

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, November 27, 1995

RECEIVED OF Robert Brost, HCR 74, Box 76, Murdo SD 57559

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 980-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatley
Chief Engineer



980-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

January 2, 1996

No. 980-2

Robert Brost
HCR 74, Box 76
Murdo, SD 57559

Dear Mr. Brost:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 980-2.

Our records now show you as the owner of Water Permit No. 980-2.

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 980-2

(1) Martha Rankin made Application No. 980-2, December 11, 1968 for a water permit to divert 7.5 cubic feet of water per second from the White River, Mellette County, South Dakota for irrigation purposes. Permit No. 980-2, with a priority date of December 11, 1968 was approved January 22, 1969 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 22, 1974 and for the application to beneficial use of said water on or before January 22, 1978.

On November 27, 1995, Water Permit No. 980-2 was transferred to Robert Brost.

An investigation of the water use system authorized under Water Permit No. 980-2, found the legal description for the diversion point and a portion of the irrigated acreage were incorrect. Pursuant to SDCL 46-5-13.1 and 46-5-30.5, the Chief Engineer made a finding that the change in diversion point location and irrigated acreage does not increase the potential for interference with or impair other existing diversions. The overall project, as developed, is consistent with the original application.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 6.00 cubic feet of water per second for beneficial use. The location of the diversion points are between point A - 725'S and 2,600'W of the N $\frac{1}{4}$ corner of Section 36, T44N, R23E and Point B - 1,320'N of the center of Section 30, T44N, R27W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 419 acres of land:

Section 30, T44N, R27W		Section 25, T44N, R28W		Section 36, T44N, R28W	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	2.0 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	12.0 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1)	12.0 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)	17.0 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ (Lot 2)	23.0 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4.0 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 3)	40.0 acres				
SE $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 4)	34.0 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	34.0 acres		
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 acres		
NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 5)	30.0 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 acres		
NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 6)	40.0 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.0 acres		
SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 7)	19.0 acres				
SE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 8)	21.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 3)	13.0 acres		
		SE $\frac{1}{4}$ SW $\frac{1}{4}$	33.0 acres		
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 4)	3.0 acres		

-continued-

Page 2

Water License No. 980-2

Robert Brost

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Brost, HCR 74 Box 76, Murdo, SD 57559 the holder and/or owner of Water Permit No. 980-2 is issued a license to appropriate water, the right to use 6.00 cubic feet of water per second from the White River with a priority date of December 11, 1968 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 980-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 16 1996

date



Permit No. 980-2
White River - Water District

Report Of Examination Of Works And/Or Application of Water To
Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, July 16, 1996, I made a thorough examination of the water use system constructed by Robert Brosz of HCR 74, Box 76, Murdo, SD 57559 holder of Permit No. 980-2, bearing the priority of December 11, 1968 authorizing the diversion of 7.31 cu. ft. per second of the waters of the White River for irrigation purposes, in Mellette County.

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

A. Works used to divert the water:

10 inch Crisafulli pump powered by a 25 HP electric motor with a capacity of 3700 gpm.

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

Earth V-ditch with a 3 feet top width and 2 feet deep.

C. Works used to apply water to beneficial use:

Notches are cut in the V-ditch and water is allowed to flow down the crop row.

The system is in the following condition good. The point of diversion is located between Point A- 725 feet south and 2600 feet west of the north 1/4 corner of Section 36-T44N-R28W and Point B- 1320 feet north of the center of Section 30-T44N-R27W. The works are capable of diverting and conveying to the place of use 8.2 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

See attachment I

comprising a total of 412 acres of land and the license should be issued for 6.0 cfs.

Applicable permit qualifications have been complied with: N

Exceptions to compliance are: Diversion point and irrigated acreage need to be corrected. See file documentation.

Delvin D. Brosz
Delvin D. Brosz, PE
Natural Resources Engineer
DENR, Water Rights Program

July 24, 1996
Date

WATER PERMIT NO. 980-2
ATTACHMENT I

Irrigated Acreage

Section 30-T44N-R27W:

NE 1/4 NW 1/4 (Lot 1)	2 acres
NW 1/4 NW 1/4 (Lot 2)	17
SW 1/4 NW 1/4 (Lot 3)	40
SE 1/4 NW 1/4 (Lot 4)	34
NE 1/4 SW 1/4 (Lot 5)	30
NW 1/4 SW 1/4 (Lot 6)	40
SW 1/4 SW 1/4 (Lot 7)	19
SE 1/4 SW 1/4 (Lot 8)	21

Section 25-T44N-R28W:

SE 1/4 NE 1/4	12
SW 1/4 NE 1/4 (Lot 2)	23
NE 1/4 SE 1/4	34
NW 1/4 SE 1/4	40
SE 1/4 SE 1/4	20
SW 1/4 SE 1/4	22
NE 1/4 SW 1/4 (Lot 3)	13
SE 1/4 SW 1/4	33
SW 1/4 SW 1/4 (Lot 4)	3

Section 36-T44N-R28W:

NW 1/4 NW 1/4 (Lot 1)	12
NE 1/4 NW 1/4	4

TOTAL

419 acres

REPORT ON INSPECTION OF PERMIT NO. 980-2

DATE OF INSPECTION: July 16, 1996

Other permit(s) associated with the project: NA

Contact Person & Address: Robert Brast, HCR 74, Box 76, Murdo, SD 57559

DIVERSION POINT LEGAL LOCATION: Between Point A: 725 feet south and 2600 feet west of the north 1/4 corner of Section 36-T44N-R28W and Point B: 1320 feet north of the center of Section 30-T44N-R27W.

WATER SUPPLY Source: White River

Pump:

- | | |
|---------------------------|-----------------------------|
| 1) Make <u>Crisafulli</u> | 2) Model <u>CP10CR</u> |
| 3) Size <u>10 inch</u> | 4) Capacity <u>3700 GPM</u> |

Motor:

- 1) Make Electric
- 2) Horsepower rating 25 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type earth v-ditches
- 2) Size 3 feet top width and 2 feet deep

SYSTEM TYPE: gravity ditch flow

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

July 24, 1996

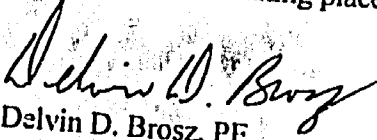
RE: Change of Diversion Point and change of acreage for Water Permit No. 980-2, Robert Brost

An inspection of Permit No. 980-2 found that the legal description for the diversion point and a portion of the irrigated acreage was incorrect.

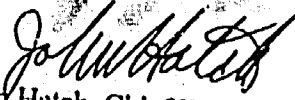
SDCL 46-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

SDCL 46-5-30.5 provides that acreage developed for irrigation outside of the acreage described on the permit may be licensed pursuant to SDCL 46-5-30.1, if no increase occurs in either permitted acreage or water appropriated and the unpermitted acreage is contiguous to the permitted acreage, owned by the same property owner, and developed as part of the original irrigation project within the time period designated for completion of works. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4, if the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Water Permit No. 980-2 authorized 7.31 cubic feet of water per second (cfs) from the White River to irrigate 512 acres. The project was constructed to divert water from the White River to irrigate 419 acres as described in the examination report. The diversion point was described as being between points in Lot 4, Section 25, T44N-R28W and in Lot 8, Section 30-T44N-R27W. The correct diversion point is between points in Lot 1, Section 36-T44N-R28W and Lot 4, Section 30-T44N-R27W. The irrigated acreage extends into Section 36-T44N-R28W. The legal correction of the diversion point and the acreage will not affect downstream water users. No additional appropriation of water or irrigation of additional acres is taking place beyond that originally approved by Water Permit No. 980-2.


Delvin D. Brosz, PE
Natural Resources Engineer

The Chief Engineer makes a finding that the change in diversion point and irrigated acreage does not increase the potential for interference with or impair other existing diversions. The overall project, as developed, is consistent with the original application. In making the finding, "does not increase the potential for interference" is interpreted to mean potential for adverse interference.


John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 8, 1996

980-2

Robert Brost
HCR 74, Box 76
Murdo, SD 57539

Dear Mr. Brost:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 980-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 16 1996

980-2

Robert Brost
HCR 74, Box 76
Murdo, SD 57559

Dear Mr. Brost:

Enclosed is Water License No. 980-2 and Receipt No. 415050 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 980-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

980-2
415050

Pierre, _____ August 19 _____, 19 96

RECEIVED OF Robert Brost, HCR 74, Box 76, Murdo, SD 57559

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. <u>980-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hitchcock
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 1998

980-2

Robert Brost
PO Box 249
Murdo, SD 57559-0249

Dear Mr. Brost

Enclosed is a "Notice" dated October 16, 1998 concerning the 1998 irrigation questionnaire. The notice was originally mailed to HCR 74 Box 76, Murdo, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



980-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: ROBERT BROST, PO BOX 249, MURDO, SD 57559 0249

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 has not been submitted for Permit No(s) 980-2 & 1504-2. 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 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 980-2 & 1504-2 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 8, 2002, 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.

980-2

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

ROBERT BROST
PO BOX 249
MURDO SD 57559 0249

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *Robert Brost*

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address ☐ No

3. Service Type

☒ Certified Mail
☐ Registered
☐ Insured Mail

☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

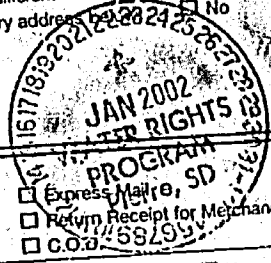
☐ Yes

2. 7001 2510 0004 4797 5446

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789





980-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2002

980-2
1504-2

Robert Brost
PO Box 249
Murdo SD 57559-0249

Dear Mr. Brost:

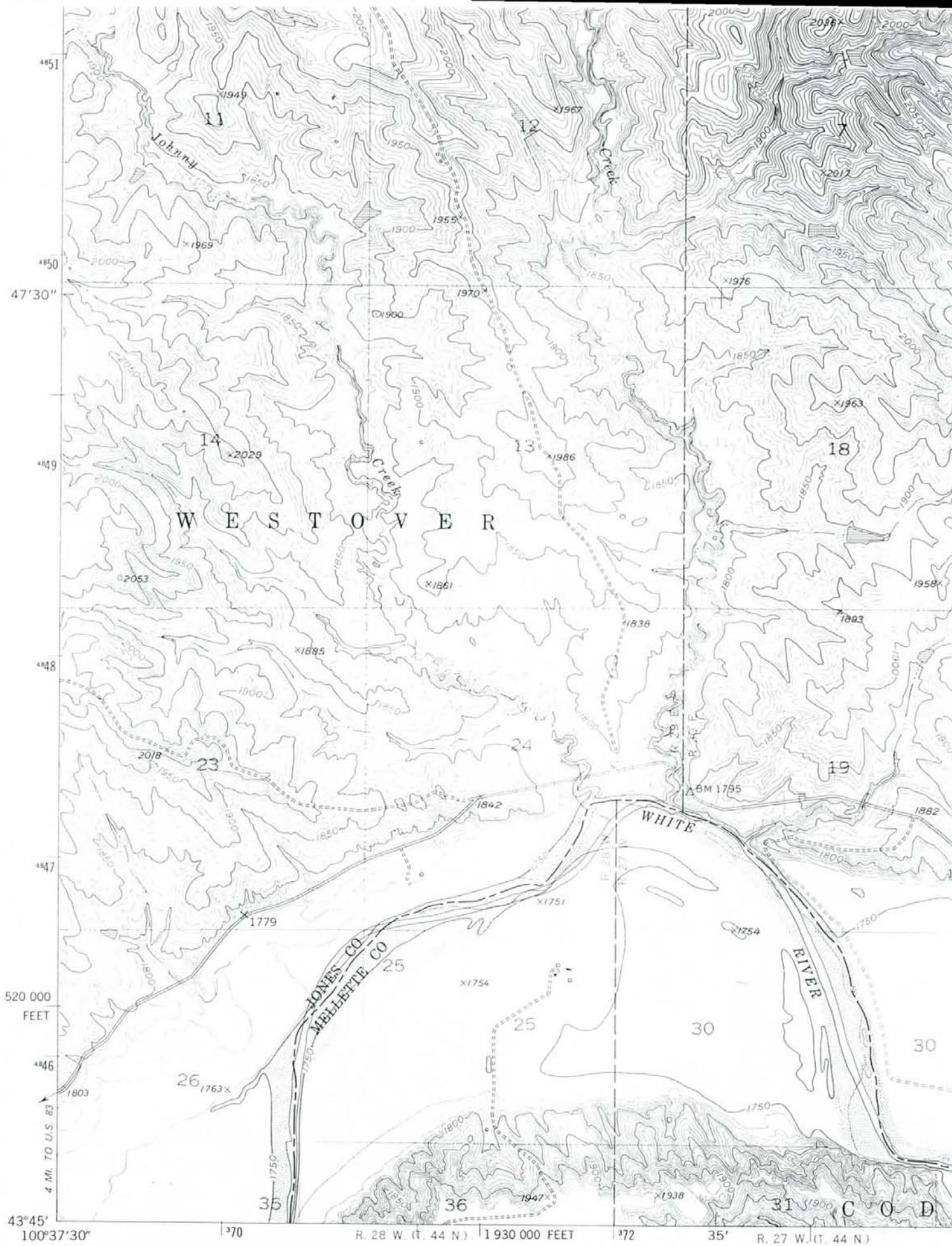
I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 980-2 and 1504-2.

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

If you have any questions, please contact me.

Sincerely,

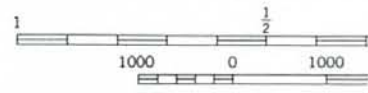
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



Mapped, edited, and published by the Geological Survey
as part of the Department of the Interior program
for the development of the Missouri River Basin

Control by USGS and USC&GS

(WESTOVER)
5871 II NW





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

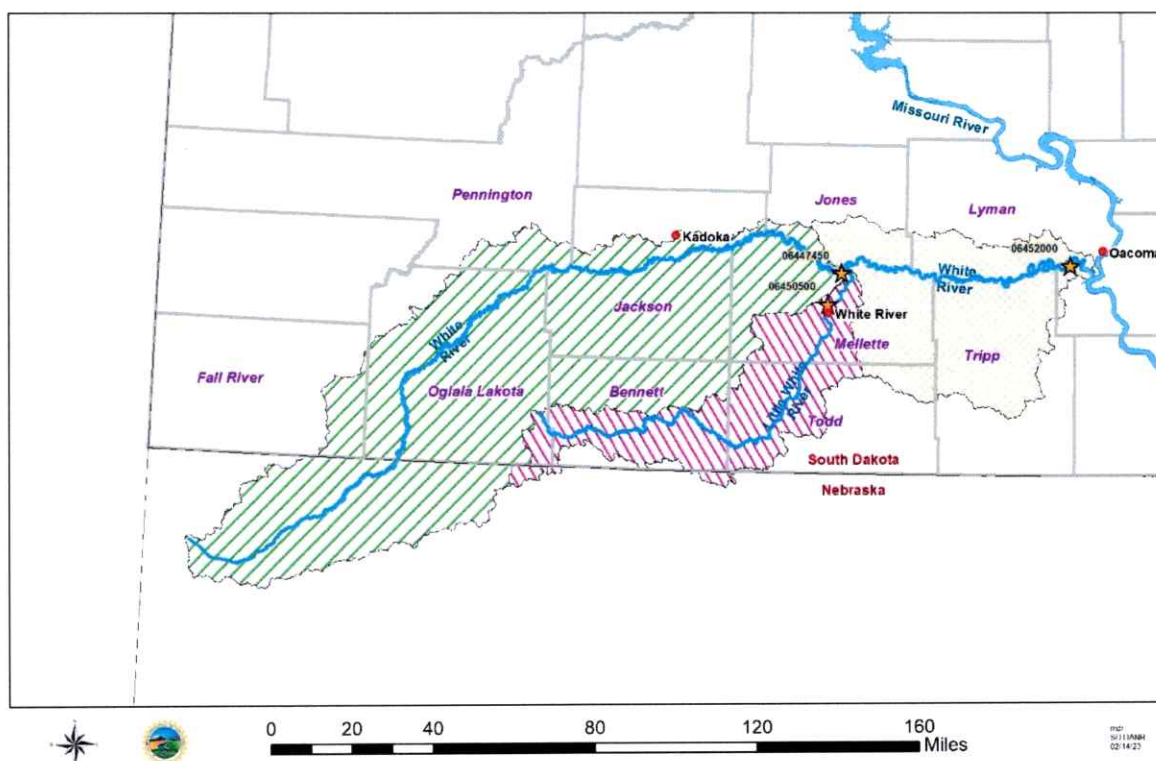


Figure 1. White River Watershed Map.

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

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

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

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

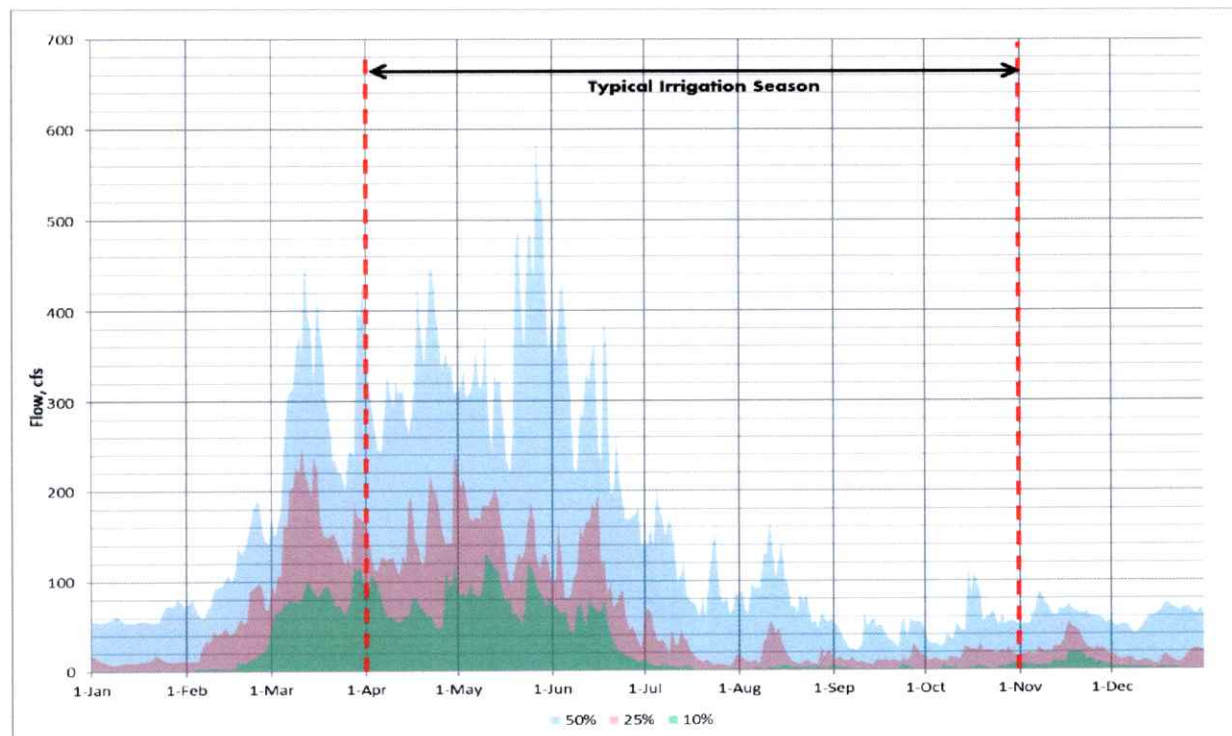


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

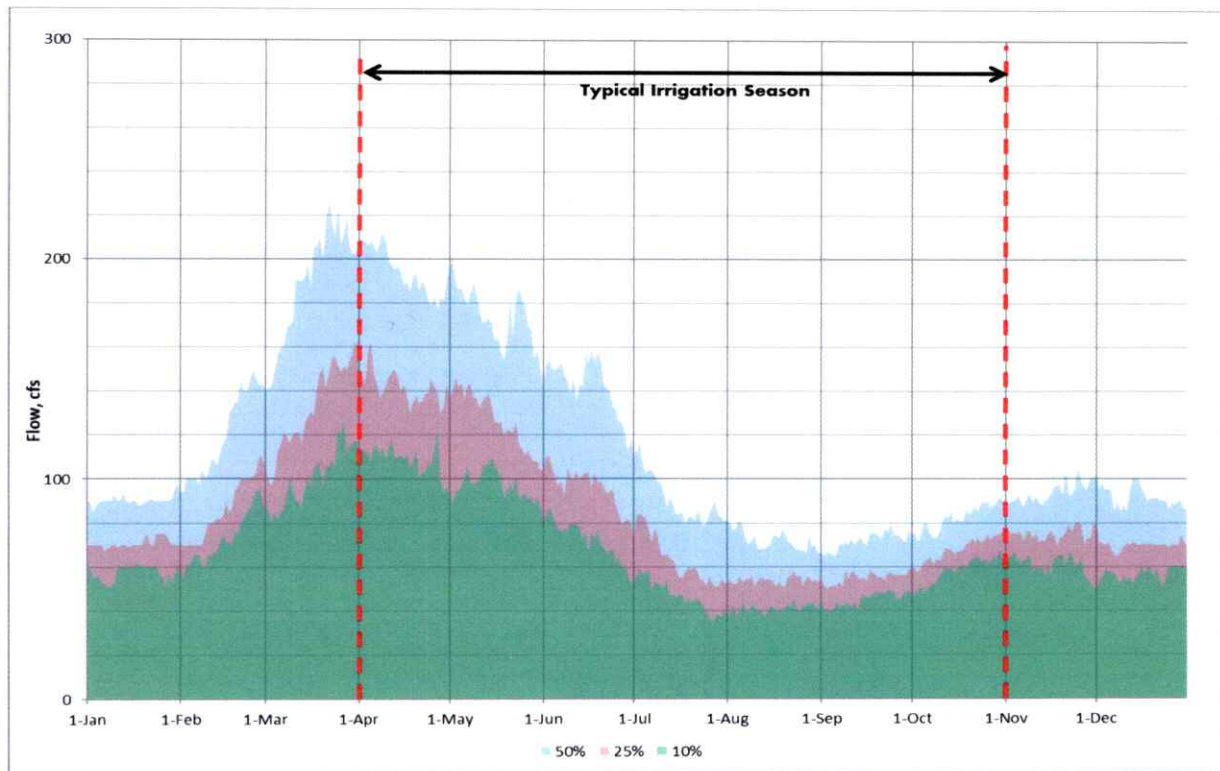


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

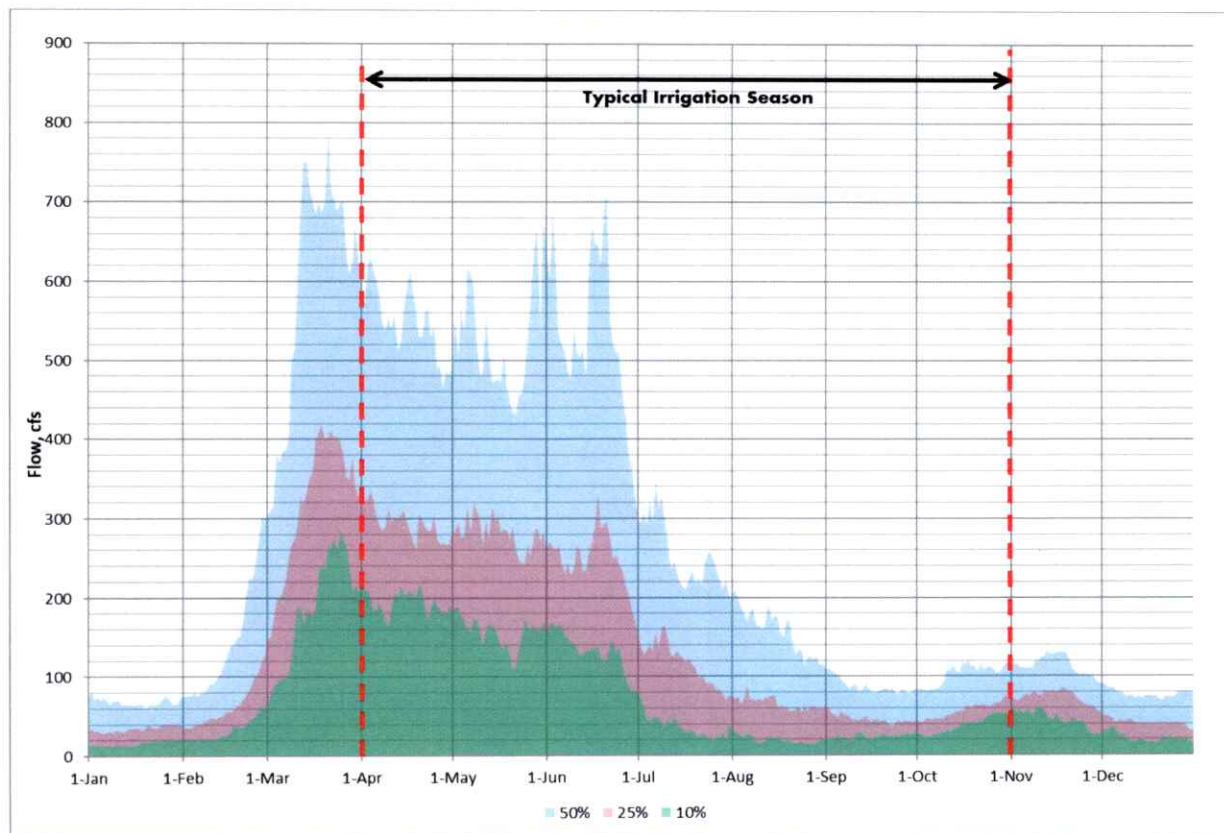


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

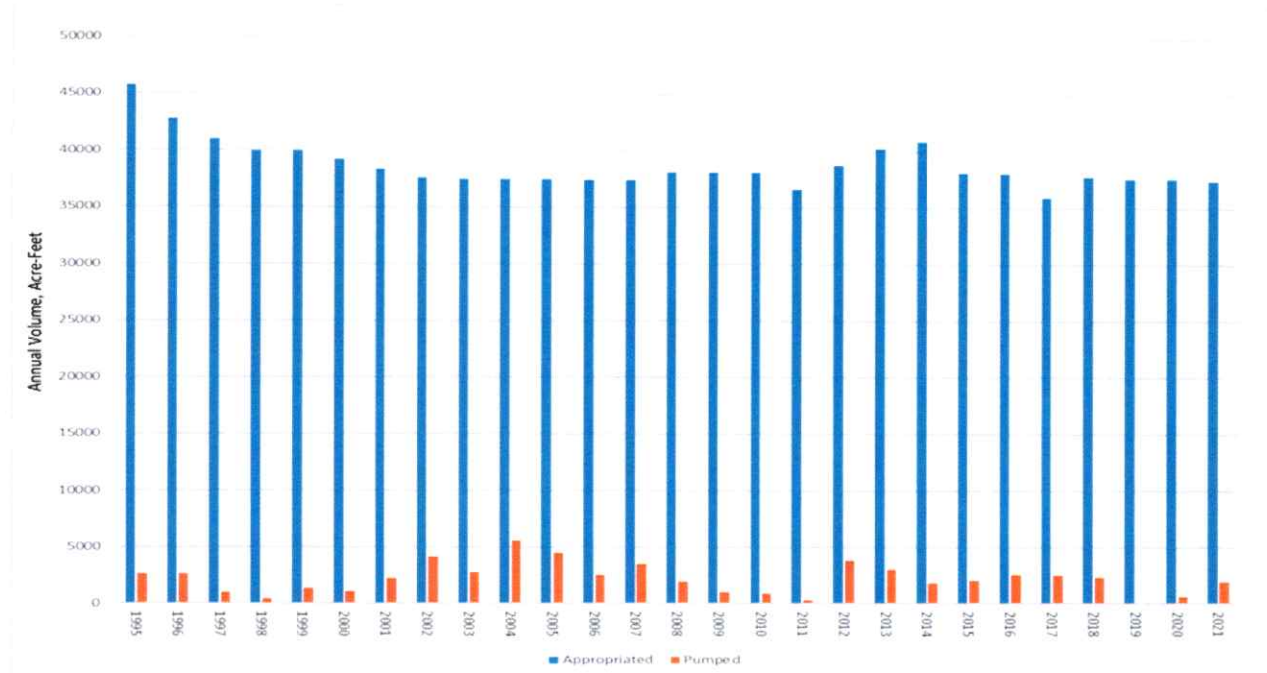


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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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**

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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