

No. *U.S. 512-2*

Office of State Engineer
DOCUMENT FILE

*Cedar Rapids Water System
Park Project
Jackson County*

Form A

CERTIFICATE OF WITHDRAWAL
of
WATER FOR APPROPRIATION
to the
UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

Withdrawal No. U.8.512

Cedar Pass Water System

Name of Project

Jackson

County

Water Division No. 2

White River Water District

White River

Source of Appropriation stream

The United States of America, Department of the Interior, National Park Service

having filed "Notice of Intention" to utilize certain heretofore unappropriated public waters of the State of South Dakota, in accordance with the requirements of the statutes of the State of South Dakota, such statutes and authority being contained in Section 61.0137 1939 Revised Code of South Dakota, now therefore;

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of White River, the annual amount of acre-feet of water to maintain storage in reservoir created by damming said stream at a point feet distant from the corner of Section , Township , Range . The purpose of such storage is .

This is to certify that there is hereby reserved, of the heretofore unappropriated waters of White River, a maximum of 10.1 cubic feet per second to be diverted through the Cedar Pass Water System ditch, canal or pipe line at a point located on the bank of White River S.20 43 W., 48 feet distant from the NE Corner of Section 15 Township 48, Range 13E for the purpose of domestic, recreational, and fire protection use during the months of annually to a 100,000 gallon reservoir.

This certificate and withdrawal shall in no manner prejudice, alter, amend or affect the rights of any prior appropriator or prior appropriation of water, nor of any application for appropriation pending on the date of this certificate, but the rights and privileges of any and all such prior appropriators or applicants for appropriation of water shall remain inviolate and intact, the same as if the within withdrawal had not been made.

This certificate shall be and is subject to cancellation in accordance with the provisions of the statutes hereinbefore referred to and under the authority of which this certificate is issued.

In accordance with the provisions of the statutes hereinbefore referred to, this certificate is executed at the State Capitol at Pierre, South Dakota, this 23rd day of April 1940.

Dean W. Loucks,
State Engineer

LETTER OF AUTHORIZATION
for
Inspection

January 6

1934

Mr. William E. Robertson, Regional Engr.
National Park Service
Keeline Building
Omaha, Nebraska

Cedar Pass Water System
Name of Project

White River
Source of Appropriation
(Stream)

Dear Sir:

San Francisco, California. The United States of America, Department of ~~Agriculture~~ ^{Interior}, ~~Forest Service~~ ^{National Park Service}, having filed "Notice of Intention" to utilize certain specified waters of the State, and there having been issued a withdrawal from further appropriation as provided in Section 61.0137, 1939 Revised Code of South Dakota and identified as Withdrawal No. U.S. 512 ~~on~~ ^{White River} (stream) County of Jackson on the ~~xxxxxx~~, has informed this office that the construction for the diversion, storage, appropriation and application of water to beneficial use has been fully completed and is ready for examination.

You are, therefore, hereby authorized to arrange with the holder of said withdrawal for an examination of the Cedar Pass Water System, and ~~reservoir, and~~ ^{the} ~~xxxxxx~~ line constructed and owned by the United States of America, Department of ~~Agriculture~~ ^{Interior}, ~~Forest Service~~ ^{National Park Service}, and also an inspection to determine the amount of water stored and applied to beneficial use.

In this examination you will ascertain whether or not the constructed works comply fully with the plans submitted and are capable of using quantities of water as set forth in the "Notice of Intention", and give in complete form all the information which is suggested by the statements in the Certificate of Inspection which is herewith enclosed, in the attached instructions, and such other information as will enable the State Engineer to act intelligently and judiciously in the matter of determining the status of completion of the projects.

You should also arrange with the holder of the withdrawal for the payment of your fee for this service and such proper expenses as you incur in making this examination and report and taking the testimony.

Very truly yours,

State Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.
601 Sheldon Building

RECEIVED
OFFICE OF STATE ENGINEER
PIERRE, S. DAKOTA

December 29, 1942.

State Engineer,

Pierre, South Dakota.

Dear Sir:

Reference is made to our water withdrawal, U. S. No. 512, for the Cedar Pass Water System at Badlands National Monument.

We have completed the diversion system, distribution reservoir, and distribution system to serve an operator's lodge. Although the administrative and operating units are not complete, we had the system sufficiently advanced in 1941 to permit full use of the water that year. In 1942, as part of the war effort, the United States suspended further construction in the area. In this latter year, too, public attendance took a decided drop and will probably continue so until after the war. We feel that we should prove up on our right on the basis of 1941, although we recognize that the same quantity of water may not be distributed among the various uses in the same way after the war.

In the case of our former claims for Wind Cave National Park and Jewel Cave National Monument, withdrawals U. S. Nos. 32-2, 33-2, and 508-2, you appointed me to make the necessary inspections. We assume that you will wish to appoint one of our engineers to make the present inspection. We suggest Mr. William E. Robertson, Regional Engineer, National Park Service, Leeline Building, Omaha, Nebraska. Mr. Robertson is familiar with the general water laws as well as with the project, and due to his close proximity can make the report with a minimum of cost and travel.

Yours very truly,

A. van V. Dunn

A. van V. Dunn,
Hydraulic Engineer.

Water Rights

NOTICE OF INTENTION
to the
STATE ENGINEER
of the
STATE OF SOUTH DAKOTA

RECEIVED
APR 9 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Cedar Pass Water System Project

Badlands National Monument
South Dakota

April 3, 1940
Date

Notice of Intention to divert, store and appropriate water for beneficial uses from certain streams in South Dakota by the United States of America, Department of the Interior, National Park Service.

The United States of America, National Park Service through its officers duly appointed to administer the Badlands National Monument in South Dakota, hereby notifies the State Engineer of South Dakota of its intentions to appropriate, by construction, diversion, storage and beneficial use, the unappropriated public waters of South Dakota, under Section 61.0137 of the 1939 Revised Code of South Dakota. Application is hereby made for the withdrawal of certain unappropriated public waters of the State of South Dakota in an amount sufficient to maintain storage in -- Reservoir, or to satisfy the requirements of the Cedar Pass Water System ^{pipe line} _{ditch}, canal or pipe line, and the following information is furnished:

1. Representative of the United States of America authorized to act in procurement of water rights.

Ans. Harry J. Liek, Coordinating Superintendent.

2. Name of intending appropriator.

Ans. United States of America, National Park Service.

3. Name and address of agency representing intending appropriator.

Ans. United States Department of Interior

4. Name of reservoir, ditch, canal or pipe line.

Ans. Cedar Pass Water System.

5. County in which water is to be diverted, stored and appropriated.

Ans. Jackson.

6. Name of stream from which water is to be diverted, stored and appropriated.

Ans. White River.

7. The outlet of the reservoir or the point of diversion of ditch, canal or pipe line is located S. 20° 43' W. 254 feet distant from the

North East corner of Section 15, Township 4 South Range 18 East, Black Hills Meridian.

8. Use to which water directly diverted or diverted and stored, is to be put.

Ans. Domestic, recreational and fire protection.

9. The available capacity of reservoir in acre feet.

Ans. --

10. The carrying capacity of ditch, canal or pipe line in cubic feet per second.

Ans. Plan to pump 50 gallons per minute through 4-inch pipe.

11. Acre feet of water to be appropriated annually for diversion and storage in reservoir.

Ans. No storage - 100,000 gallon reservoir to be for regulation.

12. Cubic feet of water per second to be appropriated for direct diversion by ditch, canal, or pipe line.

Ans. 0.1 cubic foot per second.

13. Location of lands to be irrigated.

Ans. Irrigation, incidental to domestic and recreational use, in

Section 27, T. 3 S., R. 18 E., B.H.M.

14. Class of plans accompanying "Notice of Intention."

Ans. Tracing and blue print showing proposed plan. (Bearings based on assumption section lines are on cardinal bearings until more data obtained for final proof of completion and use.)

Harry J. Tich

Coordinating Superintendent

UNITED STATES
DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

601 Sheldon Building
August 14, 1940

RECEIVED
AUG 19 1940

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

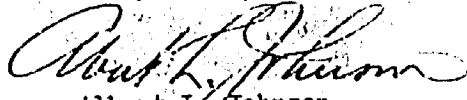
Hon. Dean Loucks,
State Engineer,
Pierre, South Dakota.

Dear Sir:

We are advised by Superintendent Harry J. Liek of Wind Cave National Park that our application to appropriate water from White River for the Cedar Pass Water System at Badlands National Monument has been accepted as a Federal Water Withdrawal.

If you have completed your notations as to withdrawal number on the accompanying map, drawing NM-BL-6975, we should like to obtain a van Dyke negative for our records. We will send a voucher to cover the charges as soon as you advise us of the cost.

Yours very truly,



Albert L. Johnson,
Acting Regional Attorney.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

54

RECEIVED
OCT 10 1947
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

State Engineer,
Pierre, South Dakota.

Dear Sir:

Effective with the close of business on October 10, the National Park Service will close its office in Chicago, and will move to Washington, D. C. Please correct your records accordingly. The new address is:

National Park Service,
Department of the Interior,
Washington 25, D. C.

The change should be made in connection with the following water right matters:

Federal Withdrawal No. 512 for Badlands National Monument.
Federal Withdrawal No. 32-2 for Jewel Cave National Monument.
Federal Withdrawal No. 33-2 for Wind Cave National Park.
Federal Withdrawal No. 508 for Wind Cave National Park.

Sincerely yours,



A. van V. Dunn,
Chief, Water Division.



**BEST IMAGE POSSIBLE
FROM POOR ORIGINAL**

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

January 18, 1943.

Mr. Dean W. Loucks,
State Engineer,
State of South Dakota,
Pierre, South Dakota.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Dear Sir:

There is enclosed my Certificate of Examination of Works in connection with Withdrawal No. 612, Cedar Pass Water System, Badlands National Monument.

You will note that I have slightly changed the form that your office sent out so as to include pertinent information that I could not show otherwise without the addition of extra sheets. I trust that you will have no objection to my having made these changes, but if you do I will gladly rewrite the report.

A print of Drawing No. NK-BL 6976 which accompanies the report is also enclosed.

Very truly yours,

(SGD.) W. E. ROBERTSON

W. E. Robertson,
Regional Engineer.

Encls. 2.

cc - Director, w/Blue Print and Cert. of Exam.
Custodian Badlands, w/Blue Print and Cert. of Exam.
Coor. Supt. Wind Cave, w/Blue Print and Cert. of Exam.
Attorney, Water Rights Section, w/Original Map and Cert. of Exam.

Water Division No. _____

White River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date January 18, 1943
 By William E. Robertson, Regional Engr.

Cedar Pass Water System
Badlands National Monument, No. U.S.-512

White River
Source of Appropriation
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated January 6, 1943, I have made a thorough examination of Cedar Pass Water System at Badlands National Monument, a pipe line constructed by the United States of America, Department of Interior, National Park Service, holder of withdrawal No. 512 issued upon Notice of Intention bearing date August 8, 1940, authorizing the withdrawal from further appropriation of or 0.1 second-foot of the waters of White River - Jackson County, tributary of Missouri River for domestic, recreational and fire protection purposes.

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

The impounding and diversion works comprise:

Dam: None
 Diversion is by 80 feet of 8" pipe buried in bed of White River. This pipe has 10 - 5" well points and drains to a circular collecting sump with a capacity varying from 10,000 to 15,000 gallons, depending on river stage. The water is pumped from the collecting sump by a Fairbanks-Morse deep well turbines type pump of 60 gpm capacity, driven by a gasoline motor.

Diversion Main is 4 inches in diameter and 15,760 feet in length, to a point in the Headquarters Area of Badlands National Monument. Thence the water is pumped an additional 4890 feet through 6-inch pipe, which is also used for distribution, to a distribution reservoir.

Distribution Reservoir is of concrete with a capacity of 100,000 gallons, and is located in the SE1/4-BW1/4 of Section 28, T. 8 S., R. 18 E., B.H.M., in Badlands National Monument.

The system is in the following condition: Very good, being practically new.

The point of diversion of the pipe line is located at the pump, on the left, or north, bank of White River and 8 89°43' N 254 feet from the NE corner of Section 15, T. 4 S., R. 18 E., B.H.M.

The works are capable of utilizing 60 gpm or the claimed 0.1 second-foot of water.

The legal subdivisions to be irrigated are parts of SE1/4-SE1/4 Section 27, NE1/4 Section 34, and NW1/2-NW1/8 Section 35, T. 38., R. 18 E., B.H.M., comprising a total of about 2 acres of land.

Note: Irrigation is entirely incidental to domestic and recreational uses, by hose on small plots of shrubbery immediately adjacent to building developments. A duty of about 1 sec.-ft. to 70 acres will be needed until native vegetation around new and proposed buildings is established. It will then be reduced as more water becomes needed for direct human purposes.

The domestic and stock watering uses have not started because accommodations are not yet complete. There are to be 4 families with an estimated demand for 1200 gpd.

The utilization for public recreation, game and fish propagation, and fire protection comprises:

- (1) Water service to a dining-room and cabin with accommodations for 100 guests in addition to employees. Including use by employees, overnight and hourly visitors, extra luncheon guests, operation of a laundry and rest rooms, this use is expected to reach a maximum of 55,000 gpd at the height of the travel season during normal times. (See note below for 1941 travel.)*
- (2) Government Administration Building, Employees Residence, and Public Comfort Station are not yet built.
- (3) From July 1941 to June 1942 approximately 11,100 gpd were used by a CCC camp in the area.
- (4) Water used on CCC construction reached a maximum of 1,000 gpd.
- (5) Fire protection and fluctuating water demands are provided by the 100-000 gallon reservoir.

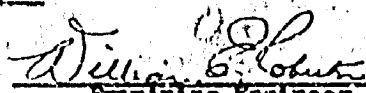
The project was temporarily terminated on July 1, 1942, because of termination of all CCC activities. The accompanying map, NM-BL 6976, shows the status of the project at the present time, including the complete diversion system and distribution to lodge area. The CCC camp which was located on the pipe-line near the south monument boundary has now been abandoned.

*NOTE: The year 1941 was the last in which there was normal public travel. During that year the area was visited by the public as follows:

January	350 people	July	75,000 people
February	404 "	August	90,418 "
March	1,350 "	September	24,858 "
April	1,875 "	October	7,800 "
May	7,725 "	November	1,080 "
June	41,218 "	December	750 "

Development of the area was suspended, and public attendance and water use developed materially during 1942 and will be small until the close of the war.

WITNESS my hand, this 18th day of January, A. D. 1943.


Examining Engineer.

Form 24A

CERTIFICATE OF CONSTRUCTION OF WORKS

and

APPROPRIATION

Cedar Pass Water System
Badlands National Monument
Name of Project

U. S. Water Right No. 512

White River Water District

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the United States of America, Department of Interior, National Park Service _____, has complied with the

State Laws and has been issued a withdrawal No. U3 512 bearing date of

April 23, 1940 withdrawing from further appropriation 0.10 ~~cu. ft. per sec.~~ ^{cu. ft. per sec.} and direct use

~~for the purpose of~~ of water for storage, of the waters of White River Stream

County of Jackson, State of South Dakota, at a point on the

N. bank of White River S. 20° 43' W. 254 feet from the N.E. Cor. of Sec. 15, T. 4 S., R. 18 E., B.H.M.

for domestic, recreational and irrigation purposes;

has fully complied with the provisions of the laws of the State of South

Dakota relating to completion of the works set out and described in

Section 61.0137, that said works are completed in accordance with infor-

mation filed in the office of the State Engineer / except that domestic and stock ^{0.10} ~~0.10~~ ^{cu. ft. per sec.} ~~watering have not started because, due to war conditions, accommodations are not yet complete and normal public travel is not expected until the close of the war.~~ ~~priority~~ is thereby appropriated for the above purposes bearing date of

priority of April 23 1940.

Witness my hand this 27th day of January 1943.

State Engineer.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION TWO
OMAHA, NEBRASKA

January 18, 1943.

Mr. Dean W. Loucks,
State Engineer,
State of South Dakota,
Pierre, South Dakota.

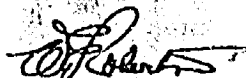
Dear Sir:

There is enclosed my Certificate of Examination of Works in connection with Withdrawal No. 512, Cedar Pass Water System, Badlands National Monument.

You will note that I have slightly changed the form that your office sent out so as to include pertinent information that I could not show otherwise without the addition of extra sheets. I trust that you will have no objection to my having made these changes, but if you do I will gladly rewrite the report.

A print of Drawing No. NM-BL 6976 which accompanies the report is also enclosed.

Very truly yours,



W. E. Robertson,
Regional Engineer.

Encls. 2.

Water Division No. _____

White River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

Date January 18, 1943
By William E. Robertson, Regional Engr.Cedar Pass Water System
Badlands National Monument, No. U.S.-512White River
Source of Appropriation
(Stream)

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated January 6, 1943, I have made a thorough examination of Cedar Pass Water System at Badlands National Monument, a pipe line constructed by the United States of America, Department of Interior, National Park Service, holder of withdrawal No. 512 issued upon Notice of Intention bearing date August 8, 1940, authorizing the withdrawal from further appropriation of or 0.1 second- feet of the waters of White River - Jackson County, tributary of Missouri River for domestic, recreational and fire protection purposes.

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

The impounding and diversion works comprise:

Dam: None

Diversion is by 80 feet of 3" pipe buried in bed of White River. This pipe has 10 - 3" well points and drains to a circular collecting sump with a capacity varying from 10,000 to 15,000 gallons, depending on river stage. The water is pumped from the collecting sump by a Fairbanks-Morse deep well turbine type pump of 50 gpm capacity, driven by a gasoline motor.

Diversion Main is 4 inches in diameter and 15,780 feet in length, to a point in the Headquarters Area of Badlands National Monument. Thence the water is pumped an additional 4590 feet through 6-inch pipe, which is also used for distribution, to a distribution reservoir.

Distribution Reservoir is of concrete with a capacity of 100,000 gallons, and is located in the SE1/4-SW1/4 of Section 26, T. 3 S., R. 18 E., B.H.M., in Badlands National Monument.

The system is in the following condition: Very good, being practically new.

The point of diversion of the pipe line is located at the pump, on the left, or north, bank of White River and S 20°43' W 254 feet from the NE corner of Section 16, T. 4 S., R. 18 E., B.H.M.

The works are capable of utilizing 50 gpm or the claimed 0.1 second-feet of water.

The legal subdivisions to be irrigated are parts of SE1/4-SE1/4 Section 27, NE1/4 Section 34, and W1/2-W1/2 Section 35, T. 35., R. 18 E., B.H.M., comprising a total of about 2 acres of land.

Note: Irrigation is entirely incidental to domestic and recreational uses, by hose on small plots of shrubbery immediately adjacent to building developments. A duty of about 1 sec.-ft. to 70 acres will be needed until native vegetation around new and proposed buildings is established. It will then be reduced as more water becomes needed for direct human purposes.

The domestic and stock watering uses have not started because accommodations are not yet complete. There are to be 4 families with an estimated demand for 1200 gpd.

The utilization for public recreation, game and fish propagation, and fire protection comprises:

- (1) Water service to a dining-room and cabin with accommodations for 100 guests in addition to employees. Including use by employees, overnight and hourly visitors, extra luncheon guests, operation of a laundry and rest rooms, this use is expected to reach a maximum of 35,000 gpd at the height of the travel season during normal times. (See note below for 1941 travel.*)
- (2) Government Administration Building, Employees Residences, and Public Comfort Station are not yet built.
- (3) From July 1941 to June 1942 approximately 11,100 gpd were used by a CCC camp in the area.
- (4) Water used on CCC construction reached a maximum of 1,000 gpd.
- (5) Fire protection and fluctuating water demands are provided by the 100,000-gallon reservoir.

The project was temporarily terminated on July 1, 1942, because of termination of all CCC activities. The accompanying map, KM-BL 6976, shows the status of the project at the present time, including the complete diversion system and distribution to lodge area. The CCC camp which was located on the pipe-line near the south monument boundary has now been abandoned.

*NOTE: The year 1941 was the last in which there was normal public travel. During that year the area was visited by the public as follows:

January	350 people	July	75,050 people
February	404 "	August	90,418 "
March	1,350 "	September	24,850 "
April	1,875 "	October	7,800 "
May	7,725 "	November	1,080 "
June	41,218 "	December	750 "

Development of the area was suspended, and public attendance and water use developed materially during 1942 and will be small until the close of the war.

WITNESS my hand, this 18th day of January, A. D. 1943.

William E. Roberts
Examining Engineer.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Subject: Bypass Qualifications on the White River

March 30, 2023

Dear White River Water Right Holder,

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

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

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

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

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

Sincerely,

Eric Gronlund, Chief Engineer
SD DANR – Water Rights Program

Review of White River Water Rights and Report on Proposed Amendment

February 14, 2023

Introduction

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

Review of the Water Source

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

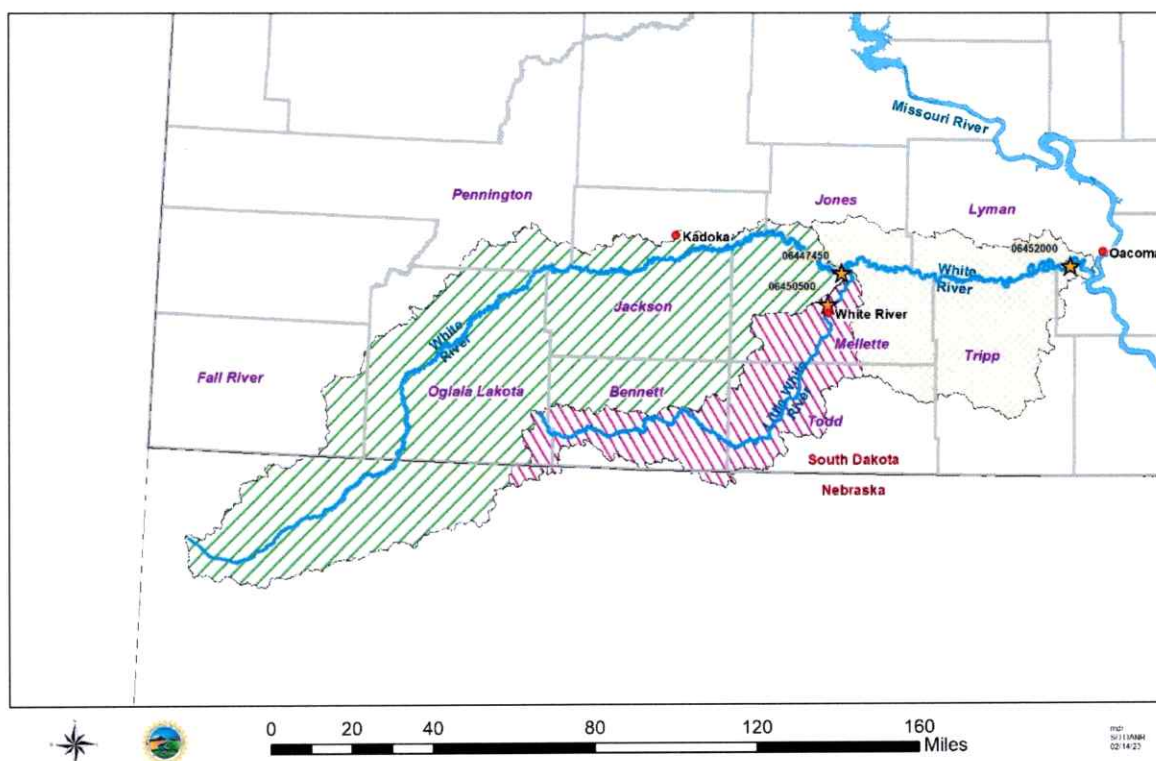


Figure 1. White River Watershed Map.

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

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

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

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

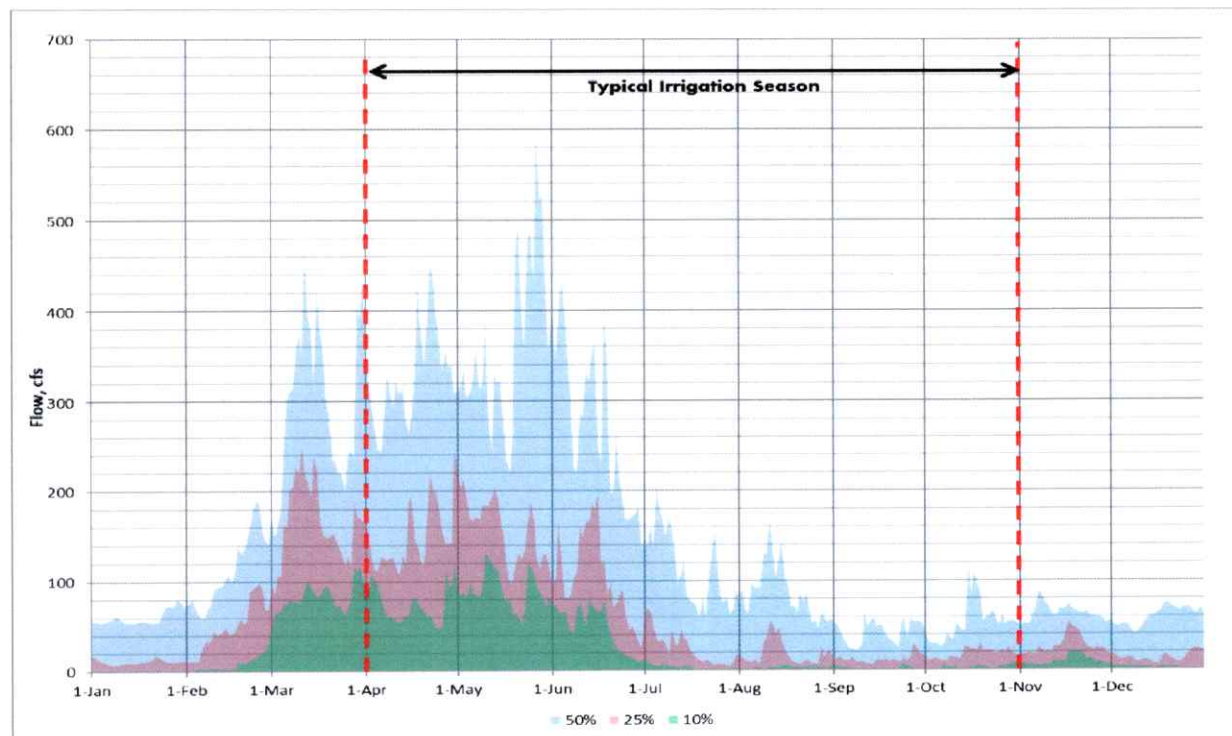


Figure 2. Daily percentile flow hydrographs for the USGS White River near White River 2001-2022, contributing drainage area 6202 mi² (USGS, 2023).

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

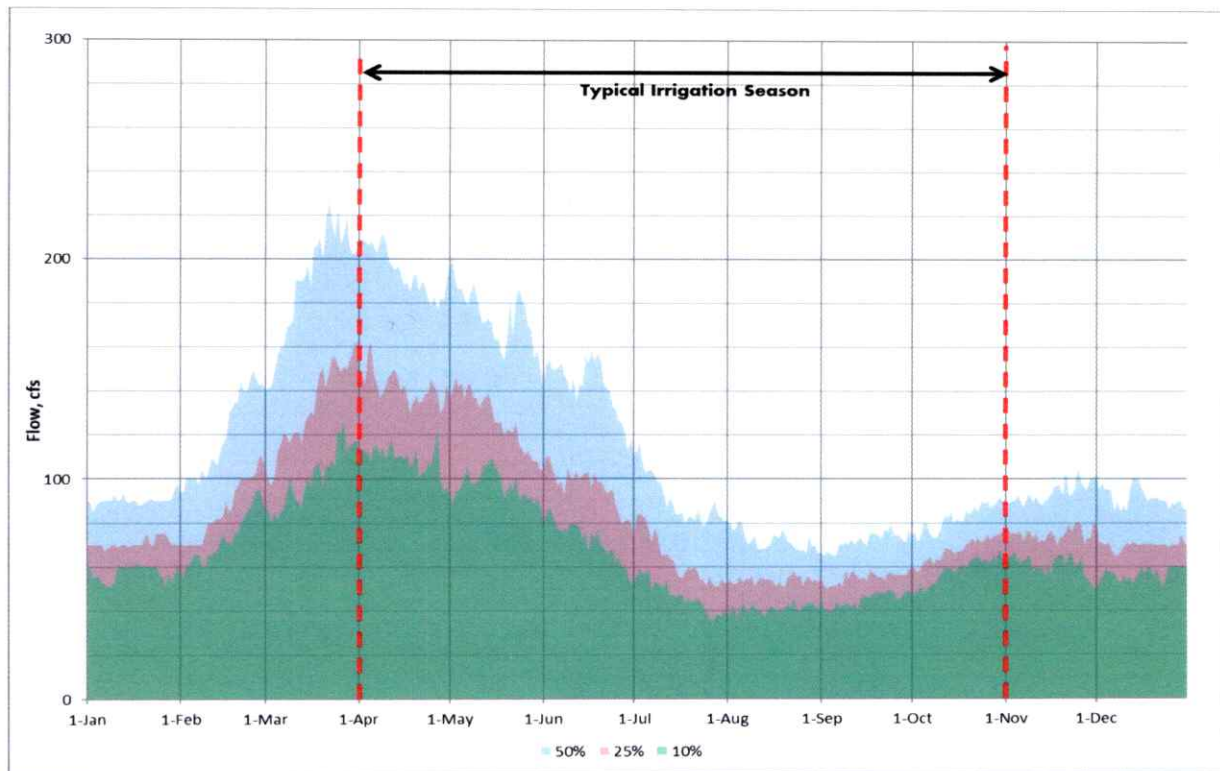


Figure 3. Daily percentile flow hydrographs for the USGS Little White River near White River, 1949-2022, contributing drainage area 1,495 mi² (USGS, 2023).

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

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

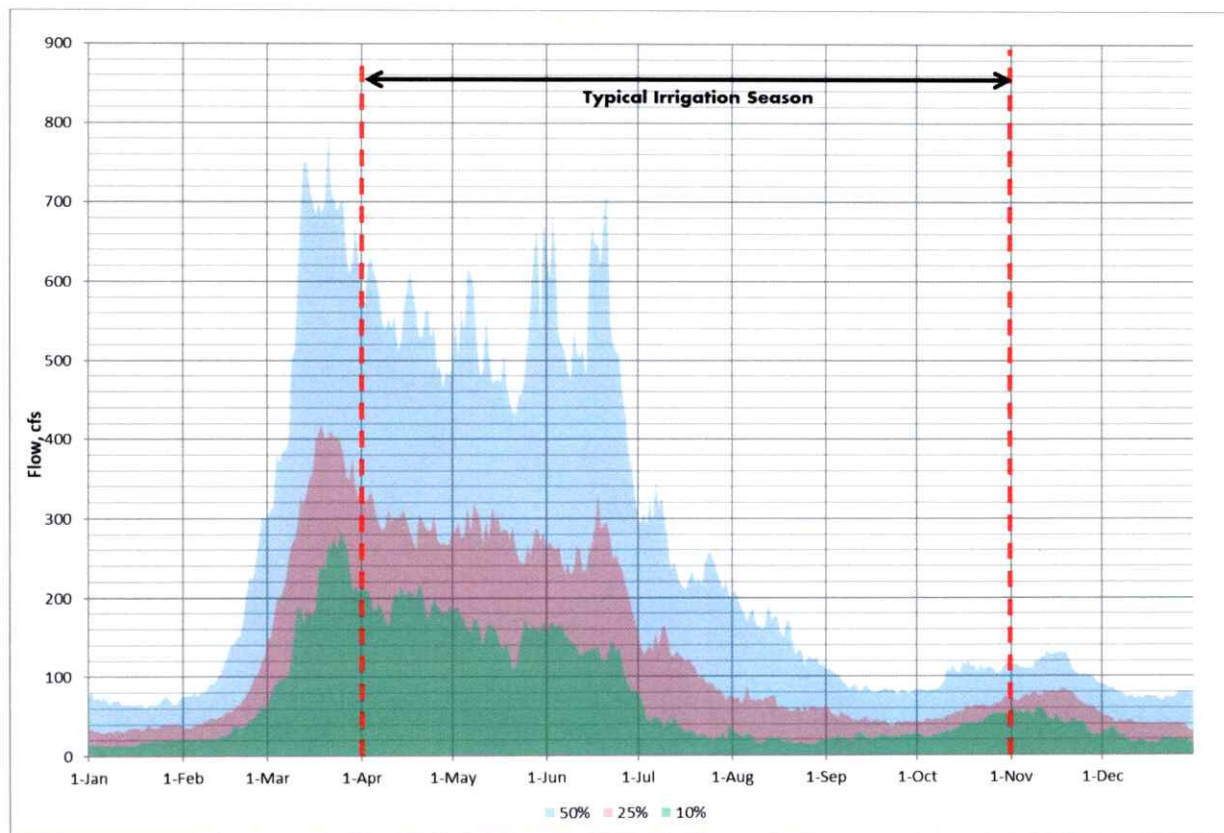


Figure 4. Daily percentile flow hydrographs for the USGS White River near Oacoma, 1928-2022, contributing drainage area 7,697 mi² (USGS, 2023).

The Water Management Board Authority

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

South Dakota Codified Law

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

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

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

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

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

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

Review of Existing Water Rights and Reported Use

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

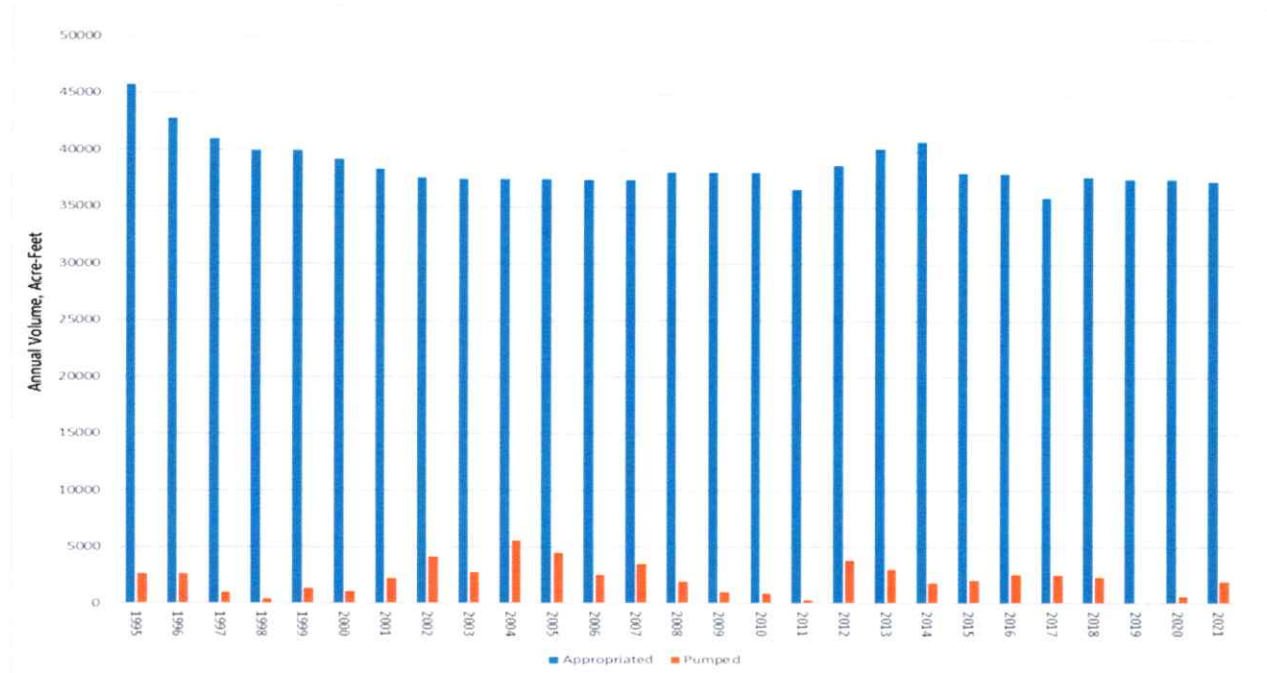


Figure 5. Total irrigation allocation and reported use from the White River (Water Rights, 2023).

Qualification Status

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

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

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

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

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

Analysis and Proposed Qualification Revisions

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

Upper White River

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

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

Lower White River

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

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

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

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

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

Specific Proposed Qualification Revisions by Water Permit

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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

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

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

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

Delete Qualification:

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

Add Qualifications:

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

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

Delete Qualifications:

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

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

Add Qualifications:

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

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

Delete Qualification:

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

Add Qualifications:

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



Mark D. Rath
Natural Resources Engineer III

References

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
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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