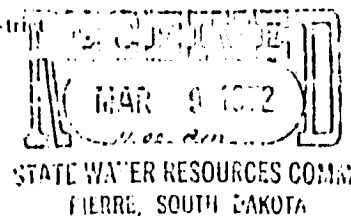


Water Right Number 1102-2

1. Considered MAY 17, 1972
2. Name of Applicant DONALD M. & ROBERT W. KELLY
3. Post Office Address WALL, S.D.
4. Amount of Water claimed .22
5. Source of Water supply GROUND WATER
6. Water to be used for COMMERCIAL SUBURBAN DEVELOPMENT
Acres to be irrigated -
7. Water to be diverted and used in PENNINGTON County
about S EDGE miles of WALL
8. Proof of Publication
Received 4-20-72
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1102-2Map No. 936-2 Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Donald M. and Robert W. Kelly
 Post-office address P.O. Box 296, Wall, State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 3. Name of diversion work Kelly Water Right
 4. Amount of water claimed (cubic feet per second) .22
 5. Source of water supply Ground Water
 6. Location of point of diversion North 63° 29' West, 1475.8 feet from the SE Corner, Section 6, T1S, R16E
 _____ County Pennington
 7. Annual period or periods during which water is to be used continuously
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) commercial
 9. For irrigation use. _____ Total number of acres to be irrigated _____

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Rapid City Journal, Rapid City, S.D.
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well

B. Works proposed to transport water to place of use.

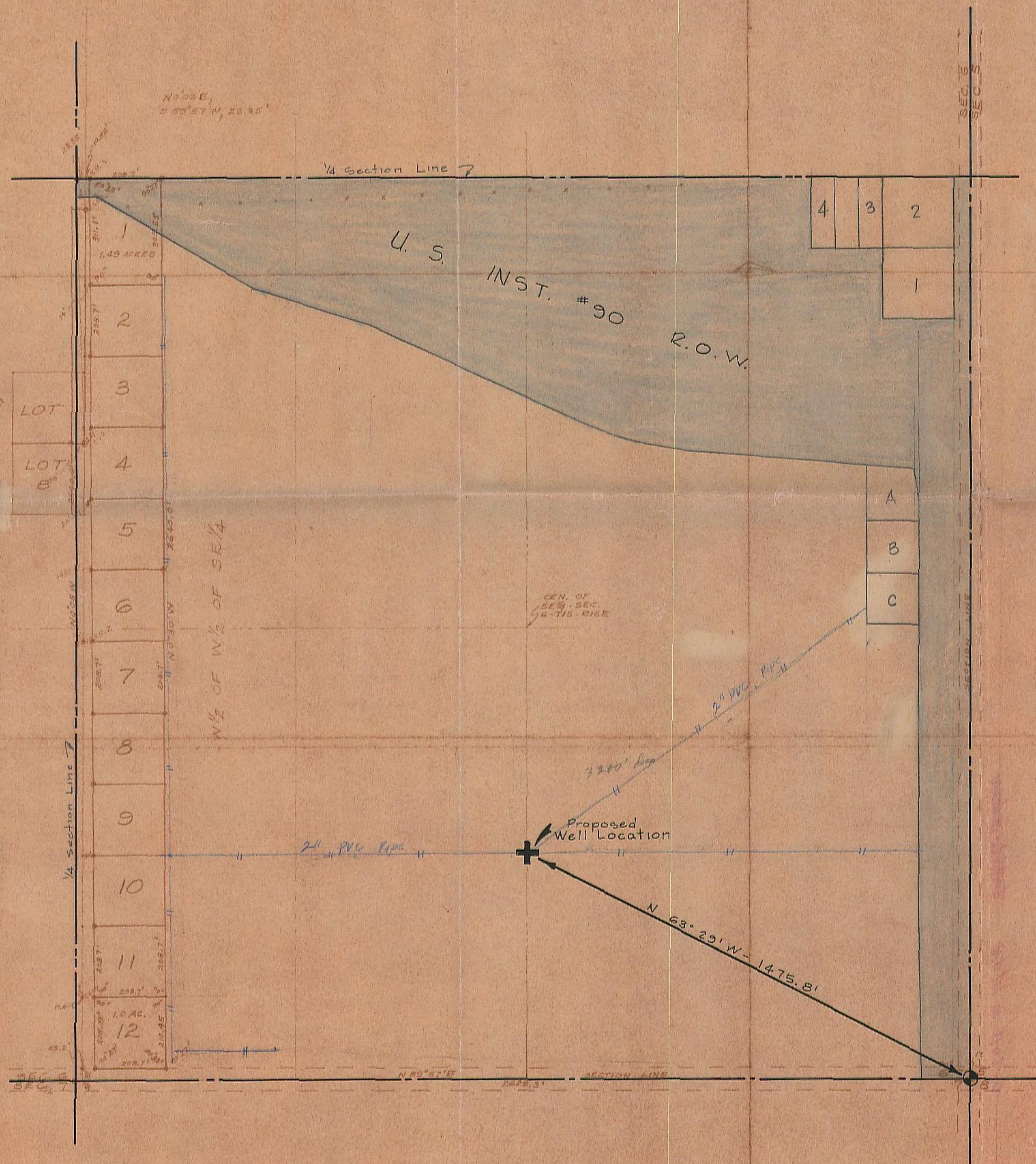
Distribution System

C. Works proposed to apply water to beneficial use.

For suburban developmentEstimated Total Cost \$ 100,000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HughesI, Donald M. Kelly the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed [Signature]Subscribed and sworn to before me this 9th day of March, 1972
[Signature]
 Notary Public (or other qualified officer)
 Betty Westlund, Technical Assistant,
 Water Resources Commission



March 8, 1972
Scale: 1"=200'

Map of
KELLY WATER RIGHT
Located in
SE 1/4 of Section 6, T1S, R6E, BHM
Pennington County, South Dakota

CERTIFICATE OF SURVEYOR
STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON
S.S.
I, RODNEY H. MEADOR, REGISTERED LAND SURVEYOR No. 1019 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, I MADE THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT THE SAME IS, IN ALL THINGS, TRUE AND CORRECT.
REGISTERED LAND SURVEYOR: Rodney H. Meador
RODNEY H. MEADOR
ON THE 8th DAY OF March, 1972, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED RODNEY H. MEADOR, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.
NOTARY PUBLIC: Frank Thompson
MY COMMISSION EXPIRES: June 1, 1972



Ferguson-Meador-Gellhaus, Inc.
17 Main
Rapid City

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1102-2

DONALD M. & ROBERT W. KELLY
(Applicant)

P.O. Box 296 WALL
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

The ~~irrigation~~ well approved under this Permit will be located near domestic wells and other ~~irrigation~~ wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in ~~irrigation~~ wells having prior water rights.

Date of first receipt of application MARCH 9 19 72
Date of return to applicant for correction, amendments or changes required _____ 19 ____
Date of receipt of corrected application _____ 19 ____
Approved MAY 17 19 72 Recorded in Book 12 Page 93

WATER RIGHT PERMIT NO. 1102-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1102-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 9 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 17 19 74
3. The whole of said work is to be completed on or before MAY 17 19 77
4. The limit of time from receipt of beneficial use of water appropriated in accordance herewith is MAY 17 19 77
5. The water appropriated shall be used for the purpose of COMMERCIAL USE
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation
7. The amount of the appropriation herein granted shall not exceed .22 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~and if for the irrigation purpose, and appropriation must be limited to not more than three feet per acre per year and be limited to not more than one acre (1/70) of land which shall not exceed water per second of time for each acre of land to which water is~~
USED FOR COMMERCIAL PURPOSES
actually and beneficially ~~applied for irrigation~~ on or before MAY 17 19 77; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 18TH day of MAY 19 72

WATER RESOURCES COMMISSION

By

J. C. Schinner
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 28 19 81

Water License Issued OCTOBER 28 19 81

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 9", Depth 3200'
- (2) Casing, Type steel Diameter 7½" - 1500'
(wood, concrete, steel, etc) 4½" remainder thickness _____
- (3) Perforated Screen.
Type _____, Diameter 4½", Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Lakota sands

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) 700'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property --- rds. On property owned by others 1/2 mile rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

David M. Kelly
Signature of Applicant

Permit No. 1102-2

Water Diversion No. 2 Upper Cheyenne Water District
10120111

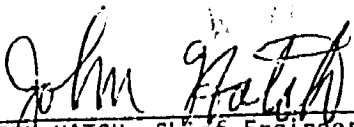
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Donald M and Robert W Kelly

_____ the holder _____ of
Permit No. 1102-2, issued upon Application No. 1102-2, hearing date of priority of March 9, 1972
groundwater (1 well) authorizing the diversion of .22 cu. ft. per second of the waters of _____
_____ County of Pennington State of South Dakota at a
point 63° 29' West, 1475.8 f.t. from the SE corner of Section 6 -
T1S - R16E
_____ for commercial

purposes, have ve complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .22 cu. ft. per second of water.

Date October 22, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

(1) WHEREAS, On the 9th day of March A. D. 19 72

made Water Right Application No. 1102-2 for a permit to use .22 cubic feet per second of the waters

County of Pennington, State of South Dakota, for commercial

purposes; and

(2) WHEREAS, On the 17th day of May A.D. 1972.

Permit No. 1102-2, with a date of priority of March 3, 1972

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the 17th day of May A. D. 1977 and for the

application to beneficial use of said water on or before the 17th day of May A. D. 1977

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 22 cubic feet per second of water for beneficial use and,

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

~~water supplies for housing and commercial use~~

AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATIONS. REDUCTION 25:1 ROLL NO. 16 March 24, 1962 Barry W. Wilson

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Donald M. and Robert W. Kelly

of Wall, South Dakota

the holder B and owner B of said permit No. 1102-2 a water right, dating from March 9, 1972

to use of .22 cubic feet per second of the waters of groundwater (one well)

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 63° 29' West, 1475.8 ft. from the SE corner of Section 6 - T1S - R16E

and conducted ~~to and from~~ thru a distribution system

for the purpose of commercial and housing use

Subject to any limitations listed in Water Right Permit No. 1102-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of October A. D.
Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Publish first publication, on or before April 20, 19 72NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 22, 19 72

Notice is hereby given that Donald M. and Robert W. Kelly
whose post office address is Wall, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
.22 cubic feet of water per second of time from the ground water through the
Kelly Water Right, the point of diversion of which is to be located in the _____

SE 1/4

of Section 6, Twp. 15, Range 16E. Said water to be used for the purpose
of providing irrigation on the following described land:

water supplies for a commercial suburban development

This application No. 1102-2 will be considered by the Water Resources Commission at their office at
Pierre upon the 17th day of May, 19 72, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mr. Donald M. Kelly, Box 296, Wall, S.D. 57790

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, Susan Novak hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Rapid City Journal

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

City Rapid City of Rapid City

County of Pennington and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

March 29, 1972

April 5, 1972

April 12, 1972

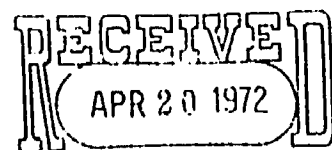
April 19, 1972

Susan Novak
(Signature)

Assistant Register
(Title)

April 19, 1972
(Date Signed)

March 29, April 5, 12, 1972
NOTICE
TO APPROPRIATE WATER
This notice is hereby given that Donald
and Robert W. Kelly, whose post
office address is Wall, South Dakota,
has made an application in accordance
with the provisions of the water laws of
South Dakota for a permit to appropriate
for beneficial use 22 cubic feet of water
per second of time from ground water
through the Kelly Water Right, the point
of diversion of which is to be located
in the SE 1/4 of Section 6, Twp.
15, Range 18E, Sd. water to be used
for the purpose of providing water sup-
plies for a commercial suburban devel-
opment.
This application No. 1102-2 will be con-
sidered by the Water Resources Com-
mission at their office at Pierre upon
the 17th day of May, 1972, at 2:00 P.M.
All interested persons may appear and
be heard.
WATER RESOURCES COMMISSION
By: BURTON F. JONES,
Water Rights Specialist
cc: Mr. Donald M. Kelly.



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8498

Merle Crown/Badlands Well Assn. for: PIERRE, _____ October 2, 1981
RECEIVED OF Donald M & Robert Kelly, Box 296, Wall, SD 57790
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1102-2	50.	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1102-2		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50.	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / (67)

Permit No. 1102-2Water Division 2 East Cheyenne River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Donald H & Robert WKelly of P.O. Box 296, Wall, S. Dak. 57770 holder.of Per. 1102-2, bearing date of priority of March 7, 1972diversion of .22 cu. ft. per second of the waters of Ground WaterIrrigation purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water:

Rada 5 H.P. Submersible Pump.Pumping 100 gpm15,000 gal. Storage Bay with 2 Booster Pumps.

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

2" Dia PVC Main Lines

C. Works used to apply water to beneficial use.

Housing and Commercial Use.The system is in the following condition: GoodThe point of diversion is located N 63° 29' W 1475.8' from the SE Corner
of Sec. 6, T15 R16EThe works are capable of diverting and conveying to the place of use .22cu. ft. per second of water which is to be used for Commercial Purposes.

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Well Data.

Depth 3200 ftStatic 700 ftPumping 100 gpmLicense for .22 cfs.Date April 16, 1980LeRoy J. McLaughlin
(Signature)

1102-2



United States
Department of
Agriculture

Forest
Service

Nebraska National Forests
and Grasslands

125 North Main Street
Chadron NE 69337-2118
308-432-0300
308-432-0304 TDD

File Code: 1950/5430

Date: September 4, 2013

RECEIVED

SEP 06 2013

**WATER RIGHTS
PROGRAM**

Dear Interested Party:

The Nebraska National Forests and Grasslands is seeking public comment on a proposed land exchange between Donald Kelly of Quinn, SD, and the Forest Service. The proposed exchange would assist the Forest Service (USFS) and National Park Service (NPS) in meeting shared conservation goals regarding protection of threatened and endangered animal species and consolidation of federal land holdings.

The Federal parcels proposed for exchange are located south of Wall, SD on the Buffalo Gap National Grassland. All legal descriptions reference the Black Hills Meridian and are in Pennington County, South Dakota. Lands are described as follows.

Federal lands proposed for conveyance to Donald Kelly:

Acres	County	Township/Range	Section(s)
474.95	Pennington	T1S, R16E	6, 31
158	Pennington	T2S, R15E	1

Containing 632.95 acres, more or less.

Non-Federal lands proposed to be conveyed to the USA:

Acres	County	Township/Range	Section(s)
548.24	Pennington	T2S, R15E	1, 2, 12
118.65	Pennington	T2S, R15E	2

Containing a total of 666.89 acres, more or less.

If the appraised values of the Federal and non-Federal properties are not equal, the NPS would provide funds to equalize the appraised value of the parcel conveyed to Federal ownership with the parcel conveyed to private ownership or some of the Federal lands would be removed from the proposed exchange.

The proposed exchange would provide for management efficiencies for the USFS on the adjacent National Grassland in conformance with the 2009 Updated Land and Resource Management Plan (LRMP) for the Nebraska National Forests and Grasslands. Reducing the number of fragmented tracts of federal land and consolidating federal land in areas with high public and natural resource values within Badlands National Park allows the USFS to work



cooperatively with the NPS to enhance recreation opportunities and cooperatively manage and foster important wildlife habitat, including those habitats associated with USFS Region 2 Sensitive Species, as well as listed Threatened and Endangered animal species.

This proposed land exchange for the NPS would result in: 1) private land within the boundary of Badlands National Park being transferred to the National Park Service; 2) removal of cattle from within the national park and allow the park's bison herd to access approximately 1200 acres, not previously available of range within the park; 3) enable the park to increase the herd to 1,000 animals, which is the desired minimum for federal herds under the Department of the Interior Bison Conservation Initiative; and (4) allow for expansion of the Roberts Prairie Dog Town, a high-value habitat for the endangered black-footed ferret. For the Buffalo Gap National Grasslands, there will be a loss of 250 grazing AUM's to the grazing district. The Forest Service will no longer have to administer two special use authorizations, maintain 1.5 miles of boundary and two corners. Boundaries would be consolidated and clarified for the private landowner and the NPS.

We invite your comments on this project. Written comments should be addressed to:

Nebraska National Forest and Grasslands
Attn: Cindy Hockelberg
125 North Main Street
Chadron, NE 69337
Fax: 308-432-0309

You may also send comments via electronic mail to:

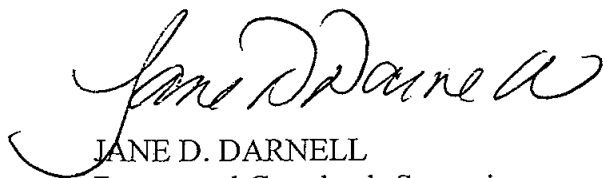
comments-rocky-mountain-nebraska@fs.fed.us

Please indicate "Kelly Exchange" in the subject line.

Comments may be hand-delivered to the Wall Ranger District, 708 Main Street, Wall, SD 57790, or the Supervisors Office, 125 N Main Street, Chadron, NE 69337 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding Federal holidays.

Comments are requested by October 7, 2013.

Sincerely,



JANE D. DARNELL
Forests and Grasslands Supervisor

1102-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 11, 2013

1102-2
US300-2

Jane D Darnell
Forest & Grasslands Supervisor
US Forest Service
125 N Main St
Chadron NE 69337-2118

RE: Kelly Exchange

Dear Ms. Darnell:

I am writing in reference to your letter of September 4th requesting comments on the proposed land exchange. Our only concern with the land exchange would be that any water rights for the area be kept up to date and ownership changes filed if needed.

With respect to the federal lands being conveyed to Donald Kelly, the only two water rights on file in that area are already in Mr. Kelly's name and no ownership changes would be required. Mr. Kelly holds Water Right No. 1102-2 authorizing a well located in the SE ¼ SE ¼ Section 6, T1S, R16E for commercial and domestic use. He also holds US Withdrawal 300-2 for use of water from a dry draw located in the NE ¼ Section 31, T1S, R16E for stock watering purposes.

With respect to non-federal lands proposed to be conveyed to the USA, no water rights are on file for the area in Sections 1, 2 or 12, T2S, R15E.

Thank you for giving us the opportunity to review and comment on the land exchange. If anything further is needed, please let us know.

Sincerely,

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