

No. 1149-2Map No. 316-2Water Division No. 2WHITE RIVER

(Blanks to be Filled by the Engineer for the W. R. C.)

District

JUN 23 1973

8:50AM

WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

APPLICATION FOR PERMIT

"VESTED RIGHT CLAIM"

To Appropriate Water within the State of South Dakota

(NOTE- Draw a line through items not applicable)

1. Name of Applicant Kenneth Halligan
 Post-office address Draper 57531 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) _____
Halligan White River Irrigation
3. Name of diversion work _____
7.77
4. Amount of water claimed (cubic feet per second) _____
White River
5. Source of water supply _____
6. Location of point of diversion Between a point 1325 feet due North and a point 1325 feet due South of the NW Corner of Section 6, T3S, R31E
- County Jones
7. Annual period or periods during which water is to be used March through November
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Pump irrigation
9. For irrigation use, _____
 Total number of acres to be irrigated 194.3

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.
All in Section 6, T4S, R31E		NE $\frac{1}{4}$ NW $\frac{1}{4}$	30.0
Lot 1	30.0	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
Lot 2	34.3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30.0
Lot 3	30.0		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication N/A
12. Principal Features of the Proposed Water Supply System.

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

Berkley Pump 8" x 6", Model 41-1, Serial 2214, B32Z RM Power take off, power available tractors, Capacity 1200 G.P.M., 40' intake pipe.

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

approx. 2600 ft. of canal

C. Works proposed to apply water to beneficial use.

Flood from ditches, has gated pipe brought to replace use of ditch boarder dykes in some areas, plus retaining dykes.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or digout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Jones

I, Kenneth Halligan 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 Kenneth HalliganSubscribed and sworn to before me this 25th day of June 1973

W. R. C.
 County Auditor

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1149-2
KENNETH HALLIGAN DRAPER
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

PRIORITY FOR A PORTION OF THIS PERMIT WAS ESTABLISHED UNDER PERMIT NO 272-2. THE APPLICABLE PORTIONS OF PERMIT NO 272-2 HAVE BEEN INCORPORATED INTO THIS PERMIT, AND PERMIT NO 272-2 IS CANCELLED.

Date of first receipt of application JUNE 26 19 73
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved JULY 18 19 73 Recorded in Book 19 Page 83
 WATER RIGHT PERMIT NO. 1149-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1149-2 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 1.40 CFS FROM 1985
.87 CFS FROM 1946
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed not before _____ 19 ____
3. The whole of said work is ~~not~~ completed not before _____ 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of IRRIGATION

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 2.77 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 uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~was~~

actually and beneficially applied for irrigation on or before JULY 1 19 55 said water to be used during the following described annual period: MARCH THEN NOVEMBER

Witness my hand this 9TH day of SEPTEMBER 19 77

WATER RESOURCES COMMISSION

By _____

Chief Engineer, Executive Officer

Certificate of Construction Issued September 9 19 77

Water License Issued September 9 19 77

NOTE:

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Kenneth Halligan
 Post Office Address Draper, State South Dakota
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)
 Date of Posting April 2, 1935 Date of Recording June 1, 1935
 Recording Data Water Permit No. 272-2, recorded in State Engineer, Book 2, page 436-437.
14. Date of start of construction of water supply system 1935
15. Date that water was first applied to beneficial use 1935 and 1946
16. Name of owner of original water supply system Alfred Anderson
17. Amount of water originally applied to beneficial use 1.85 c. f. s.
18. Present Use of Water 2.77
 Amount of water now being used _____ c. f. s.
 Date that this amount of water was first used 1946
19. Chronological History of Water Use

See Form 24, "CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE", Water Permit No. 272-2.

Priority of 1946 is claimed for Lot 1 and E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 6, T4N, R31E (60.0 acres)

Priority of 1935 is claimed for remaining 134.3 acres.

(It is understood that this "Vested Right" claim contains all of the pertinent portions of Water Permit No. 272-2 and that when this "Vested Right" claim is numbered and recorded, Water Permit No. 272-2 will be placed in a cancelled status.)

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
) ss.
 County of Jones)

I, Kenneth Halligan, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Kenneth Halligan

Subscribed and sworn to before me this 25th day of June, 1973

~~Notary Public~~Other qualified Officer Joe L. McStull County Auditor

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Kenneth Halligan

Permit No. 1149-2Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kenneth Halligan

_____ the holder _____ of
 Vested Right
 Permit No. 1149-2 issued upon Application No. 1149-2, bearing date of priority of 1915
and 1946 authorizing the diversion of 2.77 cu. ft. per second of the waters of
the White River County of Jones, State of South Dakota ~~at~~
between points 1325 feet due North and 1325 feet due South of the NW Corner,
Section 6, T3S, R31E

for Irrigation

purposes, has _____ 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 ~~in~~ ^{recognized as} satisfactory
 for diverting and conveying to the place of intended use 2.77 cu. ft. per second of water.

Date September 9, 1977

By:

WATER RIGHTS COMMISSION

John Batch

JOHN BATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1149-2

(1) WHEREAS, On the 26th day of June, A. D. 1973
Kenneth Halligan

made Water Right Application No. 1149-2 for a Vested Right 2.77 cubic feet per second of the waters of the White River

County of Jones, State of South Dakota, for Irrigation

purposes; and
 (2) WHEREAS, On the 9th day of September, A. D. 1977
 Permit No. _____ with a date of priority 1935 and 1946

was issued to said applicant recognizing for the diversion of said water, and providing for the completion of construction of the water supply system therein described XXXXXX and the application to beneficial use of said water XXXXXX

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 2.77 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in Section 6, T4S, R31E

Lot 1 30.0 acres

Lot 2 34.3 acres

Lot 3 30.0 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30.0 acres

Total 194.3 Acres

(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 Kenneth Halligan

_____ of Draper
the holder _____ and owner _____ of said Vested Right permit No. 1149-2 a water right, dating from 1935 and 1946
_____ to use of 2.77 cubic feet per second of the waters
of the White River
in the County of Jones and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
between points 1325 feet due North and 1325 feet due South of the NW Corner,
Section 6, T3S, R31E

and ~~XXXXXXXXXXXX~~ conducted to and upon portions of Section 6, T4S, R31E

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1149-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of September A. D.
Nineteen Hundred and Seventy-seven

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Secretary, Executive Officer JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

KENNETH HALLIGAN
DRAPER, SD 57531

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1529-2, 1528-2, 1501-2, 1149-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1529-2, 1528-2, 1501-2, 1149-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 3, 1987

1149-2
1501-2
1528-2
1529-2

Kenneth Halligan
Graper, SD 57531

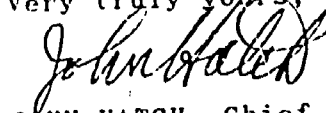
Dear Mr. Halligan:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1149-2, 1501-2, 1528-2 and 1529-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

KENNETH HALLIGAN
DRAPER, SD 57531

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1149-2, 1528-2, 1529-2, 1501-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1149-2, 1528-2, 1529-2, 1501-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 10, 1988

1149-2
1501-2
1528-2
1529-2

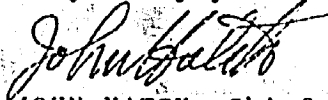
Kenneth Halligan
Draper SD 57531

Dear Mr. Halligan:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1149-2, 1501-3, 1528-2, 1529-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

SOUTH DAKOTA

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

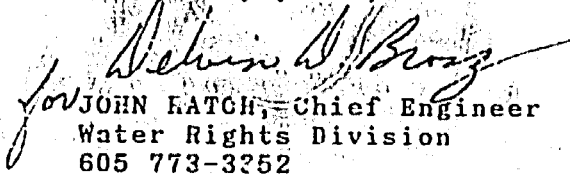
Kenneth Halligan
RR 1, Box 77
Draper SD 57531

Dear Mr. Halligan:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 1149-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3252





1149-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1994

No. 1149-2
1501-2

James Halligan.
RR 1, Box 77
Draper, SD 57531

Dear Mr. Halligan:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 1149-2 and Water Permit No. 1501-2. The water right and permit are currently listed in the name of Kenneth Halligan.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$5.00.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(505) 773-3352

enclosure

1149-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No 1149-2
Date: 2/2/94

I/We request that Water Right No. 1149-2

formerly owned by: Kenneth Halligan

be transferred to: (name & address) James Halligan
B R 1 Box 77A DeSmet SD 57531 (Telephone No) 619-2763

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

194.3 acres - Lots 1, 2 & 3, NE 1/4 NW 1/4, SE 1/4 NW 1/4, & NE 1/4 SW 1/4 Section 6, T4S, R3E (Jones County)

I/We understand that the validity of Water Right No. 1149-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Jones)

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

[Signature]
(Signed)

Subscribed and sworn to before me this 2nd day of February, 19 94.

[Signature]
(Notary Public)

Commission Expires: July 21, 1995

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1149-2
414028

Pierre, _____ February 7, 19 94

RECEIVED OF James Halligan, RR 1 Box 77, Draper, SD 57531

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form <u>Water Right No. 1149-2</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer



1149-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1994

No. 1149-2
1501-2

James Halligan
RR 1, Box 77A
Draper, SD 57531

Dear Mr. Halligan:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1149-2 and Water Permit No. 1501-2.

Our records now show you as the owner of Water Right No. 1149-2 and Water Permit No. 1501-2.

Sincerely,

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

enclosure

Permit No. 1149-2
White River - Water District

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

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

I have this day, Nov. 16, 1995, made a thorough examination of the water use system constructed by James Halligan of RR 1, Box 77A, Draper, SD 57531 holder of Permit No. 1149-2, bearing the priority of 1935 and 1946 authorizing the diversion of 2.77 cu. ft. per second of the waters of the White River for irrigation purposes, in Jones County.

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

A. Works used to divert the water:

Tractor powered 12 inch Crisafulli pump with a capacity of 2000 gpm.

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

19 inch buried PVC pipe and 10 inch aluminum pipe.

C. Works used to apply water to beneficial use:

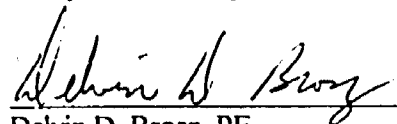
10 inch aluminum gated pipe and small spreader ditches.

The system is in the following condition good. The point of diversion is located between Point A - NW corner of Section 6-T4S-R31E and Point B - 400 feet south of the W1/4 corner of Section 6-T4S-R31 E. The works are capable of diverting and conveying to the place of use 4.45 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

NW 1/4 NW 1/4 - 19 acres, NE 1/4 NW 1/4 - 23 acres, SW 1/4 NW 1/4 - 24 acres, SE 1/4 NW 1/4 - 34 acres, SW 1/4 NE 1/4 - 8 acres, SE 1/4 NE 1/4 - 2 acres, NW 1/4 SW 1/4 - 27 acres, NE 1/4 SW 1/4 - 17 acres, SW 1/4 SW 1/4 - 1 acre, NW 1/4 SE 1/4 - 34 acres, NE 1/4 SE 1/4 - 4 acres, SW 1/4 SE 1/4 - 1 acre; all in Section 6-T4S-R31E

comprising a total of 194 acres of land and the license should be issued for 2.77 cfs (1935-1.90 cfs and 1946-0.87 cfs). Applicable permit qualifications have been complied with: N

Exceptions to compliance are: See file document.



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

3-14-96
Date

Water Rights Program -- File Documentation

NAME: James Halligan

ADDRESS: RR 1, Box 77A, Draper, SD 57531

DATE: March 18, 1996

COUNTY: Jones

TELEPHONE: 669-2763

RE: Investigation of Vested Water Right No. 1149-2 and Water Permit No. 1501-2.

COMMENTS:

On November 16, 1995, I investigated Vested Water Right No. 1149-2 (for purposes of validation) and Water Permit No. 1501-2.

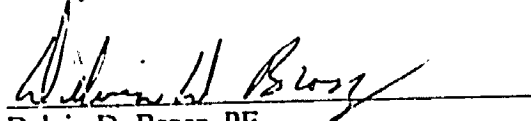
INVESTIGATION RESULTS:

The lands described in Vested Water Right Application No. 1149-2 and Water Permit Application No. 1501-2 are not correct. The maps accompanying the two applications show lands that are not the same as described on the application form. Comparing the maps with the applications should have revealed that the applications were not correct. Application No. 1501-2 states that water is to be pumped from the White River into a storage dam. The diversion point for pumping from the White River was not included.

RECOMMENDED ACTION:

Vested Water Right No. 1149-2 and Water Permit No. 1501-2 need to be readvertised to correct the descriptions of the lands and diversion point locations. The correct land descriptions and diversion point locations are described in the examination reports. The Water Rights Program should pay for the readvertisement since the maps and applications did not agree and the discrepancies should have been noted.

I made a telephone call to James Halligan on March 14, 1996 explaining the status of his permits and my recommended action.



Delvin D. Brosz, PE

Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 1996

James Halligan
RR 1, Box 77A
Draper SD 57531

Dear Mr. Halligan:

The original publication Notices for your Vested Water Right Claim No. 1149-2 and Water Permit No. 1501-2 were published with errors in the land descriptions and the diversion point locations. As a result of an investigation by Del Brosz, staff engineer, the claim and permit are being readvertised to correct the errors and accurately reflect your water use system. Enclosed is a map showing your water use system.

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims and Readvertisement of Notice of Hearing for Water Permit No. 1501-2 have been sent to the Publisher of the Murdo Coyote printed at Murdo, SD. For your information, a copy of the notices are enclosed. Please review the notices prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of the two notices will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Grönlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1986

James Halligan
RR 1 Box 77A
Draper SD 57531

Dear Mr. Halligan:

Enclosed is Validated Vested Water Right No. 1149-2 and Water License No. 1501-2. The applicable portions of Vested Water Right No. 1149-2 are incorporated into Water License No. 1501-2.

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

Very truly yours,

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

enclosures

ks

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1149-2 FOR IRRIGATION

Date of Receipt of Claim June 26, 1973.

Date of Validation July 10, 1993.

The Water Management Board validated Vested Water Right Claim No. 1149-2 for irrigation purposes for James Halligan, RR 1, Box 77A, Draper SD 57531 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1149-2 appropriates 2.77 cubic feet of water per second (cfs) from the White River between the NW corner of Section 6-T4S-R31E and 400 feet south of the W 1/4 corner of Section 6-T4S-R31E. The 194 acres irrigated are located in the NW 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4, NE 1/4 SE 1/4, S 1/2 NE 1/4 Section 6-T4S-R31E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: March 1 - November 30.
3. The priority dates of the Vested Water Right are: January 1, 1935 (1.90 cfs) and January 1, 1946 (0.87 cfs).
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



Is your RETURN ADDRESS complete J on the reverse side?

SENDER...

- Complete items 1 and 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return the card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES HALLIGAN!
RR 1 BOX 77A
DRAPER SD 57531

4a. Article Number

P 378 081 355

4b. Service Type

☐ Registered

☒ Certified

☐ Express Mail

☐ Insured

☐ Return Receipt for Merchandise

☐ COD

7. Date of Delivery

2-5-97 - 6:30 PM

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

James Halligan

Domestic Return Receipt

PS Form 3811, December 1994

Thank you for using Return Receipt Service.



1149-2

February 4, 1997

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

NOTICE

TO: JAMES HALLIGAN, RR 1 BOX 77A, DRAPER, SD 57531

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1149-2 & 1501-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1149-2 & 1501-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMain at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1997

1149-2
1501-2

James Halligan
RR 1 Box 77A
Draper, SD 57531

Dear Mr. Halligan:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaires.

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

Thank you and if you have any questions, please contact me.

Sincerely,

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