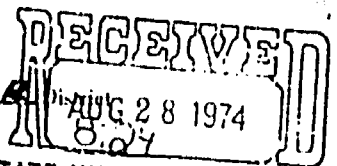


Water Right Number 1208-2

1. Considered NOVEMBER 13, 19 74
2. Name of Applicant JIMMIE O'NEILL
3. Post Office Address HARRINGTON
4. Amount of Water claimed 1.66
5. Source of Water supply GROUND WATER (EXISTING WELL #1002-2)
6. Water to be used for IRRIGATION
Acres to be irrigated 135
7. Water to be diverted and used in BENNETT County
about 11E, 1S miles of TUTHILL
8. Proof of Publication
Received 10-21-74
Not Received
9. Application
Approved
Subject to
Not Approved
Action Deferred
10. Remarks:

No. 1208-2
 Map No. 868-2 Water Division No. 2 LITTLE WHITE RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)

 APPLICATION FOR PERMIT STATE WATER RIGHTS COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Jimmie O'Neill
 Postoffice address Harrington, State South Dakota 57535
 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 Jimmie O'Neill #2
4. Amount of water claimed (cubic feet per second) 1.66
5. Source of water supply ground water
- X 6. Location of point of diversion A point in the ~~SW 1/4~~ ^{SE 1/4 NW 1/4} Section ~~20~~ ²¹, T37N, R33W

County Bennett

7. Annual period or periods during which water is to be used Spring to Fall
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.
X	SW 1/4 Sec. 20, T37N, R33W	100			
X	W 1/2 ^{SE 1/4} Sec. 20, T37N, R33W	35			

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.
Buried plastic mainline

 C. Works proposed to apply water to beneficial use.
Self propelled pivot sprinkler system

Estimated Total Cost \$ _____

 Attachments 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 Bennett) ss.
 I, Jimmie O'Neill 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 Jimmie O'NeillSubscribed and sworn to before me this 27th day of August, 1974
My Commission Expires
 Notary Public (or other qualified officer)
3/11/77

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1208-2
JIMMIE O'NEILL HARRINGTON
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57535 With the following modifications:
 (State)

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 28 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 86

WATER RIGHT PERMIT NO. 1208-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1208-2 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 28 19 74
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ — 19 —
3. The whole of said work is ~~to be~~ completed ~~on or 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 1.66 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: SPRING TO FALL

Witness my hand this 15TH day of NOVEMBER 19 74

WATER RIGHTS COMMISSION

By:

Donald H. [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 6 19 74

Water License Issued DECEMBER 6 19 74

Permit No. 1208-2

Water Diversion No. 2 LITTLE WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jimmie O'Neill

_____ the holder _____ of
Permit No. 1208-2, issued upon Application No. 1208-2, bearing date of priority of August 28,

1974 authorizing the diversion of 1.66 cu. ft. per second of the waters of _____
ground water _____ County of Bennett

_____, State of South Dakota at
a point in the SE 1/4 N1/4, Section 20, T37N, R33W

_____, 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 found in satisfactory
condition for diverting and conveying to the place of intended use 1.66 cu. ft. per second of water.

Date December 6, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1208-2

(1) WHEREAS, On the 28th day of August, A. D. 19 74

James O'Neill

made Water Right Application No. 1208-2 for a permit to use 1.66 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 15th day of November, A. D. 19 74

Permit No. 1208-2, with a date of priority of August 28, 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 completed day of completed A. D. 19 completed and for the application to beneficial use of said water on or before the completed day of completed A. D. 19 completed

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 1.66 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 SW 1/4 and NE 1/4, Section 20, T37N, R35W

(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 _____

Jimmie O'Neill

_____ of _____

Harrington, S.D.

the holder _____ and owner _____ of said permit No. 1208-2 a water right, dating from August 28, 1974

_____ to use of 1.66 _____ cubic feet per second of the water

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 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T37N, R33W

and conduct to and upon portions of the S $\frac{1}{4}$, Section 20, T37N, R33W more fully described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1208-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of December _____, D.

Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Form 6 - Notice of Intent to Appropriate Water

1208-2

Publish first publication, on or before October 31, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 15, 19 74

Notice is hereby given that Jimmie O'Neill
whose post office address is Harrington, 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
1.66 cubic feet of water per second of time from ~~the~~ ground water through the
Jimmie O'Neill #2, the point of diversion of which is to be located ~~in the~~

at an existing well in the SE 1/4 NW 1/4
of Section 20, Twp. 37N, Range 32W. Said water to be used for the purpose
of providing irrigation on ~~the~~ portions of the following described land:
SW 1/4, NW 1/4 SE 1/4, Section 20, T37N, R33W

This application No. 1208-2 will be considered by the Water Resources Commission at the Embassy Room #1, at the
Downtown Holiday Inn at Sioux Falls, S.D.
~~time~~ upon the 13th day of November, 19 74, at 2:30 M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/lw

cc: Jimmie O'Neill, Harrington, S.D. 57535

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

No. 1208-2

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 of Martin

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

No. 1208-2

September 19, 1974

Pierre, South Dakota 57501

Notice is hereby given that
Jimmie O'Neill whose post office
address is Harrington, 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 1.66 cubic feet of
water per second of time from
ground water through the Jimmie
O'Neill No. 2, the point of
diversion of which is to be located
at an existing well in the SE 1/4
NW 1/4 of Section 20, Twp. 37N,
Range 33W. Said water to be used
for the purpose of providing
irrigation on portions of the fol-
lowing described land:

SW 1/4, W 1/2, SE 1/4, Section 20,
T37N, R33W.

This application No. 1208-2 will
be considered by the Water
Resources Commission at 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

27-13

RECEIVED
OCT 21 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1208-2Water Division 2 LITTLE WHITE RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USEWATER RIGHTS COMMISSION
TO: Water ~~Division~~ 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 JIMMIE O'NEILL of HARRINGTON holder of Permit No. 1208-2, bearing date of priority of AUGUST 28, 1974, authorizing the diversion of 1.66 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:

185' DEEP WELL WITH 18" CONCRETE CASING
WESTERN LAND ROLLER 8" PUMP, POWERED BY
ALLIS CHALMERS #3500 DIESEL MOTOR

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

1400' OF 8" BURIED PLASTIC PIPE TO PILOT

C. Works used to apply water to beneficial use.

13 TOWER VALLEY SELF PROPELLED CENTER
PILOT SPRINKLER SYSTEM

The system is in the following condition: VERY GOODThe point of diversion is located APPROXIMATELY 330' W OF THE
CENTER OF SECTION 20, T37N, R33WThe works are capable of diverting and conveying to the place of use 1.66cu. 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
SW¹ AND W¹ SE¹, SECTION 20, T37N, R33W

comprising a total of 135 acres of land.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 15, 2007

1001-2
1002A-2
1208-2

Jimmie H O'Neill
PO Box 413
Martin SD 57551-0413

Dear Mr. O'Neill:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to 29250 243rd Ave, Vetat SD. The post office notified us on November 14th that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2008

1001-2
1002A-2
1208-2

Jimmie H O'Neill
PO Box 398
Martin SD 57551-0398

Dear Mr. O'Neill:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaires. The notice was originally mailed to PO Box 413, Martin SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1208-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: JIMMIE H O'NEILL, 29250 243rd AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1001-1 & 1208-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1002A-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1002A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1001-**2** & 1208-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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 57501-3182

denr.sd.gov

February 9, 2016

1002A-2
1001-2
1208-2

Jimmie H O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 1002A-2, 1001-2 and 1208-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1208-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JIMMIE H O'NEILL, 29250 243rd AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1001-2 & 1208-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1002A-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1002A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1001-2 & 1208-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.

1208-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2018

1001-2
1002A-2
1208-2
2725-2

James & Abby O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1001-2, 1002A-2, 1208-2 and 2725-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

During our recent phone conversation you indicated the water rights listed in Jimmie H O'Neill need to be changed. I am enclosing a set of partially completed "Transfer of Ownership" forms for filing an ownership change. I am not sure if you now own the land or if other family members do. The forms will need to be completed and signed by the new owner(s) and returned to our office with a required filing fee of \$50 each (total of \$150).

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent than the last name "McMath".

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

RECEIVED

JUL 24 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1208-2

Date:

May 14

I/We request that Water Right No. 1208-2

formerly owned by: Jimmie H O'Neill

be transferred to: (name & address)

Dan O'Neill
225 29252 243rd Ave
Tutwiler So Dak. Telephone No. 605-685-6919

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

135 acres SW 1/4 and W 1/2 SE 1/4 Section 20, T37N, R33E

I/We understand that the validity of Water Right No. 1208-2 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Dan O'Neill, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 25, 20 18

James O'Neil 29250 243rd Ave Tuthill, SD 57574

RECEIVED OF _____

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	50	00
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. _____		
Fee for Filing Transfer Form <u>1208-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08731**

By Jeanne Goodman
Chief Engineer *Jm*

1208-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 27, 2018

James O'Neill
29250 243rd Ave
Tuthill SD 57574

Dan O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear James & Dan:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 1001-2, 1002A-2 and 1208-2.

The ownership changes have been completed. Water Rights formerly held by Jimmie H O'Neill are now listed as follows:

- No. 1001-2 James O'Neill (135 acres - N ½ Section 20, T37N, R33W)
- No. 1002A-2: Dan O'Neill (176 acres - E ½ Section 20 and W ½ Section 21, T37N, R33W)
- No. 1208-2: Dan O'Neill (135 acres - S ½ Section 20, T37N, R33W)

The Receipts for the filing fees are being included with the letter to James O'Neill. Thank you for following up on the ownership changes. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: DANIEL D O'NEILL, 29252 243RD AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1208-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1002A-2, 2627-2, 2866-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1002A-2, 2627-2, 2866-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1208-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SQNYTQ**

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 AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2024

1002A-2, 1208-2,
2627-2 & 2866-2

Dan & David O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Sirs:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2627-2, 1208-2, 1002A-2 & 2866-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us