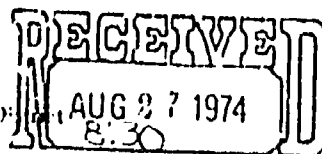


Water Right Number 1204-2

1. Considered NOVEMBER 13, 19 74
2. Name of Applicant JERRY J. DONOVAN
3. Post Office Address VETAL
4. Amount of water claimed 1.78
5. Source of water supply GROUND WATER? (EXISTING WELL #985-2)
6. Water to be used for IRRIGATION SK 12, 348
Acres to be irrigated 135.00
7. Water to be diverted and used in BENNETT County
about 7E, 2N Miles 1.2 of TUTHILL
8. Proof of Publication
Received 1-21
Not received _____
Approved _____
Subject to _____
Not approved _____
Action deferred _____
9. Application
10. Remarks:

No. 1206-2Map No. 652-2 Water Division No. 2 LITTLE WHITE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Jerry J. Donovan
 Postoffice address Vetal, 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) completed
 3. Name of diversion work Donovan Diversion #1
 4. Amount of water claimed (cubic feet per second) 1.78
 5. Source of water supply ground water
 6. Location of point of diversion a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T37N, R34W

 _____ County Bennett
 7. Annual period or periods during which water is to be used April 1 to November 1
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use, _____ Total number of acres to be irrigated 135

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.
<u>SW$\frac{1}{4}$, Sec. 9, T37N, R34W</u>	<u>135</u>		
<u>SE$\frac{1}{4}$</u>			

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 Bennett County Booster, Martin, SD
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source.
Well, pump and motor
 B. Works proposed to transport water to place of use.
Mainline
 C. Works proposed to apply water to beneficial use.
Self propelled sprinkler system

Estimated Total Cost: \$ _____

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

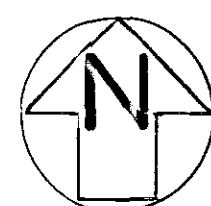
STATE OF SOUTH DAKOTA

County of BennettI, Jerry Donovan, 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 Jerry DonovanSubscribed and sworn to before me this 26 day of Aug. 1974

Notary Public (or other qualified officer)

Bennett Co. Auditor

1/2 ACRE CIRCLE
IN SECTION
IS ALSO IRRIGATED
FROM THIS WELL
(SEE PERMIT NO. 1206-2)



T37N R34W
S 1/2 SW 1/4 Sec. 10
80 ACRES

To Be Irrigated S 1/2 SW 1/4 Sec. 10
N 1/2 NW 1/4 Sec. 15
T37N R34W

WELL
NO. 1 - N 87° 50' W 132.5' 10 10
15 15 N 1/4 Cor. Sec. 15

T37N R34W
N 1/2 NW 1/4 Sec. 15
80 ACRES

LOCATION MAP

Scale: 1" = 400'

Iron Pipe
Bross Cap
Center Sec. 15

SURVEYOR'S CERTIFICATE

I, V.L. Rugg, a Registered Land Surveyor, do hereby certify that the survey of above water diversion facilities and the above map of the same were made by me or under my direct supervision and that the locations of the diversion points shown herein are situated relative to U.S. Land Survey corners, as shown in the above map.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this the 13th day of February, 1962.

V.L. Rugg
Registered Land Surveyor

SEAL

ACKNOWLEDGMENT OF SURVEYOR

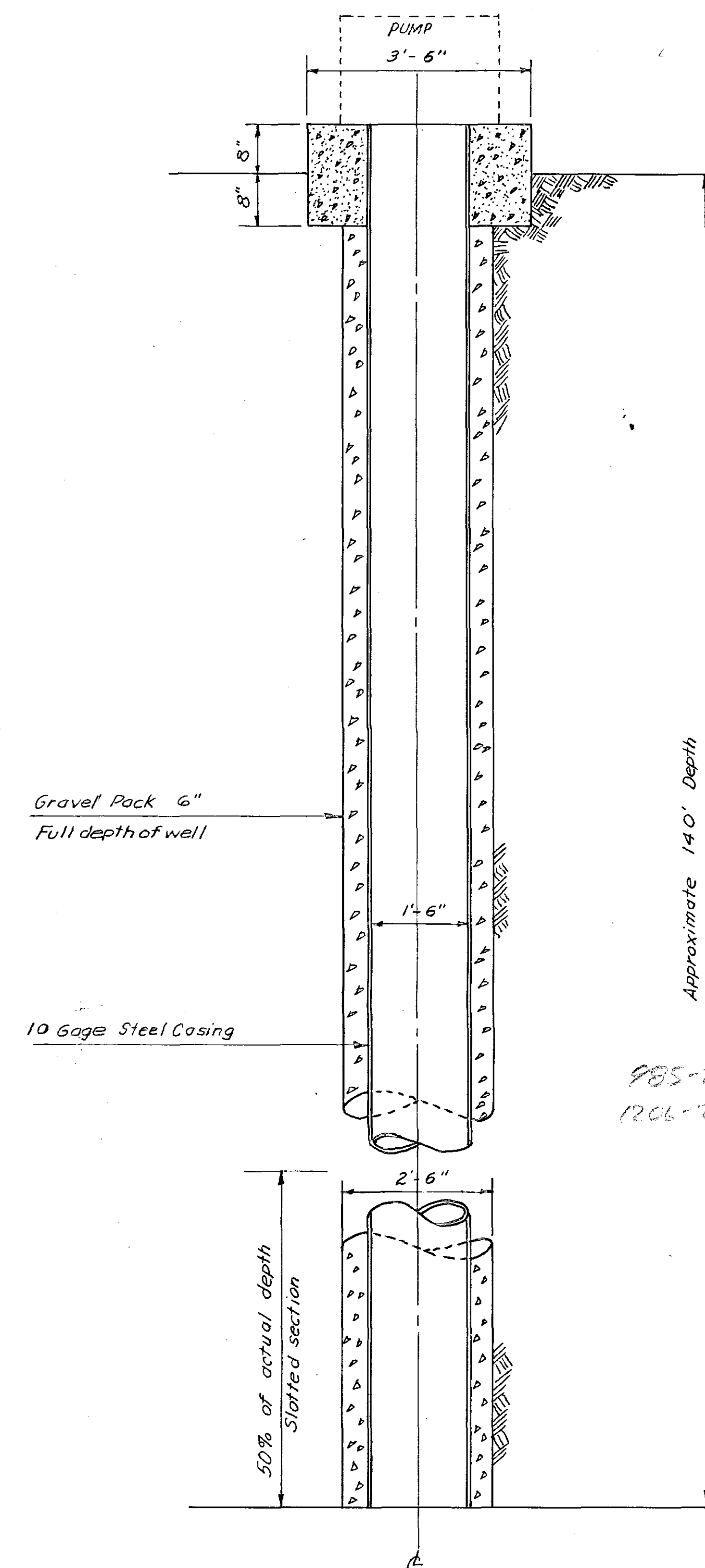
STATE OF SOUTH DAKOTA ss
COUNTY OF PENNINGTON

ON THIS DAY, before me, the undersigned, a Notary Public within and for the State and County aforesaid, personally appeared V.L. RUGG, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

WITNESS my hand and seal this the 15th day of February, 1962.

Delbert M. H. ...
Notary Public

SEAL My Commission Expires May 16, 1968.



WELL DETAIL

No Scale

LOCATION MAP AND WELL DETAILS
TO ACCOMPANY APPLICATION TO APPROPRIATE WATER
for

JERRY J. DONOVAN DIVERSION WORKS
WELL No. 1
Martin, South Dakota

STAVEN ENGINEERING COMPANY
Rapid City, South Dakota 1206-2
FEBRUARY, 1962 985-2

MAR NO 652-2 APRIL NO 749-2

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1206-2

JERRY J. DONOVAN

(Applicant)

YETAL

(Post Office Address)

SOUTH DAKOTA 57575

(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 AUGUST 27 19 74

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved NOVEMBER 13 19 74, Recorded in Book 13 Page 117

WATER RIGHT PERMIT NO. 1206-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1206-2 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 AUGUST 27 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED 19 —
3. The whole of said work is to be completed on or before COMPLETED 19 —
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 19 —
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 1.78 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 is

actually and beneficially applied for irrigation on or before THIS DATE 19 —; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

Witness my hand this 20TH day of NOVEMBER 19 74

WATER RIGHTS COMMISSION

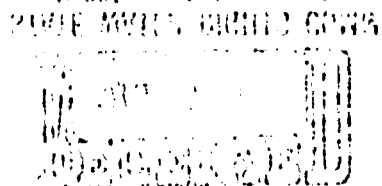
By:

Donald Russell

Chief Engineer, Executive Office

Certificate of Construction Issued DECEMBER 4 19 74

Water License Issued DECEMBER 4 19 74



Permit No. 1206-2

Water Diversion No. 2 LITTLE WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jerry J. Donovan

_____ the holder _____ of
Permit No. 1206-2, issued upon Application No. 1206-2, bearing date of priority of August 27, 1974

_____ authorizing the diversion of 1.78 cu. ft. per second of the waters of _____
ground water County of Bennett, State of South Dakota at _____
a point 1370' North and 1956' West of the St. Corner, Section 10, T37N, R34W

_____, for irrigation

purposes, he ⁸ 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 1.78 cu. ft. per second of water.

Date December 4, 1974

By: **WATER RIGHTS COMMISSION**

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1206-2.

(1) WHEREAS, On the 27th day of August A. D. 19 74

Jerry J. Donovan

made Water Right Application No. 1206-2 for a permit to use 1.78 cubic feet per second of the waters of ground water

County of Bennett, State of South Dakota, for irrigation

— purposes and

(2) WHEREAS, On the 20th day of November A. D. 19 74

Permit No. 1206-2, with a date of priority of August 27, 1974

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 — day of completed A. D. 19 — and for the application to beneficial use of said water on or before the — day of completed A. D. 19 —

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 1.78 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 a 135 acre circle in the SE $\frac{1}{4}$, Section 9, T37N, R34W

(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, Jerry J. Donovan

_____ of Vetal

the holder _____ and owner _____ of said permit No. 1206-2 a water right, dating from August 27, 1974

_____ to use of 1.78 cubic feet per second of the waters of ground water

in the County of Bennett and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at _____

a point 1320' North and 1960' West of the SE 4 Corner, Section 10, T37N, R34W

and conduct to and upon a 135 acre circle in the SE 4, Section 9, T37N, R34W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1206-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 4th day of December A. D.

Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Form 6 - Notice of Intent to Appropriate Water

1206-2

Publish first publication, on or before October 31, 1974

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 19, 1974

Notice is hereby given that Jerry J. Donovan

whose post office address is Vetal, 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

1.72 cubic feet of water per second of time from ~~the ground water~~ through the Donovan Diversion #1, the point of diversion of which is to be located in the

at an existing well in the SW 1/4 SW 1/4

of Section 10, Twp. 37N, Range 34W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 9, T37N, R34W

This application No. 1206-2 will be considered by the Water Resources Commission at the Embassy Room #1 at the Downtown Holiday Inn at Sioux Falls, S.D. upon the 13th day of November, 1974, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bv
BNN

cc: Jerry J. Donovan, Vetal, S.D. 575/5

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1206-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bennett) ss.

I, Mary E. Long hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Bennett County Booster II

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 Martin of Bennett
County of Bennett and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

October 3, 1974

October 10, 1974

Mary E. Long
(Signature)

Owner
(Title)

October 11, 1974
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
Application No. 1206-2, filed September 19, 1974
at Pierre, South Dakota 57501
Notice is hereby given that
Jerry J. Donoan, whose post
office address is Verde, 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, 1.78 cubic feet of
water per second of time from
ground water through the
Donovan Diversion No. 41, the
point of diversion of which is to be
located at an existing well in the
SW 1/4 SW 1/4 of Section 10, Twp.
37N, Range 34W. Said water to be
used for the purpose of providing
irrigation on the following
described land: Section 9, T37N, R34W,
SE 1/4
This application No. 1206-2 will
be considered by the Water
Resources Commission of the
Embassy Room No. 1, at the
Downtown Holiday Inn at Sioux
Falls, S.D. upon the 13th day of
November, 1974, at 2:30 p.m. All
interested persons may appear
and be heard.
WATER RESOURCES
COMMISSION
BURTON F. JONES
Water Rights Specialist
2T-15

RECEIVED
NOV 20 1974
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1206-2
 Water Division 2 LITTLE WHITE RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by JERRY J. DONOVAN of VERAL holder of Permit No. 1206-2, bearing date of priority of AUGUST 27, 1974 authorizing the diversion of 1.78 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in BENNETT 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:

140' DEEP WELL WITH 18" STEEL CASING
WESTERN LAND ROLLER 8" PUMP, POWERED
BY ALLIS CHALMER'S 3500 DIESEL MOTOR

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

2150' 8" ALUMINUM PIPE TO CENTER PIVOT

C. Works used to apply water to beneficial use.

13 TOWER VALLEY SELF PROPELLED SPRINKLER
SYSTEM

The system is in the following condition: VERY GOOD

The point of diversion is located 1320' N & 1960' W OF THE S 1/4
CORNER, SECTION 10, T37N, R34W

The works are capable of diverting and conveying to the place of use 1.78

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:

FOR IRRIGATING A 135 ACRE CIRCLE IN THE
SE⁴, SECTION 9, T37N, R34W

comprising a total of 135 acres of land.

Date

AUGUST 19, 1974

(Signature)

Justin J. [Signature]
 WATER RIGHT SPECIALIST
 WATER RIGHTS COMMISSION



Department of Water & Natural Resources

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

March 23, 1987

JERRY J DONOVAN
SR 2 BOX 6
VETAL, SD 57574

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). 1672-2, 1207-2, ~~1206-2~~, 985-2. 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). 1672-2, 1207-2, 1206-2, 985-2 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 24, 1987

985-2
1206-2
1207-2
1672-2

Jerry J Donovan
St Rt Box 6
Vetal, SD 57575

Dear Mr. Donovan:

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. 985-2, 1206-2, 1207-2, and 1672-2 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

 **Department of
Water & Natural Resources**

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

#785-2
#1206-2
#1207-2
#1672-2

February 17, 1989

Jerry J. Donovan
SR 2, Box 6
Vetal, SD 57575

Dear Mr. Donovan:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

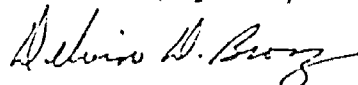


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



John JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1997

2111-2

Jerry Donovan
HC 2, Box 6
Vetal, SD 57575

Dear Mr. Donovan:

Enclosed is Water License No. 2111-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415349 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2111-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Water Right No. 1206-2 have been incorporated into Water License No. 2111-2.