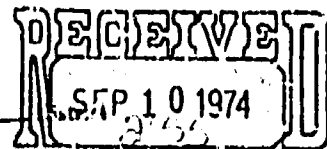


Map No. 1026-2 Water Division No. 2 LITTLE WHITE RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant James J. Byrne--Donald Byrne
 Postoffice address -Harrington- Vetal, State South Dakota 57535-5755
 If a corporation show date and place of incorporation _____ contract
 2. Method of accomplishing work (contract, employment of others, or by direct labor)
 3. Name of diversion work Byrne - Well #1
 4. Amount of water claimed (cubic feet per second) 1000 per min.
 5. Source of water supply Well
 6. Location of point of diversion Center of E $\frac{1}{2}$ Sec 18 T37 - R33

County Bennett

7. Annual period or periods during which water is to be used April thru October
 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 280

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.
NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 18, 37-33	35	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 18, 37-33	35
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 18, 37-33	35	SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 18, 37-33	35
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 18, 37-33	35	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 18, 37-33	35
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec 18, 37-33	35	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 18, 37-33	35

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Bennett County Booster
 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. 8" surface pipe

C. Works proposed to apply water to beneficial use.

Automatic circular sprinkler.Estimated Total Cost \$ 41,000.00
 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
 I, James J. Byrne 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 James J. ByrneSubscribed and sworn to before me this 11 day of Sept, 1974

Notary Public (or other qualified officer)

Reginald J. Decker

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1211-2
JAMES J. BYRNE --- Donald Byrne --- HARRINGTON --- 10241
 (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 SEPTEMBER 10 19 74
 Date of return to applicant for correction, amendments or changes required SEPTEMBER 10 19 74
 Date of receipt of corrected application SEPTEMBER 26 19 74
 Approved NOVEMBER 13 19 74, Recorded in Book 13 Page 87

WATER RIGHT PERMIT NO. 1211-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1211-2 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 SEPTEMBER 10 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 13 19 74
3. The whole of said work is to be completed on or before NOVEMBER 13 19 74
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 80
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 required 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 2.22 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 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 NOVEMBER 13 19 80; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 15TH day of NOVEMBER 19 74

WATER RIGHTS COMMISSION

By: Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 14 19 74
 Water License Issued DECEMBER 14 19 74

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 30" Depth 225 ft.(2) Casing, Type steel Diameter 28" Thickness 1/4"
(wood, concrete, steel, etc)

(3) Perforated Screen

Type steel Diameter 18" Length 160 ft.(4) Gravel Pack, Thickness 12" Length of gravel pack 200 ft.

E. Dugout Information or Estimates:

(1) Surface dimensions _____, Depth: _____

F. Fill out for Either a Well or a Dugout.

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

Character of Water bearing materials coarse to fine sandsDepth to top of water bearing material 80 ft.Depth to bottom of water bearing material 225 ft.Thickness of water bearing material 145 ft.Depth to water (ground surface to water level) 60 ft.

(2) Distance to nearest existing household or livestock watering well's.

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

James J. Begone
Signature of Applicant

Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Miss R. R. R.

Disapproved: _____

NAME: James J. Byrne

ADDRESS: Hawkington, South Dakota

COUNTY: Bennett

LEGAL DESCRIPTION

1. WELL LOCATION: Approx Center E 1/2, S 18 T 32 R 33 Bennett Co.
2. AREA TO BE IRRIGATED: E 1/2, S 18 T 32, R 33 Bennett Co.

TYPE OF IRRIGATION

3. GRAVITY _____ SPRINKLER (Indicate Type): Sprinkler
4. CROPS TO BE IRRIGATED: Corn - Alfalfa, rotation
or continuous cropping

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 4-5%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Well drained sandy
Soils Suitable for Sprinkler Irrigation
Primarily rich hill and level fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-739
8. SALINITY: Electrical Conductivity = 163 micromhos/cm (Low)
9. SODIUM: Sodium Adsorption Ratio = 0.23 (Low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Conservation District Technicians

and: GARY NIE, County Extension Agent

that the legal description for the location of the well and land to be
irrigated is true and correct.

James J. Byrne

Subscribed and sworn before me this

4th day of Sept 1974.

Ann P. Engelbert

Register of Deeds - Vermillion
73-74

(Title)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: James J. Tyne
 Address: Harrington, SD

Date Rec'd September 9, 1974
 Sample No. 74-739
 Identification Well-
E2, Sec. 18, T 37N, R 33W

WATER ANALYSIS

Calcium (Ca)	13	ppm*	0.65	me/l**
Magnesium (Mg)	2	ppm	0.16	me/l
Sodium (Na)	3	ppm	0.13	me/l
Potassium (K)	6	ppm	0.14	me/l
Sulfate (SO ₄)	1	ppm	0.02	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	117	ppm	1.92	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	96	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	163	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.20			
Sodium	12.03	% of cations		
Residual sodium carbonate	0.13	me/l		
pH	7.68			
Others:				

*ppm==parts per million

**me/l==milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 1.08 me/l
 Total anions 2.00 me/l

By: Shirley Hitten

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-739

Amount Enclosed \$

Signed

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1211-2

(1) WHEREAS, On the 10th day of September A. D. 19 74

James J. Byrne

made Water Right Application No. 1211-2 for a permit to use 2.22 cubic feet per second of the water of groundwater (one well)

County of Bennett State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 74

Permit No. 1211-2, with a date of priority of September 10, 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 13th day of November A. D. 19 78 and for the

application to beneficial use of said water on or before the 13th day of November A. D. 19 80

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 2.0 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,

to irrigate the following lands all in Section 18, T37N, R33W

	Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33
NE $\frac{1}{4}$ NE $\frac{1}{4}$	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$	33
SE $\frac{1}{4}$ NE $\frac{1}{4}$	33
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33
SE $\frac{1}{4}$ SE $\frac{1}{4}$	33
TOTAL	264 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 James J. Byrne

of Verde SD
the holder _____ and owner _____ of said permit No. 1211-2 a water right, dating from September 10, 1974
to use of 2.0 cubic feet per second of the waters
of groundwater (one well)

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 1520 feet south and 1280 feet west of the
NE corner, Section 18, T37N, R33W

and conduct^{ed} to and upon portions of land all in Section 18, 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. 1211-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 17th day of December A. D.
Nineteen Hundred and Seventy-Nine

Board of Water Management

By:

John Hatch
Chief Engineer, JOHN HATCH

Permit No. 1211-2

Water Diversion No. 2 Little White River Water District

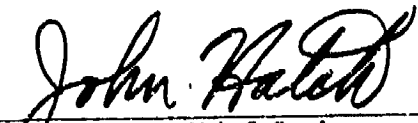
CERTIFICATE OF CONSTRUCTION

This is to Certify That James J. Byrne

_____ the holder _____ of
Permit No. 1211-2, issued upon Application No. 1211-2, bearing date of priority of September
10, 1974 authorizing the diversion of 2.25 cu. ft. per second of the waters of _____
groundwater (one well) County of Bennett, State of South Dakota at _____
a point 1320 feet South and 1290 feet west of the NE Corner,
Section 18, 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 2.0 cu. ft. per second of water.

Date December 14, 1979


JOHN HATCH, Chief Engineer
Water Rights, WMD

September 18, 1974

Mr. James J. Byrne
Harrington, SD 57535

Dear Mr. Byrne:

The water sample received here September 9 from your well in Sec 18 T37N R33W has been analyzed. The results have been reported on the attached report of analysis sheet. A copy of Extension Circular 654 is enclosed for your use with the approximate quality of this water in a nationally used diagram denoted by the encircled red cross on the back cover.

This water is of excellent quality and should cause no difficulty whatever in irrigating the soils of that vicinity. The results of this analysis, the WI-1 form and a copy of this letter are being forwarded to the State Conservation Commission.

Sincerely yours,

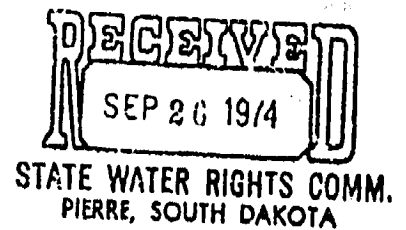
L. O. Fine

L. O. Fine, Water Quality Lab

LOP:111

CC: State Conservation Commission
Gary Nies, Bennett County Agent
Darrel Pahl

Enclosures



Form S - Notice of Intent to Appropriate Water

No. 1211-2

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

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 26, 19 74

Notice is hereby given that James J. Byrne

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

2.22 cubic feet of water per second of time from the ground water through the Byrne Well #1 the point of diversion of which is to be located in the _____

Center of the E $\frac{1}{4}$

of Section 18, Twp. 37N, Range 33W. Said water to be used for the purpose of providing irrigation of portions of the following described land:

E $\frac{1}{4}$, Section 18, T37N, R33W

This application No. 1211-2 will be considered by the Water Rights Commission at the Embassy Room #1, at the Downtown Holiday Inn at Sioux Falls, S.D. ~~its office at~~
upon the 13th day of November, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/w b
cc: James J. Byrne, Harrington, S.D. 57535

No. 1211-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Bennett)

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 Benne tt 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

(Signature)

Owner
(Title)

October 11, 1974
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
No. 1301-2

No. 361-2

September 26, 1974

Pierre, South Dakota 57501

Notice is hereby given that James J. Byrne 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 2.22 cubic feet of water per second of time from ground water through the Byrne Well No. 1, the point of diversion of which is to be located in the Center of the E 1/4 of Section 18, Twp. 37N, Range 33W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/4, Section 18, T37N, R33W.

This application No. 121-2 will be considered by the Water Rights Commission at the Embassy Room No. 1, at the Downtown Holiday Inn at Sioux Falls, S.D. upon the 31st. day of November, 1974, at 2:30 p.m. All interested persons may appear and be heard.

**WATER RIGHT'S
COMMISSION
BURTON F. JONES
Water Rights Specialist**

2T-15

RECEIVED
OCT 22 1974

STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

1211-2

James H. Hume

5-3-77

Well Sept. 2871' Shale 30ft

Pumping 900 gpm Cap. 21 1503 gpm

Motor U.S. Elec. - 100 H.P., 1775 RPM

ID# K 9783-00-075. R2106461

Location of well
Cut in 10' from
30' E of 20'
0177' from 20'
11-25-77

Pump Western Equip. Co.

Dr # E 77162

Head 116 M-6-126-14

Sub. Cat. Valley Model 2071

Dr # 21134

Well CP. Valley

Well 2171

Dr # 26829

on Well - see log book

8' Brown PVC pipe

Permit No. 1211-2Water Division 2 Little White 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 James J. Bysse
 of Vestal, South Dakota holder
 of Permit No. 1211-2, bearing date of priority of September 10, 1974
 authorizing the diversion of 2.22 cu. ft. per second of the waters of One Well
 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:

Motor: 215 Elec., 10" R 9983-00-075 R2106481
100 HP 1775 RPM
 Pumps Western Land Roller, Ser # E7716-
 Head. 3M-6-126-11 Pumping 900 gpm

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

2640 ft PVC Buried Pipeline.

C. Works used to apply water to beneficial use.

North center Pivot = Valley, Model 2171, Ser # 26828
 South center Pivot = Valley, Model 2071, Ser # 21134

The system is in the following condition: Good

The point of diversion is located 1320' So + 1290' West of the NE Cor.
Sec. 18, T37N R33W

The works are capable of diverting and conveying to the place of use 2.00cu. 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: All in Sec. 18, T37N R33W
NE 1/4 NE 1/4 33Ac, NE 1/4 NE 1/4 33Ac, SW 1/4 NE 1/4 33Ac, SE 1/4 NE 1/4 33Ac.
NN 1/4 SE 1/4 33Ac, NE 1/4 SE 1/4 33Ac, SW 1/4 SE 1/4 33Ac, SE 1/4 SE 1/4 33Ac.

comprising a total of 26 acres of land.

Well data:-

Depth 287 ft
 Static 57 ft
 Pumping 900 gpm
 capacity 1500 gpm (est)

900 gpm = 2.0 cfs
450
 license for 2.0 cfs.

Date May 3, 1979

Larry J. McLaughlin
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7147

PIERRE, December 6, 1979

RECEIVED OF James J. Byrne, Vetal, SD 57575

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. 1211-2		
Fee for inspecting Beneficial Use, and Issuing Water License No. 1211-2	50	00
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 (gy)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7722

PIERRE, October 6, 1980

RECEIVED OF James Byrne, Martin, SD 57531

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.		
Fee for inspecting Beneficial Use, and Issuing Water License No.		
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		2.50
Fee for transfer of WR# 121122		
(any other work as provided by law)		
TOTAL		2.50

WATER RIGHTS COMMISSION

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

NO. 1211-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-3-80



This is to notify you that the title to the lands described as follows:

264 acres - NE $\frac{1}{4}$ & SE $\frac{1}{4}$ Section 18, T37N, R33W

formerly owned by James J Byrne

has been transferred to Donald L Byrne, et al So Dak 57575
(Please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1211-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of the Board of Water Management as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Bennett) ss.

I, James J Byrne 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 I know of my own personal knowledge that the information herein stated is true.

James J Byrne
(Signed)

Subscribed and sworn to before me this 3rd Day of October, 1980.

[Signature]
(Notary Public)



Department of Water & Natural Resources

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

March 23, 1987

DONALD BYRNE
RC 77 BOX 38
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). 1211-2. 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). 1211-2 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 15, 1987

1211-2

Donald Byrne
HC 77 Box 38
Vestal, SD 57574

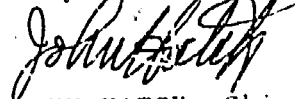
Dear Mr. Byrne:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1211-2 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

February 8, 1989

DONALD BYRNE
HC 77 BOX 38
VETAL, SD 57574

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

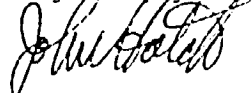
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1211-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

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

March 6, 1989

1211-2

Donald Byrne
HC 77 Box 38
Vetal, SD 57574

Dear Byrne:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 1211-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



1211-2

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 1211-2 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:

**DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574**

4. Article Number
P 694 057 399

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee
X Donald Byrne

6. Signature — Agent
X [Signature]

7. Date of Delivery
Feb 6-91

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

PS Form 3811, Apr. 1989

U.S.G.P.O. 1989 238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

1211-2

Donald Byrne
HC 77 Box 38
Vestal, SD 57574

Dear Mr. Byrne:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 1211-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

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

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1211-2 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1992

1211-2

Donald Byrne
HC 7 Box 38
Vestal, SD 57574

Dear Mr. Byrne:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1211-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

3. Article Addressed to

DONALD BYRNE
HC 77 BOX 38
VETAL, SD 57574

5. Signature (Addressee)

6. Signature (Agent)

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

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

Consult postmaster for fee.

4a. Article Number

1206-557631

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

JAN 3-92

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

PS Form 3811, November 1990 • U.S. GPO: 1991-237-056

DOMESTIC RETURN RECEIPT



1211-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

FROM: Ron Duval, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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 9:30 am, March 3, 1993, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1211-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit it.
- 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.

3. Article Addressed to:

DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

5. Signature (Addressee)

6. Signature (Agent)

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

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

Consult postmaster for fee.

Article Number

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

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

DOMESTIC RETURN RECEIPT

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

Return Receipt Service.
Thank you for using



1211-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3191

February 12, 1993

1211-2

Donald Byrne
HC 77 Box 38
Vestal, SD 57574

Dear Mr. Byrne:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 1211-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire. The questionnaire 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
Natural Resources Analyst
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this 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.

3. Article Addressed to:

DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

5. Signature (Addressee)

6. Signature (Agent)

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

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

Consult postmaster for fee.

4a. Article Number

P837 1292 500

4b. Service type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

Feb 3 1991

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

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



February 16, 1994

DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

1211-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Colden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1211-2 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1211-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

1211-2

Donald Byrne
HC 77 Box 38
Vestal, SD 57574

Dear Mr. Byrne:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaire 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
Environmental Scientist
Water Rights Division
(605) 773-3352



1211-2

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

February 7, 1995

DONALD BYRNE
HC 77 BOX 38
VETAL SD 57574

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1211-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 1211-2 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 is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this 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: 10711-2

DONALD BYRNE
HC 77 BOX 38
VETAL, SD 57574

4a. Article Number

P 837 692 691

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)

Shelley M. Byrnes

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

1211--2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Donald Byrne

ADDRESS: HC 77 Box 38, Vetal, SD 57574 COUNTRY:

DATE: March 10, 1995 TELEPHONE:

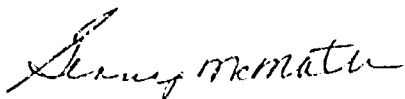
RE: irrigation questionnaire and ownership of water right

COMMENTS:

Mr. Byrne called the office and indicated he no longer owns the land described in Water Right No. 1211-2. He sold the land last year to Tony O'Neill. Mr. O'Neill would have had ownership of the land during the irrigation system.

I told Mr. Byrne that the water right could not be amended since we notified the wrong land owner of the requirements to submit the irrigation questionnaire.

Send transfer form and irrigation questionnaire to Tony O'Neill, HC 77 Box 33A, Cody, NE 69211



Gerry McMath
Environmental Scientist



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

March 20, 1995

1211-2

Tony O'Neill
HC 77 Box 33A
Cody, NE 69211

Dear Mr. O'Neill:

I am contacting you in regard to ownership of land described under Water Right No. 1211-2. The water right is currently listed in the name of Donald Byrne. Mr. Byrne notified our office that you had purchased the land from him.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

I am also including a 1994 irrigation questionnaire. Mr. Byrne indicated that you had ownership of the land during the 1994 season and would have the data needed for the questionnaire. Please complete the form and return it to our office along with the transfer form and filing fee.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1211-2

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

April 17, 1995

1211-2

Tony O'Neill
HC 77 Box 33A
Cody, NE 69211

Dear Mr. O'Neill:

Thank you for submission of the 1994 irrigation questionnaire for Water Right No. 1211-2 and for returning the "Notice of Transfer" form. Unfortunately, prior to being able to file the ownership change, I need to have you sign the form and submit a filing fee of \$2.50.

Enclosed is the "Notice of Transfer of Ownership" form you forwarded to our office. Please sign the form where indicated (red check mark) and return it to our office with a required filing fee of \$2.50.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures

1211-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1211-2
Date: 3-23-95

I/We request that Water Right No. 1211-2

formerly owned by: Donald Byrne

be transferred to: (name & address) Janet A. (Tony) O'Neill Hc 77 Box 33A
Cody NE 69211 (Telephone No) _____

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

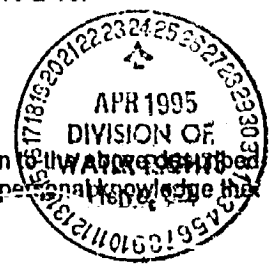
264 acres - E 1/2 Section 18, T37N, R33W

I/We understand that the validity of Water Right No. 1211-2 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 Cherry)



I/We _____ being first duly sworn on my oath depose and say that my relation to the above described water right 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.

James A. O'Neill
(Signed)

Subscribed and sworn to before me this 4 day of April, 19 95.

GENERAL NOTARY-State of Nebraska
PAT A. WIECHELMAN
My Comm. Exp. 5-13-95

Pat A. Wiechelman
(Notary Public)

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

414476

Pierre, April 24 19 95

RECEIVED OF Tony O'Neill, HC 77 Box 33A, Cody, NE 69211-9501

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. _____		
Fee for Filing Transfer Form _____ Water Right No. 1211-2		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John Hatch



1211-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 12, 1995

No. 1211-2

James A. and Tony O'Neill
HC 77, Box 33A
Cody, NE 69211-9501

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1211-2.

Our records now show you as the owner of Water Right No. 1211-2.

Sincerely,

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

enclosure



1211-2

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

January 9, 1998

NOTICE**TO:** TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1211-2 & 1637-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, 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) 1211-2 & 1637-2 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 20, 1998, 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 McMath 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

March 2, 1998

NOTICE

TO: Tony O'Neill, HC 77 Box 33A, Cody, NE 69211

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Suspension of Water Right No. 1637-2 and Amendment of Water Right Nos. 1211-2 & 1637-2

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing February 25, 1998, the Water Management Board ordered:

That Water Right No. 1637-2 be suspended until December 31, 1998, for failure to submit the 1997 chemical reporting form.

Suspension of a water right means water may not be pumped during the 1998 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The Board also amended Water Right Nos. 1211-2 and 1637-2 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 1997 irrigation questionnaires. The addition of this qualification to your Water Rights means that failure to submit the required irrigation questionnaires in the future could result in future suspensions of the water rights.

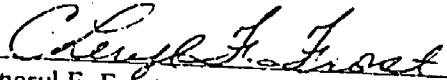
If you wish to petition the Water Management Board to rescind the suspension of Water Right No. 1637-2, you will need to submit the 1997 irrigation questionnaire, chemical reporting form and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6, 1998, in Pierre, SD. The letter should include your reasons for not completing the 1997 irrigation questionnaires and chemical reporting form.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

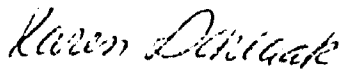
I hereby certify that on March 2, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 1998, regarding Suspension of Water Right No. 1637-2 and Amendment of Water Right Nos. 1211-2 & 1637-2, addressed as stated below:

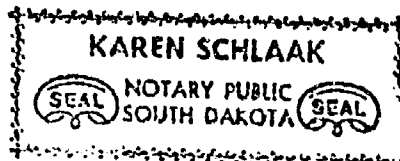
Tony O'Neill, HC 77, Box 33A, Cody, NE 69211.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 1998


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2006



April 27, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: Tony O'Neill, IIC 77 Box 33A, Cody, NE 69211

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request to Rescind Amendment of Water Right Nos. 1211-2 and 1637-2 and Suspension of Water Right No. 1637-2

On April 27, 1998, a letter was received from you stating that to your knowledge your 1997 irrigation questionnaires and chemigation form had been returned in December. You indicated that you have never applied chemicals or fertilizer through your irrigation systems and have not had previous violations.

Your request to have the amendment to Water Right Nos. 1211-2 and 1637-2, and the suspension of Water Right No. 1637-2 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 6, 1998, in the Floyd Matthew Training Center, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension or amendments, or both, of the water rights, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

c: Diane Best, Assistant Attorney General

Note: The 1997 irrigation questionnaires are still required. Enclosed is a set of last year's forms. Please complete them and return them as soon as possible. You can either mail them or bring them with you to the May 6th hearing.

CERTIFICATION

I hereby certify that on April 27, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 27, 1998, along with Irrigation Questionnaire forms, regarding Notice of Hearing to Consider Request to Rescind Amendment of Water Right Nos. 1211-2 and 1637-2 and Suspension of Water Right No. 1637-2, addressed as stated below:

Tony O'Neill, HC 77, Box 33A, Cody, NE 69211.

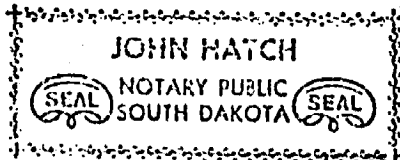
A copy of the above described Notice was hand delivered to:

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of May, 1998




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

IRRIGATION QUESTIONNAIRE AND CHEMICAL REPORTING VIOLATION WATER RIGHT NOS. 1211-2 & 1637-2, TONY O'NEILL

May 6, 1998

Water Right No. 1211-2, Tony O'Neill, Cody, NE authorizes diversion of 2.00 cubic feet of water per second (cfs) from ground water (287' deep well) to irrigate 264 acres in the E ½ Section 18, T37N, R33W, Bennett County. Water Right No. 1211-2, originally issued to Donald Byrne, was transferred to James A (Tony) O'Neill on April 14, 1995.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES for Water Right No. 1211-2

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October, 1993	December 17, 1993	March 8, 1994 (from Donald Byrne)	none
November, 1994	December 16, 1994	April 14, 1995 (w/ownership change)	none
October, 1995	December 15, 1995	November 13, 1995	none
October, 1996	December 20, 1996	October 30, 1996	none
October, 1997	December 1, 1997	April 30, 1998	February 25, 1998 (amended)

Water Right No. 1637-2, Tony & Rick O'Neill, Cody, NE authorizes diversion of 5.35 cfs from ground water (3 wells - 260'-330') to irrigate 384 acres in the N ½ and SE ¼ Section 7, T37N, R33W, Bennett County. Water Right No. 1637-2 was transferred to Tony & Rick O'Neill, March 23, 1994.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES for Water Right No. 1637-2

DATE MAILED	DATE DUE	DATE RECEIVED	BOARD ACTION
October, 1993	December 17, 1993	January 3, 1994 (from former owner) January 6, 1994 (data obtained from Tony/Rick O'Neill)	none
November, 1994	December 16, 1994	February 8, 1995	none
October, 1995	December 15, 1995	November 13, 1995	none
October, 1996	December 20, 1996	October 30, 1996	none
October, 1997	December 1, 1997	April 30, 1998	February 25, 1998 (amended for questionnaire violation and suspended for 1 year for chemical reporting violation)

DISCUSSION ON CHEMICAL REPORTING FOR WATER RIGHT NO. 1637-2:

Previous owner notified the office through submission of the 1988 irrigation questionnaire that they applied chemicals or fertilizer through irrigation system.

On January 6, 1994, Tony O'Neill indicated they did not apply chemicals during 1993, but they do have the capability and may do so in the future. The 1995 and 1996 chemical reporting forms indicated they no longer intended to apply chemicals or fertilizer through their irrigation system.

CURRENT STATUS

On February 25, 1998, the Water Management Board amended Water Right Nos. 1211-2 and 1637-2 to include the irrigation questionnaire qualification. Water Right No. 1637-2 was suspended until December 31, 1998, for failure to return the 1997 chemical reporting form. On April 27, 1998, the water right holder April 27, 1998, Tony O'Neill submitted a letter requesting the matter be placed on the agenda for Board consideration (copy attached). The irrigation questionnaires were submitted on April 30, 1998.

Genny McMath, Environmental Scientist

Dear Mrs. :



I have received a notice so that my watering privileges have been suspended due to the Department of water rights not receiving my irrigation water use questionnaire. To my knowledge it was filled out and sent in December. Quite frequently our mail or UPS shipments do not make it to their destination. Regardless of whether we are sending or receiving the letters or packages. I do not believe that we have had any previous violations pertaining to the chemigation or the questionnaire. Since we have been irrigating (1990) we have never applied chemicals through the system and have promptly filled out the questionnaire.

If possible, I would like to request some time of the next Board meeting on May 6th to hopefully get this matter straightened out. Any considerations would be greatly appreciated.

Sincerely
Tony O'Neil



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 1998

NOTICE

TO: Tony O'Neill, HC 77 Box 33A, Cody, NE 69211

FROM: John Hatch, Chief Engineer
Water Rights Program,
(605) 773-3352

SUBJECT: Reinstatement of Water Right No. 1637-2

On May 6, 1998, the Water Management Board passed a motion to reinstate Water Right No. 1637-2, effective immediately. This action means that you will be allowed to irrigate during the 1998 irrigation season.

The Board read your letter of April 27, 1998, and took into consideration that you notified our office in 1995 and 1996 that you no longer intended to apply chemicals through your irrigation system. The February 25, 1998, motion to suspend Water Right No. 1637-2 was in error since the 1997 chemical reporting form should not have been mailed to you.

On February 25, 1998, the Board amended Water Right Nos. 1211-2 and 1637-2 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

On May 6th, the Board reviewed your request to delete the amendments from Water Right Nos. 1211-2 and 1637-2. The Board decided to leave the amendments on the water rights. Even though you indicated that you mailed in the irrigation questionnaires, the Board believes the "Notice" provided by the department indicating that the questionnaires were not received should have prompted a response on your part.

Chemical reporting forms will no longer be mailed to you unless you notify us otherwise. The annual irrigation questionnaires will be directed to you in October. If you have any questions concerning the Water Management Board's actions, please contact Ginny McMath (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

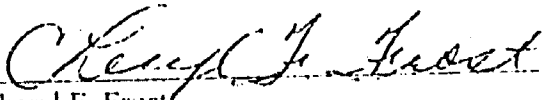
I hereby certify that on May 11, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 11, 1998, regarding Reinstatement of Water Right Nos. 1076-2, 1236-2 and 2167-2, in the name of Dale Heese, and Reinstatement of Water Right No. 1637-2, in the name of Tony O'Neill, addressed as stated below:

Dale Heese, HCR 88, Box 36, Millboro, SD 57580.

Tony O'Neill, HC 77, Box 33A, Cody, NE 69211.

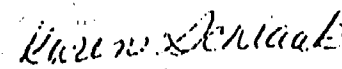
A copy of the above described Notices was sent Inter-office to:

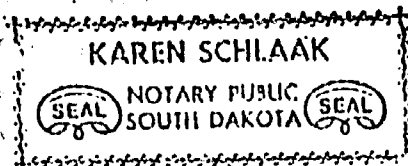
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of May, 1998


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2000

(Joins sheet 40)

R. 34 W. | R. 33 W.

1 745 000 FEET

1 760 000 FEET

1 Mile

5000 Feet

Scale 1:20 000

(Joins sheet 49)

(Joins sheet 60)

Point of Diversion - 1370' S x 1290' W of the NE
 cor. sec. 18, T37N R33W.

Plot established by:
 GARY NIES
 Bennett County
 Extension Agent.

Owner: James J. Byrne
 Harrington, S. Dak.

Plane coordinate projection. 1927 North American datum.
 5,000-foot grid ticks based on South Dakota coordinate system,
 south zone. Map compiled from 1961 aerial photographs.

MAP No 1026-2 APP. No 1211-2

BENNETT COUNTY, SOUTH DAKOTA NO. 50

Land division corners are approximately positioned on this map.

This map is one of a set compiled in 1969 as part of a soil survey by the United States Department of Agriculture, Soil Conservation Service, the United States Department of the Interior, Bureau of Indian Affairs, and the South Dakota Agricultural Experiment Station.



1211-2
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 22, 2010

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 1500-2 & 1591-2 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) 1211-2, 1637-2 & 2521-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 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 on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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:
<https://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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2010

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: 2009 irrigation questionnaires for Water Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 and
Water Permit No. 2521-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010 "Notice" concerning reporting requirements for the above listed water permit and water rights.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



1211-2
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 21, 2011

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 1500-2 & 1591-2 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) 1211-2, 1637-2 & 2521-2 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** 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) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 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 on/or before **March 4, 2011**, 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.

1211-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1444

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:36 am on February 08, 2011 in CODY, NE 69211. The item was signed for by T ONEILL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 08, 2011, 10:36 am, CODY, NE 69211
- Notice Left, January 24, 2011, 11:00 am, CODY, NE 69211
- Notice Left, January 22, 2011, 8:51 am, CODY, NE 69211
- Sorting Complete, January 22, 2011, 8:21 am, CODY, NE 69211
- Arrival at Post Office, January 22, 2011, 7:53 am, CODY, NE 69211

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 1444TONY O'NEILL
HC 77 BOX 33A
CODY NE 69211Waiver of Signature ☐ YES ☐ NOPostmark
Here

re mailing.

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

- ☐ Priority Mail™ Service
- ☐ First-Class Mail® parcel
- ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2011

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1211-2
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 24, 2012

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 1500-2 & 1591-2 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) 1211-2, 1637-2 & 2521-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 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 on/or before **March 2, 2012**, 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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 25, 2012

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

1211-2

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 20, 2022

RECEIVED OF May Adam Gerdes & Thompson LLP PO Box 160 Pierre SD 57501

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. _____	\$ _____
Fee for Filing Transfer Form <u>1211-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer

Em

RECEIVED

APR 20 2022

WATER RIGHTS
PROGRAM

PAID

APR 20 2022

Ck#

40460

Rec't#

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1211-2Date: 4/18/2022I/We request that Water Right/Permit No. 1211-2 formerly owned by:James A. (Tony) O'Neill

be transferred to:

New Owner Name: Farm Credit Services of America, PCAAddress: 5015 South 118th StreetCity, State, Zip Omaha, NE 68137Telephone No. 402-894-4197

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

See Exhibit A attached hereto

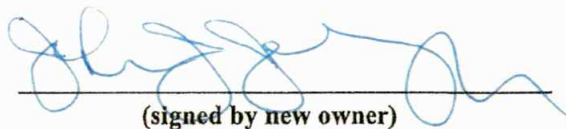
☒ I understand that the validity of Water Right/Permit No. 1211-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, John J. Jolley, Jr., Asst Corp Sec., the new owner, certify that the above information is true and correct.

Farm Credit Services of America, PCA



(signed by new owner)

John J. Jolley, Jr.
Asst. Corp. Sec.

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:

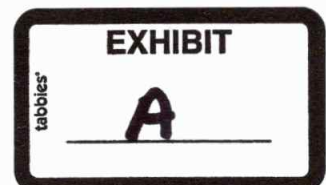
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

Township 37 North, Range 33 West of the 6th Principal Meridian, Bennett County, South Dakota:

Section 18: The NE1/4, including all water rights related to said NE1/4;

Township 37 North, Range 33 West of the 6th Principal Meridian, Bennett County, South Dakota:

Section 18: The E1/2, EXCEPTING therefrom a tract of land described as follows: Beginning at the southeast corner of said Section 18, thence North $13 \frac{1}{2}$ rods, thence west $13 \frac{1}{2}$ rods, thence south $13 \frac{1}{2}$ rods, thence east $13 \frac{1}{2}$ rods to the place of beginning, and also EXCEPTING therefrom the West 900 feet of the South 150 feet of the NE1/4 and also EXCEPTING therefrom the West 900 feet of the North 750 feet of the SE1/4, and including all water rights related to said E1/2,





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 20, 2022

1211-2

John J Jolley Jr.
Farm Credit Services of America
5015 S 118th St
Omaha NE 68137

Dear Mr. Jolley:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 1211-2.

The ownership change has been completed. The water right formerly held by James A (Tony) O'Neill is now listed under Farm Credit Services of America, PCA.

The receipt for the filing fee is being forwarded by copy of this letter to May, Adam, Gerdes & Thompson LLP.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

c: May, Adam, Gerdes & Thompson LLP, PO Box 160, Pierre SD (with receipt)



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: FARM CREDIT SERVICES OF AMERICA PCA, JOHN J JOLLEY JR, 5015 S 118TH ST,
OMAHA, NE 68137

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1211-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1211-2 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) 1211-2 in accordance with applicable provisions of SDCL 46-1-12;
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 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 questionnaire(s) 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: DBSOOA**

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

January 31, 2024

1211-2

Tony O'Neill
24250 292nd St
Tuthill SD 57574

Dear Mr. O'Neill:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from Farm Credit Services of America, that the property they had previously held, had been returned to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.4216. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

NOTE: Additionally enclosed is a "Notice" I dated January 19, 2024, regarding the above-described irrigation questionnaire. Please complete the questionnaire and return ASAP!

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 23, 2024

1211-2

O.F. LLC
c/o Tony (James) O'Neill
24250 292nd St
Tuthill SD 57574

Dear Mr. O'Neill:

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). 1211-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

Additionally, I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 1211-2 previously owned by Farm Credit Services of America, is now listed under O.F. LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

FEB 21 2024

Ck# 1428
Rec'd 2/21/24
1211-2

No. 1211-2

Date:

2-13-24

I/We request that Water Right No.

formerly owned by: Farm Credit Services of America, 5015 S 118th St, Omaha NE 68137

be transferred to: (name & address)

Spill Farms inc
24250 292nd ST TOTHILL SD 57574

Telephone No. 605-515-3540

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

264 acres within E ½ Section 18, T37N, R33W

I/We understand that the validity of Water Right No. 1211-2 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 Tony L. James, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for non-construction 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.

RECEIVED

FEB 21 2024

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date February 21, 2024

RECEIVED OF O. F. LLC 24250 292nd St. Tuthill SD 57574

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. _____	\$ _____
Fee for Filing Transfer Form <u>1211-2</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Erie Gronlund
Chief Engineer
me



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 5, 2026

1211-2, 1555-2

Tony O'Neill
24250 292nd St
Tuthill, SD 57574

Dear Mr. O'Neill:

I am writing to you today in response to the 2025 Irrigation Questionnaires you submitted to us for Water Right No. 1211-2 & 1555-2.

Water Right No. 1211-2 (copy enclosed), reported irrigation total of 5400 hours in July, and 5400 hours in August of 2025.

Water Right No. 1555-2 (copy enclosed), reported irrigation total of 5400 hours in July, and 5400 hours in August of 2025.

These reported hours would not be possible as there are only 720 hours in a 30-day month. However, if you were reporting in Kilowatt hours, you would need to include the PSI and Depth to Water, so that we can calculate an accurate number of hours being reported for each month of irrigation.

We ask that if you are reporting in Kilowatt hours on this year's 2026 Irrigation Questionnaires that will be sent in October, that you please include the PSI and Depth to Water.

Please let me know if you have any questions or concerns.

Sincerely,

Shannon Konst
Water Rights Program
Shannon.konst@state.sd.us
(605) 773-3352

enclosure