

MINUTES OF THE 199<sup>TH</sup> MEETING OF THE  
WATER MANAGEMENT BOARD  
FLOYD MATTHEW TRAINING CENTER  
523 EAST CAPITOL AVE  
PIERRE, SD

July 6 – 7, 2016

**CALL TO ORDER:** Chairman Hutmacher called the meeting to order at 1:00 p.m.

**APPLICATIONS:** Water Permit Application No. 2751-2, City of Custer; Water Permit Application Nos. 8047-3 and 8048-3, Rockport Hutterian Brethren; Water Permit Application No. 8123-3, Huron Hutterian Brethren; Water Permit Application No. 8200-3, Don Schaefer; and Water Permit Application No. 2745-2, Croell Redi Mix

The following were present at the meeting:

**Board Members:** Chad Comes, Tim Bjork, Peggy Dixon, Rodney Freeman, Leo Holzbauer, and Jim Hutmacher. Ev Hoyt was absent.

**Department of Environment and Natural Resources (DENR):** Jeanne Goodman, Eric Gronlund, Tim Schaal, Lynn Beck, Ron Duvall, Ken Buhler, Kelli Buscher.

**Attorney General's Office:** Ann-Mines Bailey and Matt Naasz.

**Legislative Oversight Committee:** Representative Mary Duvall.

**Public:**

Application No. 2751-2, city of Custer: Chris Beesley, Bob Morrison, Mayor Jared Carson, David LaFrance.

Application Nos. 8047-3 and 8048-3: Donny Wipf and Brian Wipf.

Application No. 8200-3: Frank Zweber.

Application No. 2745-2: Tom Brady, Brian Marchant, Kyle Frisinger, Matt McPhee, Steve Iverson, Mike Hickey, Don Burger, Duane Abata, Arden Davis.

**ELECTION OF OFFICERS:** Jim Hutmacher, Chairman; Tim Bjork, Vice Chairman; Leo Holzbauer, Secretary.

Motion to approve Election of Officers by Freeman, seconded by Comes. Motion carried by unanimously.

**HOUSE BILL 1214 AND BOARD MEMBER CONFLICT WAIVER REQUESTS**

Board counsel Matt Naasz discussed the new law that went into effect July 1<sup>st</sup> and the process in which Board members will need to file conflict waiver requests.

**APPROVE May 5, 2016, MINUTES:** Motion to approve by Bjork, seconded by Freeman. Motion carried unanimously.

**NEXT MEETING:** October 12 – 13, 2016 in Pierre.

**STATUS AND REVIEW OF WATER RIGHTS LITIGATION:** None.

**ADMINISTER OATH TO DENR STAFF:** The court reporter administered the oath to the DENR staff who intended to testify during the meeting.

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**UPDATE ON DENR ACTIVITIES:**

- US EPA Approval of South Dakota Water Quality Standards Revisions
- Status of Stream Flows and Shut Off Orders

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**WATER PERMIT APPLICATION NO. 2751-2, CITY OF CUSTER:**

Appearances:

Ann Mines-Bailey, on behalf of the chief engineer and the Water Rights Program.

Chris Beesley, Attorney for the City of Custer.

Tim Schaal gave his report.

Mr. Schaal stated that Water Permit Application No. 2751-2 is for reconstruction of Custer West Dam originally authorized by Water Right No. 298-2. Water Right No. 298-2 authorizes impoundment of 30 acre-feet of water by a dam on French Creek located in the NE ¼ SE ¼ Section 27-T3S-R4E. This application is proposing to reconstruct the dam and increase the storage capacity an additional 47.5 acre-feet with water to be impounded in the N ½ SE ¼ Section 27-T3S-R4E. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 5,348 feet mean sea level with a total storage capacity of 77.5 acre-feet. The water will be used for recreational, fish and wildlife propagation and fire suppression purposes.

Water Right No. 298-2 was issued to the City of Custer in 1943 for 30 acre-feet of storage in the Custer West Dam. It appears that the dam was originally constructed by the Department of Game, Fish and Parks for the City. The current outlet structure has been in disrepair and the reservoir drained for several years. The capacity of the

existing dam at some time was increased to approximately 60 acre-feet. The repair of the existing dam will not change the current elevation of the primary spillway and the increase in storage capacity to 77.5 acre-feet is the result of several excavated "dug out" areas in the lake bed. The reconstructed dam will be classified as a small size, Category 1, High Hazard dam. The dam has been designed by Banner Associates, Inc. The plans and specifications have been reviewed and will be approved; however, reconstruction of the dam cannot begin until Water Permit Application No. 2751-2 is approved.

The dam will be 13 feet high with a normal storage capacity of 77.5 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 125 acre-feet with a reservoir level at the top of dam elevation. A Category 1, High Hazard dam of this size is required to have a minimum spillway design capable of passing 50 percent of the Probable Maximum Flood (PMF), unless the owner can provide information and justification to show that the proposed design flow can be stored, passed through, or passed over the dam without failure of the dam.

The dam is located on French Creek and has a drainage area of 23,280 acres or 36.4 square miles. The dam will have 12 feet by 8 feet concrete drop inlet structure with an inlet elevation of 5348 fmsl and 5 feet of available freeboard, with 8 feet by 5 feet box culvert barrel as the primary spillway structure. The primary spillway is designed to pass the 10 year event peak inflow of 792 cfs utilizing the 2 feet of freeboard between the primary and secondary spillways. The secondary spillway will be a 200 feet wide concrete ogee structure with a crest elevation of 5350 fmsl. The ogee structure will also have a type III stilling basin, which is designed with energy dissipation blocks. The secondary spillway is designed to pass a 100 year event peak inflow of 2971 cfs utilizing two of the available three feet of freeboard between the spillway crest and top of dam elevation. The remainder of the dam, approximately 70 feet, will be designed to overtop using an anchored articulating concrete mat as the overtopping protection. The overtopping protection is designed to withstand a 50 percent PMF flood event.

The Custer West Dam is located in the SE ¼ of Section 27-T3S-R4E on French Creek. The Department of Game, Fish & Parks owns Stockade Lake Dam, which is located in Custer State Park about five miles downstream of the Custer West Dam. The Department of Game Fish and Parks filed a vested water right claim for Stockade Lake in 1961 seeking a 1933 priority date.

Ms. Mines-Bailey stated when the board packet was sent out; DENR had not received the Affidavit of Publication from the Public Notice. That has been received and is on file.

Mr. Beesley called Jared Carson, Mayor of Custer to testify.

Mayor Carson was sworn in.

Mayor Carson stated the permit is in the public interest and is of beneficial use. The lake is used for recreational purposes and the extra 47.5 acre-feet of water would be

critical for fire protection, if needed. The only letters that have been received by the City have been in support of this permit.

Mr. Beesley called David LaFrance, Engineer to testify.

Mr. LaFrance was sworn in.

Mr. LaFrance gave his educational background.

Mr. LaFrance stated he is in favor of the approval with the plans that have been presented with the project. The project will be valuable for the growing fish habitat and recreational use.

Mr. Comes asked if there is any flood protection benefit with the dam in place.

Mr. LaFrance stated the amount of storage in the facility is small compared to the drainage area.

Mr. Holzbauer asked how high the dam is currently.

Mr. LaFrance stated the dam is currently 20 feet high. The new dam will be lower, at 13 feet.

Mr. Beesley stated they are requesting the permit be approved, as the chief engineer has recommended.

Mr. Naasz stated what was previously provided to the board in this matter.

Motion to approve Water Permit Application No. 2751-2, subject to the qualifications of the chief engineer by Freeman, seconded by Holzbauer. Motion carried unanimously.

**QUALIFICATIONS:**

1. Water Permit No. 2751-2 and Water Right No. 298-2, combined, authorize an impoundment with a storage capacity of 77.5 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation at 5,348 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

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**CANCELLATION CONSIDERATIONS:**

Mr. Gronlund stated a table of water permit/rights scheduled for cancellation is part of the Board packet.

Mr. Gronlund stated there are 14 Water Permits/Water Rights that are scheduled to be cancelled today. There were no letters received in response to the notices of cancellations. The recommendation is for cancellation of all the Water Rights/Permits.

Mr. Gronlund stated Water Permit 6-3, in Division III, dates back to 1907 and was for an old hydroelectric dam on the Big Sioux River. Contact was made with current owners, who stated there is no longer a hydroelectric plant in existence. DENR also public noticed today's hearing. DENR is recommending cancellation of all Water Permits/Water Rights.

Motion to approve Cancellation Considerations by Freeman, seconded by Bjork. Motion carried unanimously.

US561-2A	Mike Pflaum w/Badlands National Park	Abandonment or Forfeiture
PE 2391-2	Magellan Midstream Partners LP	Abandonment
FU 2472-2	South Dakota Conservancy District	Abandonment
PE 2494-2	Dallas Schott; Harvey McPherson	Non-Construction
PE 2575-2	Fall River Feedyard LLC	Non-Construction
PE 2682-2	Kent Weber	Abandonment or Forfeiture
PE 6-3	Chris Klein; William Klein	Abandonment or Forfeiture
RT 9-3A	City of Huron	Abandonment or Forfeiture
RT 37A-3	City of Huron	Abandonment or Forfeiture
RT 1390-3	George Turner	Abandonment or Forfeiture
RT 1939-3	Kathleen A Trapp and Larry Trapp	Abandonment or Forfeiture
RT 3760-3	Guy Trenhalle	Abandonment
RT 5284-3	Mike Wojciechowski	Abandonment or Forfeiture
PE 6600-3	Mark Rilling	Abandonment or Forfeiture

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**SEVEN YEAR REVIEW OF FUTURE USE PERMITS:**

Mr. Gronlund went over which permits are up for review.

Future use permits scheduled for seven year review are:

- No. 1442-2, Wester River Water Development District – 5,515 acre feet from Missouri River
- No. 2560-2, Fall River Water User District – 358 acre feet from Madison aquifer
- No. 449-3, City of Sioux Falls – 5,430 acre feet from Big Sioux: Southern Skunk Creek aquifer

- Nos. 3981-3 & 3981A-3, City of Sioux Falls – 30,000 acre feet from Big Sioux River
- No. 4673-3, City of Elk Point – 378 acre feet from Missouri River
- No. 5155-3, Lincoln County RWS – 440 acre feet from Dakota aquifer

Motion to allow Future Use Permits to remain in effect by Freeman, seconded by Bjork.  
Motion carried unanimously.

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**DEFERRED WATER APPLICATION NOS. 8047-3 AND 8048-3, ROCKPORT HUTTERIAN BRETHREN:**

Mr. Naasz stated what was previously provided to the board in this matter.

Lynn Beck gave her report.

Water Permit Application No. 8047-3 proposes to appropriate 2.96 cubic feet of water per second (cfs) from an existing James River diversion point located in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 6-T101N-R58W to irrigate 332 acres located in the S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  Section 36-T102N-R59W and the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$  Section 31-T102N-R58W.

Water Permit Application No. 8048-3 proposes to appropriate 5.35 cfs from an existing James River diversion point located in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 6-T101N-R58W to irrigate 469 acres located in the N  $\frac{1}{2}$  Section 36 and the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  Section 35; all in T102N-R59W.

Ms. Beck stated since the board approved the cancellation of water rights 9-3A and 37A-3 an additional 6.84 cfs of diversion from the James River would be made available anywhere from the North Dakota (ND) boarder to the Yankton County line. With the 1.71 cfs currently available, the total diversion available for appropriation from the James River is now 8.55 cfs.

Ms. Beck stated the purpose of this study is to analyze the appropriation limits for the James River as adopted by the Water Resources Commission (predecessor to the Water Management Board) and the Water Management Board at the April 1980, May 1987, and May 2007 Board Meetings. In addition, the study shows if future appropriations of water from the James River should also be administered as stated in the Board's decisions or if changes are warranted.

During the 1960's the Water Resources Commission (predecessor to the Water Management Board) set a river diversion limit of 300 cfs) and an August 10 cutoff date for appropriations from the James River. It was also determined that there should be a 20 cfs of water by-pass at Huron, South Dakota (SD) to provide for downstream

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domestic use. The diversion limit was further defined as a combined 200 cfs of water above Huron to the North Dakota/South Dakota border and a combined 300 cfs of water approved above the SD Hutchinson/Yankton (HT/YA) County line to the North Dakota/South Dakota border.

The Commission set 300 cfs limit was reached in 1968, and applications were deferred until 1975 when cancellations and underdeveloped appropriations allowed for deferred applications to be approved until the 300 cfs limit was reached. Applications were once again deferred until 1979 when a similar situation allowed James River diversions to be approved. In 1980 appropriations on the James River were once again opened and based on studies of actual irrigation development and use, it was projected that a maximum of 50 percent of permitted acres were irrigated at any one time. In 1987, a recommendation was made to the Water Management Board to change the qualifications on those active water permits upstream of Huron, SD requiring alignment with the August 10 cut-off date and the 20 cfs by-pass at the Third Street Dam, and for those water permits downstream of Huron, SD to include the August 10 cutoff date.

In 2003, Water Rights Program Staff completed on-site surveys of James River water rights that had reported non-use for periods greater than three years. These surveys resulted in forfeiture for non-use of twenty-four James River water rights. To date the Water Rights Program periodically reviews James River water rights for non-use status and possible cancellation. As of the date of this report, the James River is within 1.71 cfs of being fully appropriated.

Previous to 2007, the James River historical appropriations contained a variety of shut-off and by-pass qualifications adopted at different times. In 2007, the Water Management Board adopted a set of qualifications for James River diversions in order to bring the shut-off and bypass qualifications of active permits in line with the intentions of the Board as adopted at the April 1980 and May 1987 Board meetings. Future appropriations of water from the James River are also administered according to the qualifications adopted in 2007. The 20 cfs by-pass limit is applied at one of three US Geological Survey (USGS) gaging stations depending on the location of the diversion from the James River: gage at Ashton, SD, gage at Huron, SD, and gage near Scotland, SD.

Ms. Beck stated past inspections of James River water permits/rights have resulted in updates to the number of permits and amounts of water appropriated from the river. Presently there are ninety-nine water rights on the James River reach from the ND border to the SD HT/YA county line with 298.29 cfs total diversions. These water rights are for direct diversion of water from the James River for irrigation and other uses during the normal irrigation season. The James River reach from Huron, SD to the ND border presently has sixty-seven water rights with 186.11 cfs total diversions. This leaves thirty-two water rights with 112.18 cfs direct diversion from the James River on the stretch below Huron to the HT/YA County line. Currently 1.71 cfs is available for appropriation on the James River from the ND border to the HT/YA County line, and for appropriation above the USGS gage at Huron due to the 200 cfs limit.

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Currently there are three Board deferred water permit applications, two for diversion of water from the James River and one for irrigation of additional acres with no additional diversion rate authority from the James River:

- Water Permit Application 8047-3 requesting the diversion of 2.96 cfs from the James River to irrigate 332 acres of land.
- Water Permit Application 8048-3 requesting the diversion of 5.35 cfs from the James River to irrigate 469 acres of land.
- Water Permit Application 8123-3 requesting to irrigate and additional 50 acres of land with no additional diversion from the James River.

Currently 298.29 cfs is appropriated on the James River from the ND border to the HT/YA County line, of which, 186.11 cfs is appropriated above the USGS gage at Huron and 112.18 cfs is appropriated below Huron to the HT/YA County line.

In 2007, a study was conducted by Water Rights Staff in order to bring James River water permits/rights in line with a common August 10th shut-off date and 20 cfs by-pass requirement. The study determined the probability that additional water would be available during the irrigation season until August 10 of each year. The James River was divided into three river reaches between USGS gaging stations, ND border to the USGS gage at Ashton, SD; USGS gage at Ashton, SD to the USGS gage at Huron, SD; and USGS gage at Huron, SD to USGS gage near Scotland, SD. The water appropriated for irrigation and other uses for each of the three river reaches was calculated. Once these values were obtained, a formula for actual water use at the current appropriation was developed.

Stated under Historical Summary of James River Water Permits/Rights in the report, the actual irrigation development and use on the James River in 1980 was found to be a maximum of 50 percent of permitted acres irrigated at any one time. This conclusion was reached after Water Rights Staff conducted detailed hydrographic surveys of the availability of water in the river and studies of the anticipated effects of approving water permits based on projected development and use by appropriators. A similar study was conducted in 2007 by reviewing irrigation questionnaires from 1996 to 2006. The 2007 study indicated that the 50 percent value was still appropriate. Since reporting for other uses is limited, 100 percent pumping for non-irrigation uses is assumed. In addition 20 cfs component for domestic use was added. The resulting formula for maximum use is as follows:

$$0.5(\text{IRR cfs}) + 1.0(\text{OTH cfs}) + 20 \text{ cfs} \quad \text{IRR - irrigation use} \quad \text{OTH-other}$$

Similarly for this study, pumping from 1996 through 2014 was examined to determine if the 50 percent value for irrigation development and use is still applicable today. The

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James River was looked at as a whole from the ND border to the HT/YA County line. As expected the heaviest pumping months were found to be July and August.

The higher percent of irrigation appropriations pumped ranges from 44 percent to 57 percent in eight out of 19 years. Therefore, it is assumed that the 50 percent value is still applicable today. Since reporting for other uses is limited, 100 percent pumping is assumed. In addition, 20 cfs for domestic use was added. The resulting formula for maximum use is as follows:

$$0.5(\text{IRR cfs}) + 1.0(\text{OTH cfs}) + 20 \text{ cfs} \quad \text{1RR- irrigation use} \quad \text{OTH - other uses}$$

The chance that water will still be available April 1 through August 10 was calculated using James River flows based on 50 or more years of USGS stream flow data for each of the three river reaches.

By August 10th there is a 25 percent chance that 6 cfs or less is available in the reach from the ND border to the Ashton gage; 11 cfs or less is available in the reach from Ashton gage to the gage at Huron; 9 cfs or less is available in the reach from the Huron gage to the Scotland gage. Conversely, there is a 75 percent chance that the above flows or greater are available.

Water Rights files show that there have been at least 12 shut-off orders issued on the James River since 1965. This represents 25.5 percent of the years from 1965 to present. Total appropriation of water from the James River during years that shutoff orders have been issued has ranged from 255 cfs to 300 cfs, full appropriation.

At current appropriation limits there is a 75 percent chance that water will be available through August 10. It is appropriate when protecting existing water rights to take into account the percent chance of water availability. Maintaining a 75 percent chance of having available water is appropriate.

To facilitate the judicious administration of the use of James River water, the protection of the instream beneficial uses of the river for recreational use and as a fishery, to maintain good quality water as well as sufficient quantity and velocity of water, continuation of the appropriation limits set by the Water Resources Commission (predecessor to the Water Management Board) and the Water Management Board in the 1960's, 1987, and 2007, is recommended.

Prior to today, 1.71 cfs of diversion from the James River was available from the ND boarder to the HT/YA county line. Today the Board cancelled Water Rights 9-3A and 37A-3 increasing the amount of diversion available from the James River from the ND border to the HT/YA county line to 8.55 cfs.

Motion to approve Water Permit Application Nos. 8047-3 and 8048-3, subject to the qualifications of the chief engineer by Freeman, seconded by Comes. Motion carried unanimously.

QUALIFICATIONS:

1. Diversion of water from the James River shall be in accordance with the following criteria:
    - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
    - b. This permit does not authorize diversions from the James River when there is less than 20 cfs bypassing the USGS gaging station at Huron, SD after pumping.
  2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
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**DEFERRED WATER APPLICATION NO. 8123-3, HURON HUTTERIAN BRETHERN:**

Water Permit Application No. 8123-3 proposes to irrigate 50 new acres from the James River diversion point authorized by Water Right 7395-3 (described above). Twenty six of the new acres will be located in the NW ¼ Section 19 and 24 new acres will be located in the E ½ NE ¼ Section 30; all in T113N-R61W. The applicant proposes replacement of the irrigation system to accommodate a cornering system and will increase irrigation of a garden area. These systems will utilize the existing diversion rate authority authorized under Water Right No. 7395-3.

Motion to approve Water Permit Application No. 8123-3, subject to the qualifications of the chief engineer by Comes, seconded by Dixon. Motion carried unanimously.

QUALIFICATIONS:

1. Diversion of water from the James River shall be in accordance with the following criteria:
  - a. This permit does not authorize diversion of water from the James River after August 10th of each calendar year, unless written orders have been issued by the Chief Engineer. Diversions under this permit are subject to senior water rights and any written orders issued by the Chief Engineer.
  - b. This permit does not authorize diversions from James River when there is less than 20 cfs bypassing the USGS gaging station at Scotland SD after pumping.

2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

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**DISMISSAL OF REQUEST TO AMEND ADMINISTRATIVE RULES OF SOUTH DAKOTA CHAPTER 74:02:10, FENCES CROSSING NAVIGABLE STREAMS:**

Ron Duvall was sworn in.

Mr. Duvall stated Gary Bussmus petitioned the South Dakota Water Management Board last year to have Firesteel Creek removed from the list of stream where gates are required in fences crossing the stream. At their December 2015 meeting, the Board adopted a rule that would eliminate the requirement for gates in fences crossing Firesteel Creek from the Loomis Road (405th Avenue) upstream to the Davison/Aurora County line. However, the Legislative Rules Review Committee reverted the rule adoption process back to the Board for another hearing. The committee decided the board had not adequately considered all comments during its hearing process.

Then in the 2016 Legislative Session, House Bill No. 1082 was introduced to codify the list of navigable streams requiring gates. In addition, the bill repealed the sections of codified law that allowed a person to file a petition with the Board requesting that a stream or portion of a stream be added or deleted where gates are required in fences crossing the stream and that gave the board's rulemaking authority. This legislation passed both the Senate and House of Representatives and was signed by the Governor Dugaard.

This new law went into effect on July 1, 2016. The Water Management Board no longer has authority to act on Mr. Bussmus' petition or conduct rule-making regarding where gates are required in fences crossing a stream. Even if the board had reconsidered the matter and adopted a rule removing the gate requirement prior to July 1, 2016, the rule would be repealed by the law effective July 1, 2016. The Legislature will now have that authority through the legislative process.

Motion to dismiss the request to amend Administrative Rules of South Dakota Chapter 74:02:10, due to the matter now being controlled by the Legislature by Freeman, seconded by Bjork. Motion carried unanimously.

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**WATER PERMIT APPLICATION NO. 8200-3, DON SCHAEFER:**

Water Permit Application No. 8200-3 proposes to appropriate 2.28 cubic feet of water per second (cfs) from three wells to be completed into the Hoven South Management Unit of the Bowdle Aquifer (50 feet deep) located in the NE ¼ Section 21 for irrigation of 160 acres located in the NE ¼ Section 21; all in T120N-R74W.

Ms. Mines-Bailey stated on July 5, 2016, DENR staff received a phone call from Mr. Schaefer indicating he wishes to withdraw his application. DENR asked that request be made in writing. Mr. Schaefer's wife filed via email, a request to withdraw the application.

Petitioner Frank Zweber was present at the hearing.

Motion to authorize withdrawal of Water Permit Application No. 8200-3 by Bjork, seconded by Freeman. Motion carried unanimously.

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**WATER PERMIT APPLICATION NO. 2745-2, CROELL REDI MIX:**

Water Permit Application No. 2745-2 proposes to appropriate 19.6 acre feet of water annually at a maximum diversion rate of 0.33 cubic feet of water per second from one well to be completed into the Deadwood Aquifer (1150 feet deep) located in the NE ¼ SW ¼ Section 9, T1S-R7E for industrial and domestic use located in portions of the S ½ NE ¼, SE ¼ NW ¼, that portion of the NE ¼ SW ¼ lying north of Highway 16, and that portion of the SE ¼ lying north of Highway 16 in Section 9, T1S-R7E and that portion of the S ½ NW ¼ lying west of Highway 16 and the portion of the SW ¼ lying north and west of Highway 16 in Section 10, T1S-R7E.

A transcript was ordered for this application and may be obtained by contacting Carla Bachand, PO Box 903, Pierre, SD 57501-0903, telephone number (605) 224-7611.

Motion to approve Water Permit Application No. 2745-2, subject to the qualifications of the chief engineer by Freeman, seconded by Dixon. Comes, Freeman, Dixon, Holzbauer, and Hutmacher voted in favor of the motion. Bjork voted against the motion. Motion carried by roll call vote.

Mr. Naasz set September 22, 2016, as the date for proposed findings of facts, conclusions of law and a final decision to be submitted and September 30, 2016 for written objections or comments in support of proposed findings to be submitted. Adoption of the proposed findings will be scheduled for the Board's October meeting.

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**ADJOURN:** Chairman Hutmacher declared the meeting adjourned.

A court reporter was present for the meeting, and a transcript of the proceedings from July 6-7, 2016, may be obtained by contacting Carla Bachand, PO Box 903, Pierre, SD 57501-0903, telephone number (605) 224-7611.

The meeting was also digitally recorded, and a copy of the recording is available on the department's website at <http://denr.sd.gov/boards/schedule.aspx>.

Approved this 11<sup>th</sup> day of October.

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A handwritten signature in cursive script, appearing to read "Jim Doherty".

Chairman, Water Management Board

A handwritten signature in cursive script, appearing to read "Leo H. Bauer".

Secretary, Water Management Board

ATTENDANCE SHEET  
 WATER MANAGEMENT BOARD  
 Date July 6, 2016

<u>NAME (PLEASE PRINT)</u>	<u>MAILING ADDRESS</u>	<u>CITY, STATE &amp; ZIP</u>	<u>ITEM OF INTEREST</u>
<u>Chris Beesley</u>	<u>422 Mt Bushwinnere Rd</u>	<u>Custer SD 57730</u>	<u>water pen</u>
<u>JAY A. LARSEN</u>	<u>1405 E 4th Mitchell, SD</u>		<u>2751-2</u> <u>General</u>
<u>Mary Duval</u>	<u>Box 453</u>	<u>Pierre SD</u>	<u>legis Oversight</u>
<u>Kell Buscher</u>	<u>Joe Foss</u>	<u>Pierre SD</u>	<u>EPA</u>
<u>Bob Morrison</u>	<u>622 Crook St Custer SD 57730</u>		<u>2751-2</u>
<u>Jared Carson</u>	<u>622 Cook St Custer SD 57730</u>	<u>Custer SD</u>	<u>2751-2</u>
<u>Robin Dykstra</u>	<u>44909 272nd St. Water</u>	<u>Marion SD 57043</u>	<u>5575-3</u>
<u>Bob Mercer</u>	<u>1810 Camden Ct Pierre SD 57501</u>		<u>A11</u>
<u>Nenny Wipf</u>	<u>26209 Rockport Rd</u>	<u>Alexandria S. Dak</u>	<u>James River</u>
<u>Brian Wolf</u>	<u>26209 Rockport Rd</u>	<u>Alexandria SD</u>	<u>James River</u>
<u>Leslie Murphy</u>	<u>523 E. Capitol; Pierre SD 57501</u>	<u>Pierre</u>	
<u>Frank Zwiher</u>	<u>32043 S.D. Hwy 20 Hoven S.D. 57450</u>		<u>8200-3</u> <u>water Right</u>



