

Water Right Number 1591-2

1. Considered 7-27, 1917
2. Name of Applicant TOM JAQUOT
3. Post Office Address VETAL
4. Amount of water claimed 2.9
5. Source of water supply 350' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 136
7. Water to be diverted and used in BENNETT County
about 125, 300 Miles of TOTHILL
8. Proof of Publication
Received 15F 8-1-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1358-2Map No. 1358-2 Water Division No. 2 LITTLE WHITE RIVER District
(Blanks to be filled by the Engineer for the D. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Tom Jacquot C.R. - Vol. 18, p. 5095
 Postoffice address Cody, Ne State Nebraska 69211
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Jacquot well #2
 4. Amount of water claimed (cubic feet per second) 2 cfs
 5. Source of water supply Deep well
 6. Location of point of diversion Along north side of NW $\frac{1}{4}$, Section 32 37-33
 _____ County Bennett
 7. Annual period or periods during which water is to be used April through 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 136A

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.
SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec 32, 37-33	34A		
SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec 32, 37-33	34A		
NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec 32, 37-33	34A		
NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec 32, 37-33	34A		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Two years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Bennett County Booster II
 12. Principal Features of the Proposed Water Supply System: _____

A. Works proposed to divert water from its natural source High volumn pumpB. Works proposed to transport water to place of use 8 in. aluminum pipeC. Works proposed to apply water to beneficial use Circular sprinklerEstimated Total Cost \$ 54,400.00

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 BennettI, Tom Jacquot the applicant, certify that I have read the foregoing application and have examined the

ORIGINAL RECORD AND WAS MICROFILMED IN THE RECORDS SECTION OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A PERMANENT AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTODUPLICATION. REPRODUCTIONS: REDUCTION 25:1 ROLL NO 18 DATE MICROFILMED 3-30-82

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1590-2 1591-2

TOM JACQUOT
(Applicant)

R.R. VERAL
(Post Office Address)

SOUTH DAKOTA 57575 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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application MAY 13 19 77
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application JUNE 24 19 77
Approved OCTOBER 6 19 77 Recorded in Book 19 Page 97

WATER RIGHT PERMIT NO. 1591-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1591-2 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 MAY 13 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 6 19 80
3. The whole of said work is to be completed on or before OCTOBER 6 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 6 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by the appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.0 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 OCTOBER 6 19 84; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 31ST day of OCTOBER 19 84

WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

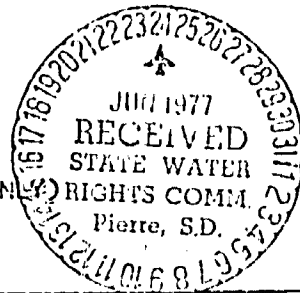
Certificate of Construction Issued DECEMBER 17 19 79

Water License Issued DECEMBER 17 19 79

DATE MICROFILMED

CHIEF OPERATOR

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME Tom Jacquot

ADDRESS Cody, Nebraska

COUNTY Bennett

LEGAL DESCRIPTION

1. WELL LOCATION Along north side of NW $\frac{1}{4}$, Sec 32 37-33
2. LOCATION OF AREA TO BE IRRIGATED NW $\frac{1}{4}$, Section 32 37-33

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X _____ GUN _____
4. CROPS TO BE IRRIGATED Corn, alfalfa and forage crops.

WATER QUALITY

5. SAMPLE NUMBER 77-839
6. SALINITY (EC X 10⁶) 299 - medium
7. SODIUM (SAR) 0.21
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from Bennett Conservation District, County Extension office or Soil Conservation Service.

and:

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

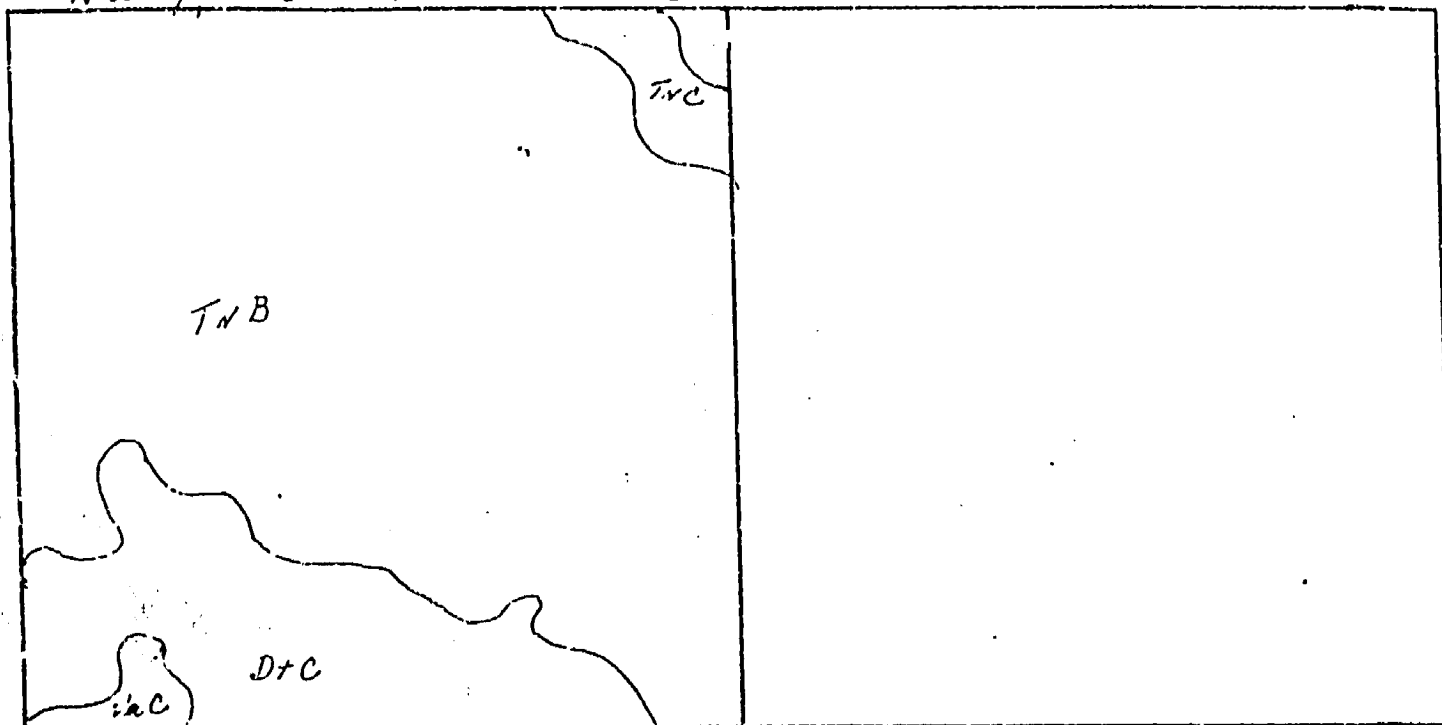
Tom Jacquot
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
12th DAY OF May 19 77.

Alvin B. Engelbert
(TITLE OR SEAL)
Register of Deeds
(SOILS INFORMATION ON REVERSE SIDE)

Albert J. Hoff
APPROVED/

NW 1/4 Section 32-37-33 MAP



NARRATIVE

TnB -Tuthill and Anselmo fine sandy loam, 0-5% slope. Soils are well drained. Runoff is slow to medium and permeability is moderate. Soils have moderate to high water holding capacity and moderate natural fertility.

DtC -Dunday-Anselmo complex, 3-9% slope. Soils are somewhat excessively drained. Runoff is slow and permeability is rapid. Soils have low water holding capacity and are subject to blowing.

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

Submitted by: Tom Jacquot Date Rec'd: May 25, 1977
Address: Box 173 69211 Sample No. 77-839
Identification: 1011-350
NE 1, Sec. 32, T 37N, R 33W

WATER ANALYSIS

Calcium (Ca)	50	ppm*	2.48	me/l**
Magnesium (Mg)	6	ppm	0.47	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	5	ppm	0.13	me/l
Sulfate (SO ₄)	4	ppm	0.08	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.05	me/l
Bicarbonate (HCO ₃)	171	ppm	2.30	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)	140	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	299	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.21			
Sodium	7.78	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	8.06			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 3.34 me/l
Total anions 2.93 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-839

Amount Enclosed \$

Signed

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 28", Depth 350 ft
(2) Casing, Type Steel Diameter 16" Thickness 1/4"
(wood, concrete, steel, etc.)
(3) Perforated Screen.
Type Steel, Diameter 16", Length 220 ft
(4) Gravel Pack, Thickness 6", Length of gravel pack 300 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 Fine sand to Sandstone to sand

Length to top of water bearing material 25 feet
Depth to bottom of water bearing material 350 feet
Thickness of water bearing material 325 feet
Depth to water (ground surface to water level) 75 feet

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

On same owner's property 80 rds. On property owned by others 120 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.

Pam Jacquet
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1591-2

(1) WHEREAS, On the 13th day of May A. D. 19 77
Tom Jacquot

made Water Right Application No. 1591-2 for a permit to use 2.0 cubic feet per second of the waters of groundwater

County of Bennett, State of South Dakota, for irrigation

purpose and

(2) WHEREAS, On the 6th day of October A. D. 19 77

Permit No. 1591-2, with a date of priority of May 13, 1977

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 6th day of October A. D. 19 82 and for the application to beneficial use of said water on or before the 6th day of October A. D. 19 84

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.56 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 32, T37N, R33W

	acres
NW $\frac{1}{4}$ N $\frac{1}{2}$ W	33
NE $\frac{1}{4}$ NW $\frac{1}{2}$	33
E $\frac{1}{2}$ NW $\frac{1}{2}$	33
SE $\frac{1}{4}$ NW $\frac{1}{2}$	33
TOTAL	132 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 Tan Jacquot

_____ of Vatal, South Dakota

the holder _____ and owner _____ of said permit No. 1591-2 a water right, dating from May 13, 1977

_____ to use of 1.56 cubic feet per second of the waters of grounwater (one well)

in the County of Bennett and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 200 feet south and 700 feet west of the NE corner of Section 32, T37N, R33 W

and conduct to and upon portions of land in Section 32, 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. 1591-2 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

Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 29, 1977Notice is hereby given that Tom Jacquot whose

post office address is Cody, Nebraska, ~~South Dakota~~, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use 46-5-38, Temporary Permit 46-5-39, 46-5-40; Ground Water~~ 46-6-3, 46-6-5, 46-C-6.1, 46-6-10, 46-5-14 and Commission Rules LRSE 52:01:01:01 thru 52:01:01:12, ~~Future Use 52:01:01:21~~

~~thru 52:01:01:24~~, for a permit to appropriate for beneficial use 2.0 cubic feet

of water per second of time from ~~the~~ ground water through

the Jacquot Well # 2, the point of diversion of which is

to be located ~~in the~~ near the center of the north boundary

of Section 32, Twp. 37N, Range 33W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 32, T37N, R33W

This Application No. 1531-2 will be considered by the Water Rights Commission the Shounelite Inn, Brookings, SD at ~~their office at Pierre~~ upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WIMBERTON
Water Rights Specialist

cc: Tom Jacquot, R.R., Vetal, SD 57575

Permit No. 1591-2

Water Diversion No. 2 ~~Little White River~~ Water District

CERTIFICATE OF CONSTRUCTION

See also 1782-2

This is to Certify That Tom Jacquot

_____ the holder _____ of
Permit No 1591-2, issued upon Application No 1591-2, bearing date of priority of _____
May 13, 1977 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
groundwater (on well) County of Bennett, State of South Dakota at _____
a point 200 feet south and 700 feet west of the NE corner of
Section 32, T37N, R36E
_____, for irrigation

purposes, he is 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 diversion and conveying to the place of intended use 1.50 cu. ft. per second of water

Date December 17, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WND

Permit No. 1591-2Water Division 2 Little White River Water District

REPORT 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 Tom Jaquetof R R Vetal, South Dakota 57575 holderof Permit No. 1591-2, bearing date of priority of May 13, 1977authorizing the diversion of 2.0 cu. ft. per second of the waters of one Wellfor 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:

Engine: -3208 V8 Caterpillar, 125 HPPump: Johnston, Model 10 GMC. Ser# 78249,
with Randolph Gear Head

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

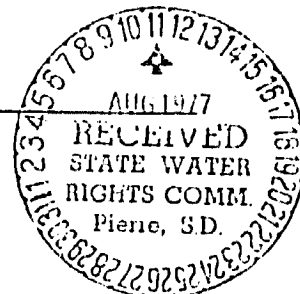
1300 ft 8" Aluminum Pipe to well

C. Works used to apply water to beneficial use.

Lockwood Center Pivot, Model 2186, Ser# 512178The system is in the following condition: GoodThe point of diversion is located 200 ft S and 700 ft W of the N 1/4 corner
of Sec. 32, T 37N R 33WThe works are capable of diverting and conveying to the place of use 1.56cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 32 T 37N R 33WNW 1/4 - 33 Ac NE 1/4 - 33 Ac SE 1/4 - 33 Ac
SE 1/4 NW 1/4 - 33 Accomprising a total of 132 acres of land.

Well data:

Depth 360 ftStatic 30 ftPumping 700 gpm estCapacity 700 gpmDate May 3 1978Leif G. McNamee
(Signature)



STATE OF SOUTH DAKOTA)
) ss.
County Bennett)

8-9-77
(Date Signed)

**WATER RIGHTS
COMMISSION,**
James Winterton,
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7169

December 14, 1979

PIERRE, _____, 19

RECEIVED OF Tom Jacquot, Rural Route, Metall SD 57595

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. 1591-2)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1591-2)		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH kw



1591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 11, 1999

1500-2
1591-2
1782-2

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

Dear Mr. O'Neill:

Thank you for taking the time to visit with me last week about Water Right Nos. 1500-2, 1591-2 and 1782-2 formerly owned by Tom Jacquot. Enclosed are copies of the water rights which you may keep for your records.

Also enclosed, are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms for accuracy and complete the portion titled "to be transferred to: (name & address).....". Upon completion, please sign the forms in the presence of a notary and return them to our office with a filing fee of \$2.50 each (total of \$7.50).

Thank you again for your help and if I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



May 25, 1999

1591-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

1500-2
1591-2
1782-2

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

Dear Mr. O'Neill:

On January 11, 1999, I wrote to you about transferring Water Right Nos. 1500-2, 1591-2 and 1782-2. Last time we spoke, you indicated you purchased all of Mr. Jacquot's land and would like to have the water rights transferred to your name.

Although I have not heard from you, I assume you still wish to have the water rights transferred. In the event you have mislaid the original transfer forms, I am enclosing another set of partially completed forms.

Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

It is very important to keep ownership records current. If you need assistance with completion of the forms or if you have questions concerning the water rights, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1591-2

Date: 6-15-99

I/We request that Water Right No. 1591-2

formerly owned by: Tom Jacquot

be transferred to: (name & address) O'Neill Cattle Co. inc. HC 77 Box 33A

Cody NE

69211

Telephone No. 1-605-685-1061

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

132 acres - NW 1/4 Section 32, T37N, R33W

I/We understand that the validity of Water Right No. 1591-2 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Bennett)

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

[Signature]
(Signed)

Subscribed and sworn to before me this 23rd day of June, 1999.

[Signature]
(Notary Public)

My Commission expires 7/22/2001

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



1591-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 16, 1999

1500-2

1591-2

1782-2

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

Dear Mr. O'Neill:

Thank you for returning the transfer forms for Water Right Nos. 1500-2, 1591-2 and 1782-2.

Prior to filing the ownership changes, a \$2.50 fee is required for each transfer (total of \$7.50). My first letter may not have been clear with respect to the fee. You may make the check or money order payable to the Water Rights Program.

Please remit a total of \$7.50 as soon as possible. The water rights will be transferred to your name as soon as we receive the fee. Thank you in advance for your help.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416175

Pierre, August 30, 19 99

RECEIVED OF O'Neill Cattle Company, (Rick & Tony O'Neill), HC 77, Box 33A, Cody, NE 69211
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. 1591-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50



1591-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 30, 1999

1500-2
~~1581-2~~ 1591-2
1782-2

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

Dear Mr. O'Neill:

Thank you for sending in the filing fees for transferring Water Right Nos. 1500-2, 1581-2 and 1782-2.

The transfers have been completed. The water rights, formerly owned by Tom Jacquot, are now listed in the name of O'Neill Cattle Company, Inc.

Enclosed are your receipt Nos. 416174, 416175 and 416176. If you have any questions concerning the water rights, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1591-2

Date: 3-1-00

I/We request that Water Right No. 1591-2

formerly owned by: Tom Jacquot

be transferred to: (name & address) O'Neill Famed inc. HL 77 Box 33A
 Cody NE 68211 Telephone No. 605-685-1061

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132 acres - NW 1/4 Section 32, T37N, R33W

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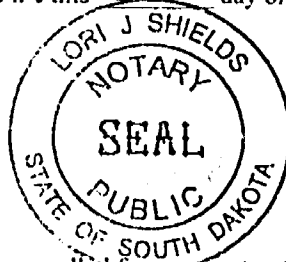
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)
County of Butte)

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

Tony O'Neill
(Signed)

Subscribed and sworn to before me this 31st day of December 19 2002



Lori J. Shields
(Notary Public)

RECEIVED
JAN 03 2003
WATER RIGHTS
PROGRAM

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

RECEIVED
JAN 03 2003

WATER RIGHTS
PROGRAM

RECEIPT

1591-2

WATER RIGHTS PROGRAM South Dakota Department of Environment and Natural Resources

Date January 3, 2003

RECEIVED OF O'Neil Farms Inc., HC 77 Box 33A, Cody NE 69211

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>1591-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	2.50	

No.

000505

By

Darlene Schick

Chief Engineer

gm

File No. 1500-2
1591-2
1782-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Tony O'Neill

DATE: January 17, 2003

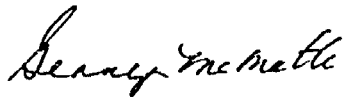
TELEPHONE: 605 685-1061

RE: transfer of Water Right Nos. 1500-2, 1591-2, 1782-2

COMMENTS:

Mr. O'Neill submitted transfer forms to change ownership from Tom Jacquot to O'Neill Farms Inc. I called him to let him know that the water rights were already in O'Neill Cattle Company, Inc. He had submitted the transfers back in July, 1999.

He requested that we go ahead and use the forms to transfer the water rights into O'Neill Farms Inc." rather than leave them in the "Cattle Company" name.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

1500-2
1591-2
1782-2

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

Dear Mr. O'Neill:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees you submitted. The transfers have been completed. The water rights formerly listed in the name of O'Neill Cattle Company Inc are now listed in the name of O'Neill Farms Inc.

Enclosed are your Receipt Nos. 000505, 000506 and 000507 in the amount of \$2.50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

1591-2
File No. 1500-2

1591-2

1782-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Tony O'Neill, O'Neill Cattle Company

ADDRESS: HC 77 Box 33A, Cody, NE 69211

DATE: January 8, 1999

TELEPHONE: 605 685-1061

RE: ownership of Nos. 1500-2, 1591-2 and 1782-2

COMMENTS:

I called and spoke with Tony O'Neill about ownership of Tom Jacquot's land. He said they purchased all of his land.

They have pivots running on the land in the SE ¼ Section 32 (1500-2) and the NW ¼ Section 32 (1591-2). The land in the SW ¼ Section 29 (1782-2) is not currently being irrigated. They just removed the land from CRP.

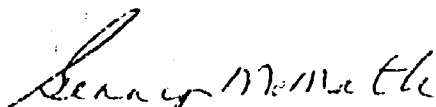
I told him he would effectively have 3 years from the date it was removed from CRP to start irrigating again. He didn't know if they would be able to get a pivot set back up in three years due to poor economical conditions. He asked if we could grant him an extension in three years if he wasn't able to start irrigating. I told him that would be an issue to come before the Board with. I explained legal excuse to him and told him that the Board has not considered poor economical conditions as legal excuse in the past, however this should not prevent him from bringing the matter to the Board.

For now, he wants all three of the water rights to be transferred to them and he will decide what to do with No. 1782-2 at a later date.

He indicated that the 1998 irrigation questionnaire information was included on No. 1211-2 (already listed in his name).

RECOMMENDED ACTION:

Transfer all water rights and put No. 1782-2 on the list of water rights to be reviewed in 2-3 years to find out if Mr. O'Neill intends to start irrigating.



Genny McMath
Environmental Scientist

WATER RIGHT NOS. 1591-2 and 1782-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Tony O'Neill – Water Permit Application No. 2521-2
ADDRESS: COUNTY: Bennett
DATE: May 18, 2004 TELEPHONE:

RE: Phone conversation regarding application.

COMMENTS:

Based on Ken's report which found that the acreage was included under two permits, I contacted Tony O'Neill to find out exactly what irrigation was taking place.

I stated that in 1999, Genny McMath had a conversation with him regarding transferring the water rights to O'Neill Farms. At that time, Genny informed that the land in the SW ¼ of Section 29 and authorized by Water Right No. 1782-2 had just come out of the Conservation Reserve Program (CRP) and that irrigation would need to begin in 3 years or the permit would be subject to forfeiture for nonuse.

The land in the NW ¼ of Section 32 is authorized by Water Right No. 1591-2 and according to Mr. O'Neill has been continually irrigated.

The SW ¼ of Section 29 and the NW ¼ of Section 32 are both covered by the pending application. I asked for an explanation.

Mr. O'Neill indicated that this application is primarily for irrigation of the SW ¼ of Section 29 which hasn't been irrigated since it came out of CRP. He went on to explain that the NW ¼ of Section 32 has been irrigated under Water Right No. 1591-2 but that the well is failing and they anticipate using these new wells to provide supplemental water. He said they finally found a location on their property where there is sufficient water to support irrigation wells.

I told Mr. O'Neill that Water Right No. 1782-2 was likely subject to forfeiture for nonuse. He agreed and I intend to cancel No. 1782-2 as part of approving Application No. 2521-2.

The application is being amended to be for 130 new acres but a diversion rate that will include being able to serve the irrigated acres under Water Right No. 1591-2 and Application No. 2521-2.

We went on to discuss timing on getting his application public noticed.

NAME: Eric Thurmond

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>1591-2</u> Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED

APR 23 2009

WATER RIGHTS
PROGRAM**Application For Permit To Appropriate Water For Irrigation**
 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant O'Neill Farms Inc Phone 605-685-1061
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address HC 77 Box 33A Cody NE 69211 State NE 69211
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or 1200 **GPM ***AF Total Acreage 270
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground Water Ogallala aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in NW1/4 Sect 29 R37-33
 County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used June 1st - Sept 15
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

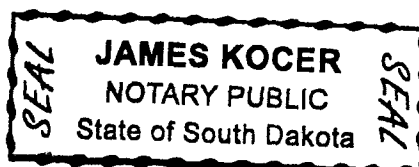
Land Description	Acres	Land Description	Acres
<u>NW 1/4, Sect 32 37-33</u>	<u>130</u>		
<u>SE 1/4, Sect 32 37-33</u>	<u>140</u>		

- Give a description of the project. (Attach sheet if more space is needed) 1 well to pump water To irrigate 2 center pivots

STATE OF SOUTH DAKOTA) SS
County of _____

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, _____, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Tony O'NeillSubscribed and sworn to before me this 22 day of April 20 09
James Kocer
 Notary Public signature
My commission expires 09-23-2011

Form 2A

(Complete applicable portions only)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 18 in Depth 300 ft
- b) Casing Type Steel Diameter 14 inches Thickness _____
- c) Screen Type Slot Diameter 14 inch Thickness _____
- d) Gravel Pack fine Length of Gravel Pack 300 ft
- e) Depth to Top of Water Bearing Material 40 ft
- f) Depth to Water (ground surface to water level) 60 ft
- g) Distance to nearest existing domestic well:
- On applicants property 1 1/2 miles On property owned by others 3/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) NA
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

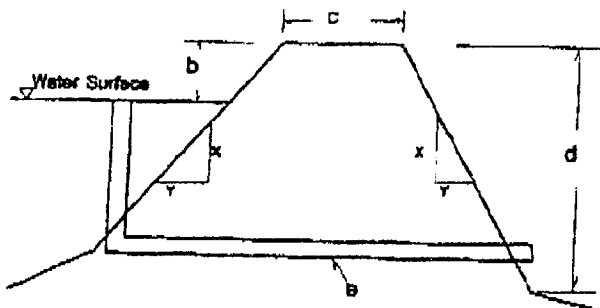
3. Dugout Information

- a) Surface Dimensions NA Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

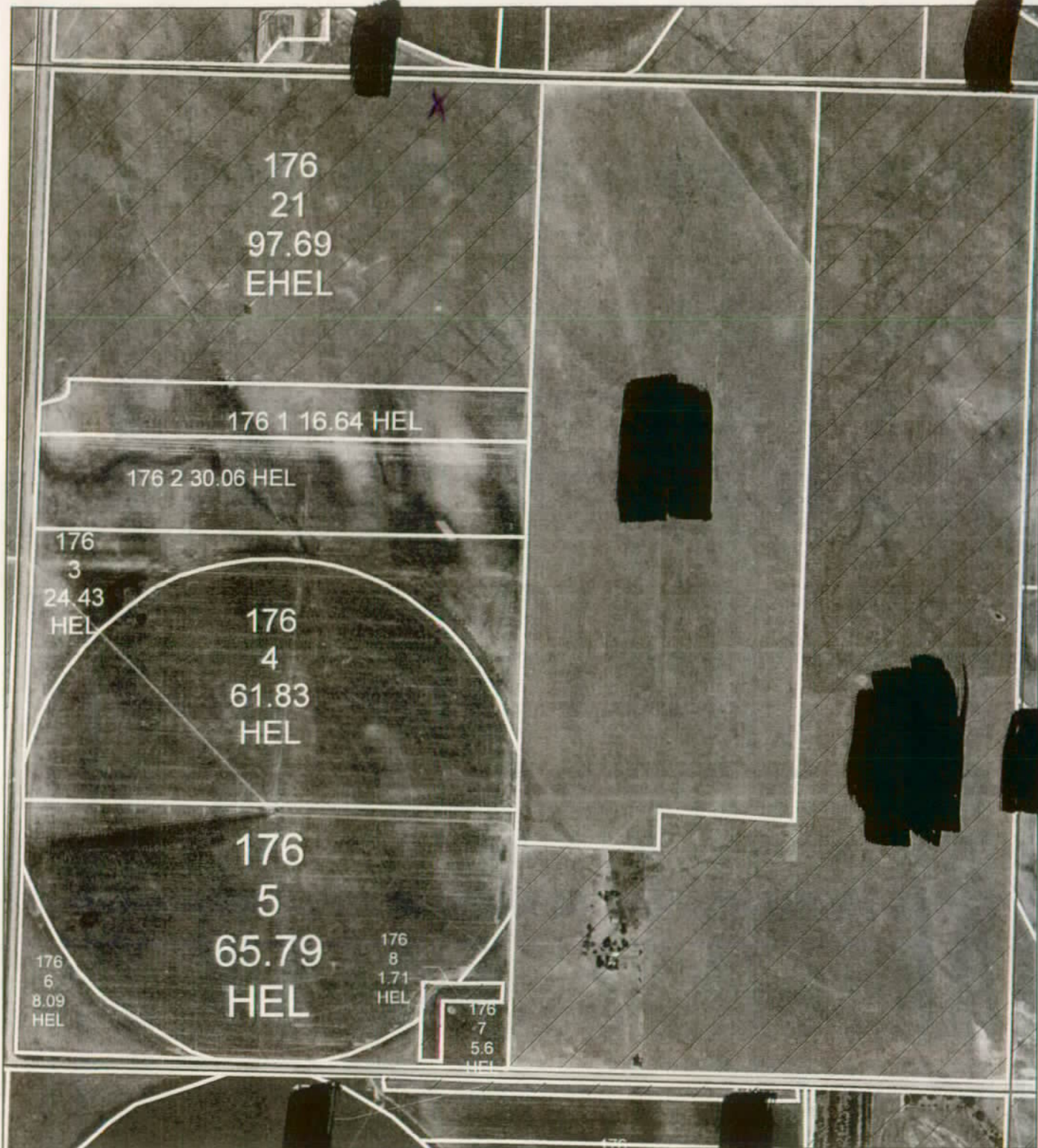
NA
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

New well



USDA - Farm Service Agency

Bennett County, SD

29-37N-33W

1:8,732

April 17, 2009

**BENNETT/SHANNON
FARM SERVICE AGENCY
206 US HWY 18 SUITE 1
MARTIN, SOUTH DAKOTA 57551-2203**

WATER RIGHTS
PROGRAM

APR 23 2009

RECEIVED

Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability of the maps. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Approval of Additional Diversion Point

NAME: O'Neill Farms, Inc. – c/o Tony O'Neill**ADDRESS:** HC 77, Box 33A, Cody NE 69211**DATE:** April 27, 2009 **COUNTY:** Bennett **TELEPHONE:** ph 685-1061 cell 685-4364

O'Neill Farms Inc. has made a request to authorize an additional well for the irrigation of land authorized by Water Right No. 1500-2 and 1591-2. Water Rights records indicate that irrigation has been taking place on these acres.

Water Right No. 1500-2 appropriates 1.8 cubic feet of water per second (cfs) from one well located near the center of the SE ¼ of Section 32 for irrigation of 132 acres in the SE ¼ Section 32; all in T37N, R33W. Water Right No. 1591-2 appropriates 1.56 cubic feet of water per second from one well located in the NE ¼ NW ¼ of Section 32 for irrigation of 132 acres in the NW ¼ Section 32; all in T37N, R33W.

Right Nos. 1500-2 and 1591-2, combined, appropriate 3.36 cfs from the Ogallala Formation for irrigation of 264 acres. From personal communication with Tony O'Neill, O'Neill Farms intends to use a new well located in the NE ¼ NW ¼ Section 29, T37N, R33W as the primary source for operating the pivots while the existing wells will be used as helper wells. The total diversion of water will not exceed the 3.36 cfs that is authorized by these water rights.

There is also Water Permit No. 2521-2 which appropriated 3.56 cfs from two wells located in the NE ¼ NW ¼ Section 29, T37N, R33W for irrigation of the SW ¼ Section 29 and to provide supplemental water to the existing center pivot authorized by Water Right No. 1591-2 located in the NW ¼ Section 32. The time to complete construction of Permit No. 2521-2 is June 7, 2009. From personal communication with Mr. O'Neill, one of these wells is completed and connected for operation of the two center pivots. He indicated this new additional well request is for a well located approximately 1,320 feet east of this completed well. This would equate very closely to where the second well that was intended under No. 2521-2. However, this request is still necessary because it is an additional well to supply water to the center pivot in the SE ¼ Section 32.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Ogallala Aquifer. No additional water is to be appropriated by this request. This well is already authorized and the diversion authority appropriated by Permit No. 2521-2 to supply irrigation water to the SW ¼ Section 29 and supplemental water to the NW ¼ Section 32.

- **If irrigation, no new land is irrigated**

No additional land is to be irrigated above the 264 acres authorized by Water Right Nos. 1500-2 and 1591-2. This request is to authorize one additional well for the existing appropriation of water and irrigation of the acreage covered by these water right.

- **Review of Existing Diversions**

A review of existing diversions in neighboring sections was conducted. This is an area of considerable irrigation development to the north and northwest. The existing water rights in neighboring sections are shown on Table 1.

TABLE 1

Permit No.	Holder	Source	Well Location	Approx. Distance to additional well
2521-2	O'Neill Farms	Ogallala	NE NW Sec. 29 T37N, R33W	¼ mile east *
1002-2 & 1002A-2	Jimmie O'Neill	Ogallala	SW ¼ Section 21, T37N, R33W	1 mile northeast
1208-2	Jimmie O'Neill	Ogallala	SE NW Sec. 10, T37N, R33W	¾ mile south
1001-2	Jimmie O'Neill	Ogallala	300 feet west of center of Section 20, T37N, R33W	½ mile south

- The additional well requested appears to be authorized by No. 2521-2 with a June 7, 2009 completion date for irrigation of the SW ¼ Section 29 and NW ¼ Section 32

The nearest water permits in a name other than the O'Neill family is held by Brad and Marlene Pisha located just over 2 miles to the northwest in the NW ¼ Section 18, T37N, R33W.

The Water Rights Program's database of well completion reports was also reviewed. Driller reports for five domestic wells that are completed into the Ogallala Aquifer were found in neighboring sections. One of the domestic wells was completed for O'Neill Cattle Company. Another domestic well was completed in Section 32 for Tom Jacquot who was the previous landowner and this well is presumably now owned by O'Neill Cattle Company. There are two domestic wells located in the NW ¼ NW ¼ Section 31, T37N, R33W both drilled in 2007 for Hoffmann T Lazy Z Ranch. These wells would approximately 1 ½ miles southwest of this additional well. The other domestic well was drilled in 1996 for Peterson Ranch located in the SE ¼ NE ¼ Section 33, T37N, R33W in Todd County that is approximately 2 miles southeast of this additional well.

The proposed well site was evaluated in the processing of Water Permit No. 2521-2 in 2004. Since that time only two new water permits have been obtained from the Ogallala Aquifer in the immediate area. They are in Section 6 that is 4 miles northwest and in Section 17 that is 1 ½ miles north of the requested additional well location. The report for No. 2521-2 concluded that well interference is not expected to be a problem in the area. This was based largely on two observation wells (BT-76C and BT-80E) located an approximate equal distance north and south of the diversion location. While there are irrigation wells operating with one-half mile of the BT-76C, drawdown is not significant in the observation well

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be authorized pursuant to SDCL 46-5-13.1.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 1, 2009

Ton O'Neill
O'Neill Farms, Inc.
HC 77 Box 33A
Cody NE 69211

Dear Mr. O'Neill:

I am writing in regard to O'Neill Farms' request to authorize one additional well for irrigation authorized by Water Right Nos. 1500-2 and 1591-2.

Water Right No. 1500-2 appropriates 1.8 cubic feet of water per second (cfs) from one well located near the center of the SE $\frac{1}{4}$ of Section 32 for irrigation of 132 acres in the SE $\frac{1}{4}$ Section 32; all in T37N, R33W. Water Right No. 1591-2 appropriates 1.56 cubic feet of water per second from one well located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32 for irrigation of 132 acres in the NW $\frac{1}{4}$ Section 32; all in T37N, R33W. The wells are completed into the Ogallala Formation.

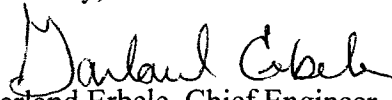
When Water Permit No. 2521-2 was obtained in 2004 it appropriated 3.56 cfs from two wells located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29 for irrigation of the SW $\frac{1}{4}$ Section 29 and to provide supplemental water to the existing center pivot authorized by Water Right No. 1591-2 located in the NW $\frac{1}{4}$ Section 32. The time to complete construction of Permit No. 2521-2 is June 7, 2009. From your phone conversation with Eric Gronlund, it is Water Rights understanding that one of the two wells authorized by No. 2521-2 has been developed. This request is to authorize this second well and add that the well can also serve the pivot in the SE $\frac{1}{4}$ Section 32.

Upon review of the request and pursuant to SDCL 46-5-13.1, an additional well to be completed into the Ogallala Formation is authorized without application or publication of a notice of hearing. The additional well is located in the approximate center of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T37N, R33W.

No additional appropriation above the amounts authorized by Water Right Nos. 1500-2 and 1591-2 is authorized. If the diversion is increased, a new water permit must be obtained.

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

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/23, 20 09

RECEIVED OF O'Neill Farms Inc Tony O'Neill HC 77 Box 33 Cody NE 69211

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No.

04123

By

Laurel Erbe

Chief Engineer

05/01/2009

PAYMENT REQUEST FORM

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

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit application - processed administratively

AMOUNT: \$100.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barclay C. Cible 5/4/09

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 2009

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

Dear Mr. O'Neill:

Last week we sent you a letter regarding your request for an additional well for irrigation authorized by Water Right Nos. 1500-2 & 1591-2. Along with your request, you submitted a check for \$100.00. Since your request for an additional well did not authorize any additional water and wasn't considered a new application, the filing fee is not required. Therefore, the \$100.00 fee will be refunded to you. The refund check should be received within the next couple of weeks.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



1591-2
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 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



1591-2
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.



1591-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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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,

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



1591-2
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 cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2013

Rick O'Neill
24381 294th St
Cody NE 69211

RE: Water Permit or Right Nos. 1500-2, 1591-2, 2521-2 and 2664-2

Dear Mr. O'Neill:

I am writing in follow-up to our phone conversation concerning the 2012 irrigation questionnaires for the above listed numbers.

I have enclosed copies of the 2010 and 2011 irrigation questionnaires to give you an idea of what type of information is needed. The legal description pertaining to each one is located towards the lower left of each questionnaire.

Typically these forms come out in October and are due back by the first week in December. I have edited the database to include your name and address for mailing correspondence. As soon as all the legal matters are worked out and the land changes ownership, let me know and I can send transfer forms to you for filing the ownership changes.

If you have any questions concerning any of the enclosed materials, give me a call. I have included a postage paid envelope for your use in returning the yellow irrigation questionnaires. Thank you in advance for your help.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 2013

Rick O'Neill
24381 294th St
Cody NE 69211

RE: Water Right Nos. 1500-2, 1591-2 and Water Permit 2521-2

Dear Mr. O'Neill:

I am writing in follow-up to our phone conversation concerning additional land you are irrigating.

It is my understanding from our conversation and the irrigation questionnaire submitted for Water Right No. 1591-2, the enlarged pivot now covers 188 acres and not 132 as authorized. I printed off a map showing the pivot locations currently authorized and labeled them accordingly. By the map, it appears that the pivot that actually increased in size might be for Water Right No. 1500-2?

I have included copies of Water Right Nos. 1500-2, 1591-2 and Water Permit No. 2521-2 and a map showing the locations for each. No. 2521-2 authorizes the irrigation of the SW $\frac{1}{4}$ Section 29 but also provided supplemental water for the pivot located in the NW $\frac{1}{4}$ Section 32 authorized by No. 1591-2.

Enclosed are blank water permit application forms and an instruction sheet for use in applying for the 56 additional acres for the enlarged pivot. The fee for an application for up to 60 acres would be \$500 plus \$200 licensing for a total of \$700.

Another issue needing attention is permitting for the pivot located in the NW $\frac{1}{4}$ Section 29. In August, 2011, Hayes Haas, a staff engineer with our program conducted a licensing investigation of the project developed under Water Permit No. 2521-2. The investigation found the existence of an additional pivot over and above what was authorized. Partially completed application forms were directed to Tony O'Neill for obtaining a permit. He wrote back and asked to delay the application since the two farms were going to be divided and he felt it was best to wait until that had been done. I am enclosing a copy of the map, application forms and correspondence previously directed to Tony. Since we have a map and the well information, all you would need to do for this one is to complete the application and return it along with the fee of \$850 (see letter from Hayes Haas dated December 7, 2011).

If you have any questions, please contact me.

Sincerely,

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

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Nos. 1500-2 and 1591-2, O'Neill Cattle Company

ADDRESS: COUNTY: Bennett

DATE: June 18, 2013 TELEPHONE:

RE: Well used for these water rights

Water Permit No. 2710-2 authorizes the change in well location for irrigation of lands under Water Right Nos. 1590-2 and 1591-2. The original wells if temporarily abandoned be sealed with a watertight cap or if permanently abandoned plugged in accordance with well construction standards.

When the licensing investigation is conducted, it is likely that Water Right Nos. 1500-2 and 1591-2 may be incorporated into the license for 2710-2.

NAME: Eric Lundberg



1591-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2013

1500-2
1591-2
2521-2
2664-2

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

Dear Mr. O'Neill:

Thank you for the prompt return of your 2013 irrigation questionnaires. It is my understanding from the notations you made on the forms that you are ready to have the water permits or rights transferred to O'Neill Cattle Co Inc.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

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

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

enclosures

RECEIVED

DEC - 9 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1591-2

Date: _____

I/We request that Water Right No. 1591-2

formerly owned by: O'Neill Farms Inc

be transferred to: (name & address) O'Neill Cattle Co Inc-

24381 294th Street

Cody W 69211

Telephone No. 605 685 1197

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

132 acres - NW 1/4 Section 32, T37N, R33W

I/We understand that the validity of Water Right No. 1591-2 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 Rick O'Neill, the new owner, certify that the above information is true and correct.

O'Neill Cattle Co Inc

[Signature]
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/9, 20 13

RECEIVED OF Rick O'Neill 24381 294th St Cody NE 69211

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1591-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06510**

By *James Goodman*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 26, 2013

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

RE: Water Permit or Right Nos. 1500-2, 1591-2, 2521-2 and 2664-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water permits and rights.

The ownership changes have been completed. Water Permit or Right Nos. 1500-2, 1591-2, 2521-2 and 2664-2, formerly held by "O'Neill Farms Inc." are now listed in the name of "O'Neill Cattle Co Inc." % Rick O'Neill.

Enclosed for your records are Receipt Nos. 06509, 06510, 06511 and 06512 in the amounts of \$50 each which you paid for filing the ownership changes.

If I can answer any questions for you, please give me a call.

Sincerely,

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

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 19 2015

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

Dear Mr. O'Neill:

Enclosed is Water License No. 2710-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2710-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

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Note: Upon licensing, the applicable portions of Water Right Nos. 1500-2 & 1591-2 and Water Permit Nos. 2521-2 & 2709-2 were incorporated into Water License No. 2710-2.