

Water Right Number 1637-2

1. Considered MAY 25, 1978
2. Name of Applicant ELEANOR SCHAPMANN
3. Post Office Address TILDEN, NEBRASKA
4. Amount of water claimed 5.65
5. Source of water supply 3 - 280', 260' & 380' DEEP WELLS
6. Water to be used for IRRIGATION

Acres to be irrigated 42 396.00

7. Water to be diverted and used in BENNETT County
about 6 EAST, 1 Miles SOUTH of VETAL

8. Proof of Publication

Received

5-22-78

Not received

9. Application

Approved

Subject to

Not approved

Action deferred

10. Remarks:

WATER RIGHT APPLICATION APPROVAL

Agri-Idel Co. 1/231000 Kountze

The Water Rights Commission hereby approves Water Right Application No. 1637-2

ELEANOR SCHAPMANN

(Applicant)

TILDEN Box 286 Elgin

(Post Office Address)

So

NEBRASKA 68781

(State)

With the following modifications:

The irrigation wells 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 MARCH 17 19 78

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

Date of receipt of corrected application MAY 5 19 78

Approved MAY 25 19 78, Recorded in Book 19 Page 348

WATER RIGHT PERMIT NO. 1637-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1637-2 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 MARCH 17 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 25 19 79
3. The whole of said work is to be completed on or before MAY 25 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 25 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 5.65 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 MAY 25 19 83 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 30th day of MAY 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Well No. 1 NW $\frac{1}{4}$

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 28", Depth 300 feet

(2) Casing, Type Steel, Diameter 16", Thickness ~~225 feet~~ 14"
(wood, concrete, steel, etc.)

(3) Perforated Screen.

Type Steel, Diameter 16", Length 25

(4) Gravel Pack, Thickness 6", Length of gravel pack 200 feet

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 to coarse sand, to sandstone

Depth to top of water bearing material 20 feet

Depth to bottom of water bearing material 300 feet

Thickness of water bearing material 280 feet

Depth to water (ground surface to water level) 30 feet

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

On same owner's property none rds. On property owned by others 180 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.

E. L. Chapman
Signature of Applicant

Well No. 2 NE½

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Pole, Diameter 28", Depth 310 feet
- (2) Casing, Type Steel Diameter 16" Thickness 1"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Steel, Diameter 16", Length 280 feet
- (4) Gravel Pack, Thickness 6", Length of gravel pack 300 feet

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 Red rock

Depth to top of water bearing material 35 feet

Depth to bottom of water bearing material 310 feet

Thickness of water bearing material 285 feet

Depth to water (ground surface to water level) 40 feet

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

On same owner's property none rds. On property owned by others 220 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.

E. P. Schaefer
Signature of Applicant

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

D. Well information or Estimates

- (1) Drill Hole, Diameter 28", Depth 325 feet
- (2) Casing, Type Steel Diameter 16" Thickness 1"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Steel, Diameter 16", Length 320 feet
- (4) Gravel Pack, Thickness 6", Length of gravel pack 310 feet

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 to coarse sands, gravel to sandstone

Depth to top of water bearing material 30 feet

Depth to bottom of water bearing material 325 feet

Thickness of water bearing material 295 feet

Depth to water (ground surface to water level) 35 feet

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

On same owner's property none rds. On property owned by others 320 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.

Edward J. Hoffmann
Signature of Applicant

CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



IMPORTANT: Read Instructions Before Proceeding!!!

NAME Eleanor Schapmann

ADDRESS Tilden
Tilden, NE 68781

COUNTY Bennett County, Sdak.

In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Center of NW $\frac{1}{4}$, Center of Section 7
2. LOCATION OF AREA TO BE IRRIGATED NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 7, 37N-33W:

TYPE OF IRRIGATION:

3. GRAVITY TOWLINE CENTER PIVOT X GUN
OTHER (SPECIFY)
4. CROPS TO BE IRRIGATED Corn, alfalfa, and forage crops

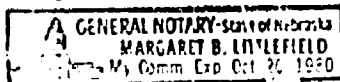
WATER QUALITY: (To be completed by SD&U Water Quality Lab)

5. SAMPLE NUMBER 78-2-81
6. SALINITY (EC X 10⁶) 247 (Rec'd)
7. SODIUM (SAR) 0.19 (0.33 adjusted) (Rec'd)
8. RESIDUAL SODIUM CARBONATE (meg/1.) 0.1

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Bennett County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

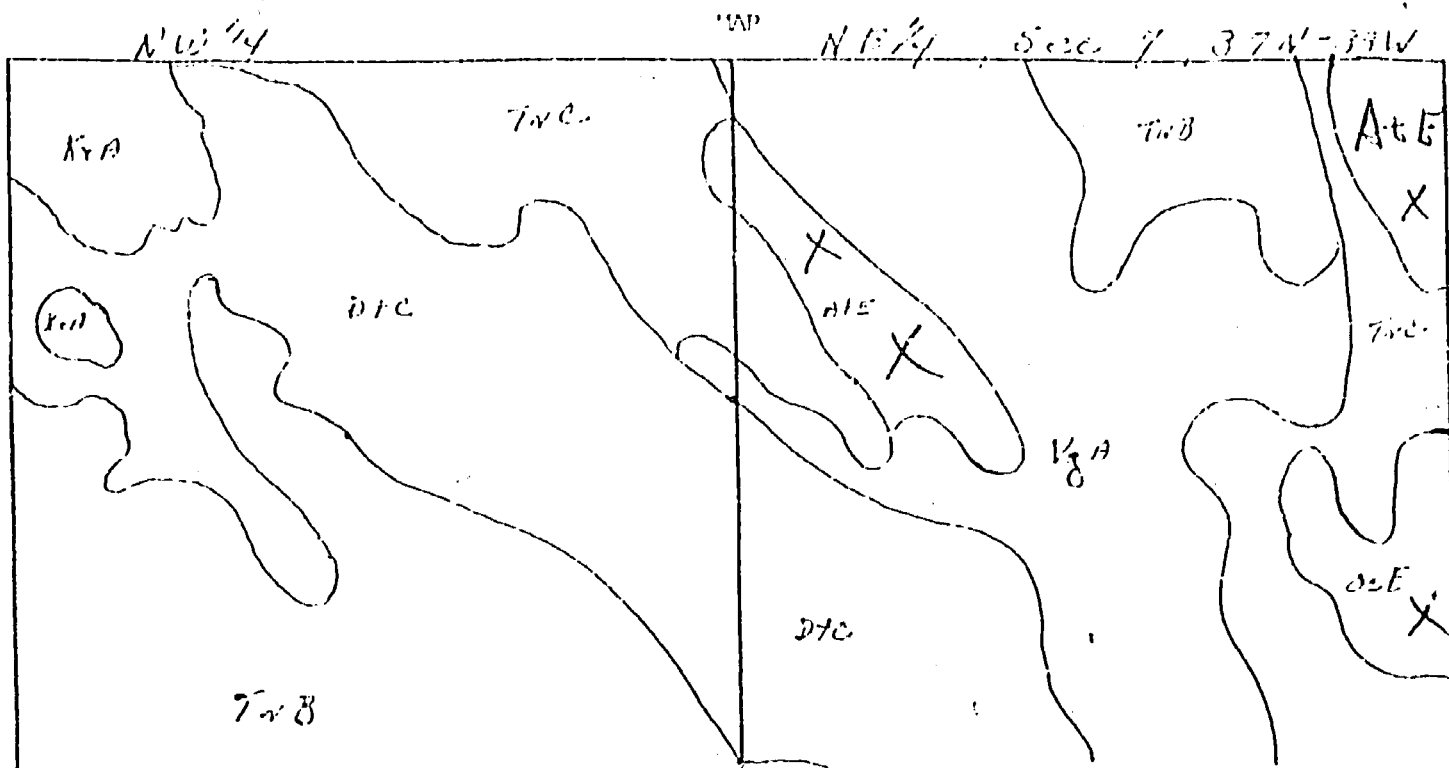
SUBSCRIBED AND SWORN BEFORE ME THIS
15 DAY OF March, 1978

Margaret B. Lynfield
(TITLE OR SEAL)



(SOILS INFORMATION ON REVERSE SIDE)

APPLICANT'S SIGNATURE
Albert J. Schapmann
X Approved
 Disapproved
 Conditionally Approved



NARRATIVE

TnB - Tuthill -Anselmo fine sandy loam. 0-5% slope. Soils are well drained; runoff is slow to medium, and permeability is moderate. Water holding capacity is moderate to high and soil is susceptible to wind and water erosion.

TnC - Tuthill-Anselmo fine sandy loam. 5-9% slope. Soil is very similar to above description, but with steeper slope.

DnC- Sunday-Anselmo complex, 3-9% slope. Soils are somewhat excessively drained. Runoff is slow and permeability is rapid. Have low water holding capacity and subject to wind erosion.

VaG - Vetai and Goshen soils, 0-3% slope. Soils are well drained, surface runoff is slow to medium, and permeability is moderately rapid.

AtE-Anselmo-Tassel, 9-18% slope
non-irrigable

OcE-Oglala-Canyon - non irrigable

KtA Keith Residual S.C.

Keith Residual S.C.
subject to erosion
by gage

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Eleanor Schapmann Date Rec'd April 17, 1978
 Address Tilden, NE 68781 Sample No. 78-281
 Identification Well-360
NW 1/4, Sec. 7, T 37N, R 33W

WATER ANALYSIS

Calcium (Ca)	33	ppm*	1.88	me/l**
Magnesium (Mg)	10	ppm	0.83	me/l
Sodium (Na)	5	ppm	0.22	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	3	ppm	0.06	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	146	ppm	2.40	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)	120	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	247	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19	Adjusted	0.33	
Sodium	7.26	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.62			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 3.03 me/l
 Total anions 2.52 me/l

By: Shirley Litten

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. 78-281

Amount Enclosed \$

Signed

REC-ACAT/FORM
6/77

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Elmer Senigmann, Elmer, Nebraska

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5. times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water.
3. ☐ Yes ☐ No Surface drainage suggested
4. ☐ Yes ☐ No Subsurface drainage suggested
5. ☒ Yes ☐ No Specific land areas that should be avoided or need special treatment.

The Anselmo-Cassel 2-131 alone, if it is included within a pivot circle,

should be kept in permanent crops. The other steep areas are in the corners and will not ordinarily be included with a pivot system.

6. ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)
7. ☐ Heavy fall application of irrigation water

Other than the approximately 20 acres of Anselmo-Cassel and 20 acres of Ogala-Canyon, your soils can be irrigated with the same nozzling. You may experience some runoff to the VgA (Vetol & Goshen) soils. Grading this area ~~to~~ to prevent ponding and subsequent drowning of crops may be desirable.

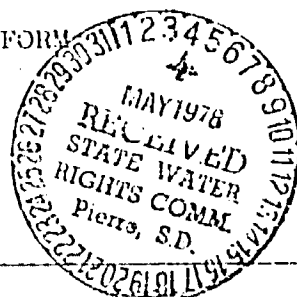
The KRA (Keith-Roschul) has bedrock at depths of 20 inches to 40 inches. Shallow soils do not benefit from irrigation as deeper soils do.

Copy to Applicant - 1
Copies to Water Rights - 2
Copy to File - 1

CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



IMPORTANT: Read Instructions Before Proceeding!!!

NAME Eleanor Schapmann

ADDRESS Tilden
Tilden, NE 68781

COUNTY Bennett County, So. Dak.

In accordance with State Law (Section 1, 3B-33), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT Center of SE $\frac{1}{4}$, Section 7
2. LOCATION OF AREA TO BE IRRIGATED SE $\frac{1}{4}$, Section 7, 37N-33W

TYPE OF IRRIGATION:

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____

(OTHER (SPECIFY) _____)

4. CROPS TO BE IRRIGATED Corn, alfalfa and forage crops

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER 78-280
6. SALINITY (EC X 10⁶) 2.55 (low-med)
7. SODIUM (SAR) 0.18 (0.32 adjusted) low
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Bennett County Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
15 DAY OF MARCH, 19 78.

Margaret B. Littlefield
(TITLE OR SEAL)



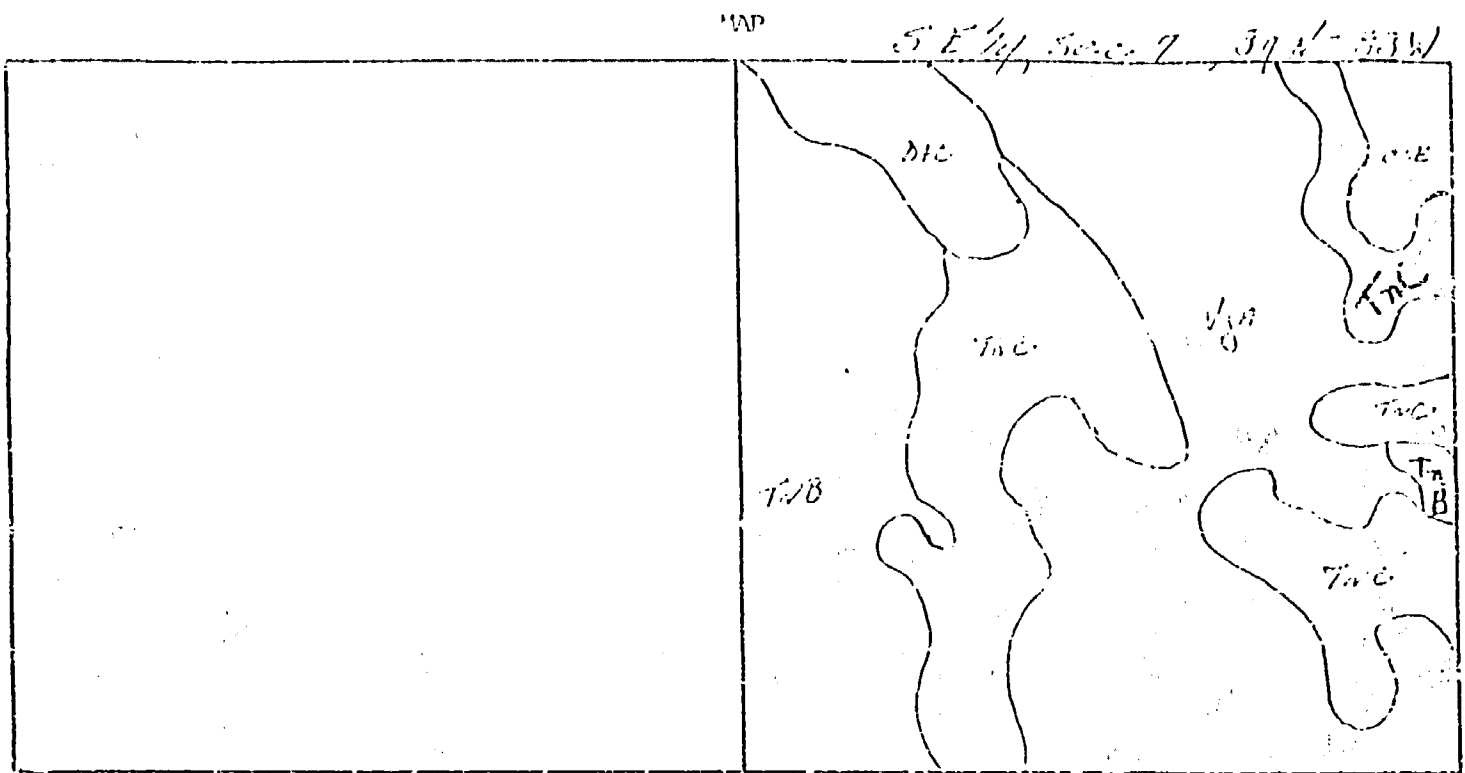
APPLICANT'S SIGNATURE

Albert J. Littlefield

X Approved
Disapproved

Conditionally Approved

SOILS INFORMATION ON REVERSE SIDE)



NARRATIVE

- TnB - Tuthill-Anselmo fine sandy loam, 0-5% slope. Soils are well drained; runoff is slow to medium, and permeability is moderate. Water holding capacity is moderate to high and soil is susceptible to wind and water erosion.
- TnC - Tuthill-Anselmo fine sandy loam 5-9% slope. Soil is very similar to above description, but with steeper slope.
- DnC - Dunday - Anselmo Complex, 3-9% slope. Soils are somewhat excessively drained. Runoff is slow and permeability is rapid. Have low water holding capacity and subject to wind erosion.
- VgA - Vetal and Goshen soils, 0-3% slope. Soils are well drained, surface runoff is slow to medium, and permeability is moderately rapid.

CcE - Ogishka-Goshen complex (1A - 2A)

REPORT OF ANALYSIS
 Water Quality Laboratory,
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Eleanor Schapmann Date Rec'd April 17, 1978
 Address Tilden, NE 68781 Sample No. 78-280
 Identification Well-390
SE 1/4, Sec. 7, T 32N, R 33W

WATER ANALYSIS

Calcium (Ca)	38	ppm*	1.88	me/l**
Magnesium (Mg)	12	ppm	0.98	me/l
Sodium (Na)	5	ppm	0.22	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	4	ppm	0.07	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.09	me/l
Bicarbonate (HCO ₃)	149	ppm	2.44	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.***
Hardness (Methyl Orange)	122	ppm (as CaCO ₃)		
Hardness (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	258	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.18	Adjusted	0.32	
Sodium	6.92	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.55			
Others:				

*ppm=parts per million
 **me/l=millicivalents per liter

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

COMMENTS: Total cations 3.18 me/l
 Total anions 2.60 me/l

By: Shirley Mitten

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. 78-280

Amount Enclosed \$

Signed

REC-MGMT/FORM
6/77

APPROVED

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)

NAME OF APPLICANT Elmer Schramm, Tilden, Nebraska

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1, 2, 3, 4, 5, times during the irrigation season. N/A
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1, 2, 3, 4, inches of water. N/A
3. ☒ Yes ☐ No Surface drainage suggested - if needed. See below
4. ☐ Yes ☐ No Subsurface drainage suggested
5. ☐ Yes ☐ No Specific land areas that should be avoided

6. ☐ Deep tillage (For the purpose of aiding movement of water through dense subsoils)

7. ☐ Heavy fall application of irrigation water

All your soils have a moderately rapid or rapid permeability rate except your Goshen, which lies in a lower elevation position in the middle of your quarters. With a fast nozzling on your real sandy soils, you may expect some ponding on the Goshen soils. This should not have any bad effects unless you experience drowning of crops. Surface grading of this lower-lying area to prevent ponding should solve any crop drowning situation.

Copy to Applicant - 1
Copy to Water Rights - 2
Copy to File - 1

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68763

Test wells (at \$1.00 a foot) are dry and payable in 90 days unless arrangements have been made for the completion of the irrigation well.

Date 11/1/78

1	2
3	4

Name Wm. D. Smith

Address _____

Location Bay Area, California

16.000 V. Cost 3500

Sec. _____ Twn. _____ Range _____
(locate test with "X")

_____ feet from _____ line.

feet from _____ line.

TEST LOG

Footage	Description	Drilling Notes
71-7	Sandy Top	
72-17	Chert & Sand layers	
17-63	S. 14 1/2' to 1' 01'	
62-72	S + SS + K. W. L. C.	
72-86	SS + M. S. + Sand + shales	
86-99	M. S. + S. + SS + clay	
99-136	S + SS + L. C. (S. 10)	
136-175	S + SS + L. C. (S. 10)	
175-177	S + SS (S. 10)	
177-180	Red sh. k.	
	357 800 - 1000' 1000'	

Driller

Customer's Signature

Vincent Morabito

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68763

Test wells (at \$1.07 a foot) are due and payable in 90 days unless arrangements have been made for the completion of the irrigation well.

Date 11/11/11

Name Robert A. Williams

Address _____

Location Franklin, Vermont 7 Aug 1961

1. South. 11/13/1911

1	2
3	4

Sac. _____ Twn. _____ Range _____
(locate test with "X")

feet from _____ line.
feet from _____ line.

TEST LOG

Footage	Description	Drilling Notes
11-7	Top Soil	
12-12	CL M.S.L.S	
13-21	SS & LS	
21-23	S & SS & LS CL	
23-25	S & LS & CL	
25-102	S & SS & LS CL	
102-132	S & SS & Fm CL (26)	
132-185	S & SS & CL (2)	
185-171	S & SS (4)	
171-203	S & SS & Fm S & CL (5)	
203-217	S & SS (7)	
217-261	S & SS & LS AC! (55)	
261-300	Red dirt	
300		
	EST. 800-1000	

Dritter

Customer's Signature

Venerable Mr. Norton

GROSCH IRRIGATION CO., Inc.

O'Neill, Nebraska 68743

Test wells (at \$1.00 a foot) are due and payable in 90 days unless arrangements have been made for the completion of the irrigation well.

Date: 5/5/81

Name Walter J. Byrd

Address _____

Location From Vol. 4 East

1 South 1/2 East S90R

	7
8	

Sec. _____ Twp. _____ Range _____
(locate test with "X")

—feet from _____ line.
—feet from _____ line.

TEST LOG

[illegible]

Driller

Customer Signature

Reverend F. Thorelli

Publish first publication, on or before May 12, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1978

Notice is hereby given that Eleanor Schapmann whose post office address is Tilden, Nebraska, ~~XXXXXXXXXXXX~~ has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 5.65 cubic feet of water per second of time from groundwater (3 wells) through the Schapmann wells 1, 2, & 3, the points of diversion of which ~~is~~ to be located in the centers of NW1, NE1 and SE1

of Section 7, Twp. 37N Range 33W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW1, NE1 and SE1, Section 7, T37N-R33W

This Application No. 1637-2 will be considered by the Water Rights Commission at Pierre, South Dakota upon the 25th day of May, 1978, 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.

NOTE: The final proof of publication must be received before the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

Dotty Westlund
Water Rights Specialist

cc: Eleanor Schapman, Tilden, NE 68701

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

No. 1637-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bennett) ss.

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

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Martin

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

May 11, 1978

May 18, 1978

(Signature)

(Title)

(Date Signed)

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

No. 1637-2
Pierre, South Dakota 57501
May 4, 1978
Notice is hereby given that
Eleanor Schappmann whose post
office address is Tilden, Nebras-
ka, has made an application in
accordance with the provisions of
SDCL 46-1-11 thru 46-1-8, 46-2-9
through 46-2-11, 46-2-13, 46-5-1
thru 46-5-8, 46-5-10, 46-5-22,
46-5-41, 46-6-3, 46-6-5, 46-6-6, 46-6-17,
46-6-10, 46-6-14 and Commission
Rules WAKSD 52-01, 01-01, 01-1 thru
52-01, 01-13, 01-14 for a permit to
appropriate for beneficial use
5.652 cubic feet of water per
second of time from ground water
(3 wells) through the Schappmann
wells 31-2, 31-3, 31-4 points of
diversion, to which are to be
located in the centers of NW 1/4
NE 1/4 and SE 1/4 of Section 7, 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
NE 1/4 and SE 1/4 Section 7, T37N,
R33W. This application is on file
with the Water Rights Commission.
This Application No. 1637-2 will
be considered by the Water
Rights Commission at Pierre,
South Dakota upon the 25th day of
May 1978 at 10:00 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
Betty Westlund,
Water Rights Specialist

21-47



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7148

PIERRE, December 6, 1979

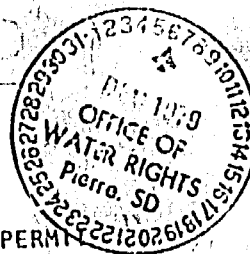
RECEIVED OF (Agri-Management) Agri-Management Co. & Steve Kolnson, Agri. Management Co.,
the following amount in fees for services rendered as provided for by law: Box 286 Elgin, NE 68636

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 filling transfer of water right No. 1637-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (9Y)

FORM 20



NO. 1637-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Nov 14 1979

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

NW 1/4, NE 1/4, SE 1/4 Section 7, T37N, R33W - 396 acres

formerly owned by Eleanor Schapmann, Tilden, NE 68781

has been transferred to Agridel Co., % Steve Kolnzan, Agrl. Management Co., Elgin, NE 68636

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1637-2 as provided for in SDCL 46-1-32 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.

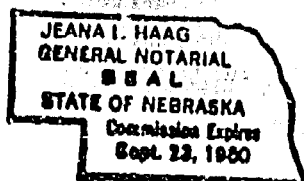
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Agrioid Co. by) ss.

I, Steve D. Kolnzan, Agrl. 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.

Steve D. Kolnzan
(Signed)

Subscribed and sworn to before me this 5th Day of December, 1979.

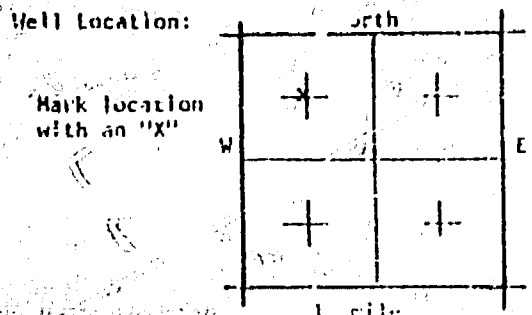


Jeana I. Haag
(Notary Public)

1637-2

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHT

Well Owner:
Name Auridel & V. Morabito
P.O. Box 510
Address Tilden, Nebraska



County Bennett
of center NW 1/4 Sec. 7 Twp. 37 Rg. 33

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 34"
Depth 330
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____
Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16" Material Steel
Slot size 3" x .125
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks:

m. sand med sand
sm small

75

Well Test Data

☒ Pump		
☐ Turbine		
☐ Other		
Pumping Capacity (gpm)		
137	2	800
142	2	1200
171	1	1964

Well Log

Formation	Feet	Feet
sand	0	80
med sand	80	116
m. sand, sm. clay layers	116	120
med sand	120	134
m. sand, sm. mag layers	134	140
med sand	140	160
med-coarse sand	160	206
clay	206	209
med-coarse sand	209	220
coarse sand	220	260
med-coarse sand	260	280
med sand	280	330
fine sand	330	340
med sand	340	360
(Use Next if Necessary)		
med sand, red rock	360	370
fine sand, red rock	370	420

Date Completed: May 1, 1981

Driller:
Sargent Irrigation Co. 273
Driller's or Firm's Name License NO.
P.O. Box 70 Kent Highway 20
Bassett, Nebraska 68714
Address

Dan Wilson 5-12-81
Signed By Date

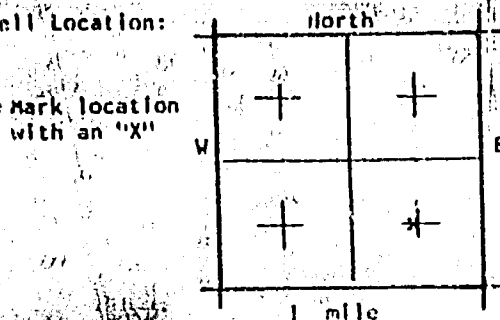
11637-2

WELL DRILLERS (1981)
SOUTH DAKOTA WATER RIG 15 COMMISSION

Well Owner:

Name Agride, S. V. Morabito
P.O. Box 510
Address Tilden, Nebraska

Well Location:



County Bennett

NE 1/4 SW 1/4 SE 1/4 Sec. 7 Twp. 37 Rg. 33

Proposed Use:

☒ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 34
Depth 260
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open No
Was a well screen installed Yes
Describe Well Screen
Diameter 16" Material Steel
Slot size 3" x .125
Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Remarks:

m. coarse sandstone
ss med coarse sandstone
m-coarse med coarse

Water Level Information:

Static water level 41
If flowing: depth in pressure _____
rate of flow _____

Controlled by:
☒ Valve ☐ Producing ☐ Other

If other, specify _____

Well Test Data:

☒ Pumped
☐ Bailed Describe: _____
☐ Other _____
Pumping Level below Land Surface
83 ft. After 25 hrs. pumped 800 GPM
92 " " 15 " " 1000 "
120 " " 1 " " 1986 "

Well Log:

Formation	Depth	From	To
sand		0	40
sand, sandstone		40	73
clay		73	86
m-coarse sand, ss		86	126
clay		126	129
m-coarse sand, ss		129	160
coarse sand, ss		160	180
m-coarse sand, ss		180	253
fine sand, red rock		253	260
red rock		260	280

(Use Rack if Necessary)

Date Completed: April 29, 1981

Driller:

Sargent Irrigation Co. 273
Driller's or Firm's Name License No.
P.O. Box 70 West Highway 20
Bassett, Nebraska 68714
Address

Signed By [Signature] Date 5-12-81

1637-2

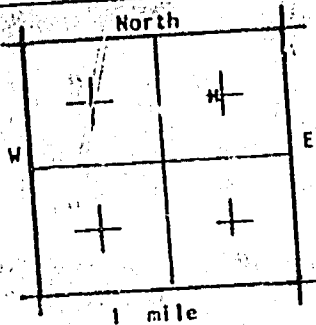
WELL DRILLERS REPORT SOUTH DAKOTA WATER RIGHTS COMMISSION

Well Owner:
Name Agripino & V. Morabito
P.O. Box 510
Address Tilden, Nebraska

Water Level Information:
Static water level 52 feet below land vert.
If flowing: closed 10 ft. gauge PSI
rate of flow _____ GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other, specify _____

Well Location:

Mark location
with an "X"



County Bennett
W. of center NE Sec. 17 Twp. 37 Rg. 33

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test
☐ Irrigation ☐ Industrial ☐ Stock
Holes

Method of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jatted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 34
Depth 260
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open: No
Was a well screen installed: Yes
Describe Well Screen:
Diameter 16" Material Steel
Slot size 5" x .125
Was well gravel/packed: Yes
Was well grouted: No
Was water sample taken: No

Remarks:

SS sandstone
SM, clay lys. small clay layers
c. sand coarse sand

Well Test Data:

☒ Pumped
☐ Bailed Describe: _____
☐ Other
Pumping Level Below Land Surface
101 ft. After 2 hr. pump 800 GPM
117 " " 2 " 1200 "
145 " " 1 " 2032 "

Well Log:

Formation	From	To
sand	0	20
sand, sandstone	20	30
clay & mac	30	40
sand, ss, sm. clay lys.	40	60
sand, sandstone	60	75
clay	75	80
sand, sandstone	80	94
clay	94	96
sand, sandstone	96	100
coarse sand, sandstone	100	116
limestone	116	118
coarse sand, ss	118	119
clay	119	120
c. sand, sandstone	120	136

(Use Back if Necessary)
over

Date Completed: April 30, 1981

Driller:

Sargent Irrigation Co. 273
Driller's or Firm's Name License NO.
P.O. Box 40 West Highway 20
Bennett, Nebraska 68714
Address

Date written 5-12-81
Signed By Ja Date

Permit No. 1637-2
10140203
White River Water District

Report Of examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Agri del inc.
Box 510 of Tilden, NB 68781 holder of
 Permit No. 1637-2, bearing the priority of March 17 1978 authorizing
 the diversion of 5.65 cu. ft. per second of the waters of Ground Water (Ogallala)
 for Irrigation purposes, in Bennett County.

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

- A. Works used to divert the water: Three Wells: #1 NW⁴ #2 NE⁴ #3 SE⁴ 7-37-33
#1- 330 ft. deep @ 4 stage Sargent pump #03982 side 11SA.
100 HP U.S. Electric motor # R-6347-03-353 R1001364 M
#2- 260 ft. deep @ 4 stage Sargent pump #05882 side 11SA
100 HP U.S. Electric motor # R6347-03-353 R1001371 M
#3- 260 ft. deep @ 3 stage Sargent pump #05782 side 11SA, 75 HP U.S. Electric motor
R6326-05-288 R325300 M
 B. Works used to transport water to place of use:
100' of 6" aluminum pipe.

- C. Works used to apply water to beneficial use:
#1: 8 Tower Electrode, Center Pivot, 1260' overall length, 75 psi, Nelson and gun.
#2: 9 Tower Electrode, 1320' overall length, 75 psi, Nelson and gun
#3: 8 Tower Electrode, 1260' overall length, 75 psi, Nelson End gun.

The system is in the following condition Good

The point of diversion is located #1- Center of NW⁴, #2- Center of NE⁴,
#3- Center of SE⁴, of S.7 T37N R33 W

The works are capable of diverting and conveying to the place of use 5.35
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: Land in S7 T37N R33W

<u>NW⁴ NW⁴ - 30 acres</u>	<u>NW⁴ NE⁴ - 33 acres</u>	<u>NW⁴ SE⁴ - 33 acres</u>
<u>SW⁴ NW⁴ - 30 acres</u>	<u>NE⁴ NE⁴ - 33 acres</u>	<u>NE⁴ SE⁴ - 33 acres</u>
<u>SE⁴ NW⁴ - 33 acres</u>	<u>SE⁴ NE⁴ - 33 acres</u>	<u>SW⁴ SE⁴ - 30 acres</u>
<u>NE⁴ NW⁴ - 33 acres</u>	<u>SW⁴ NE⁴ - 33 acres</u>	<u>SE⁴ SE⁴ - 30 acres</u>

comprising a total of 384 acres of land and the license should be issued for 5.49 cfs License for 5.35 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date _____

Frank Smith June 12, 1984
 (signature)

LICENSE FOR PERMIT NUMBER 1637-2 Agridel

Gary Gavin, Crookston NE

1. Legal location of wells: center of 1/4 S 1-NW 2-NE 3-SE Sec 7-37-33

dams & structures: _____

2. Well Information: Well Drilling Firm Sargent

No. of wells 3

Depth _____

Casing a) diameter 16"

Screen a) type _____

b) length _____

b) length _____

c) type steel

Static Water Level _____

Pump a) make Well 1- Sargent

Motor a) make Well 1-U.S. NW 1/4

b) model 05982

b) model no. R-6347-03-353 51001364M

c) size 11SA

c) horsepower rating 100

d) capacity _____ GPH

d) motor efficiency rating _____

e) turbine pump
no. of stages 4

Well 2- U.S. NE 1/4
R6347-03-353 51001371M
100 HP

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

Well 3-U.S. SE 1/4
R6326-05-288 R3254305M
75 HP

4. Dam Information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

1) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

Well 2-NE+
Electrogator
9 towers
150' Space
1350' loa
75' psi
Eg - Nelson
Well 3-SE+
Electrogator
8 tower
150' Space
1260' loa
75' psi
Nelson EG

- 1) make Well 1-Electrogator
- 2) number of towers 8
- 3) distance between towers 150
- 4) overall length 1260
- 5) End gun (Y/N) Yes
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 75
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

State of South Dakota
Water License No. 1637-2

(1) AgriDel, Inc.
of Box 510, Tilden, Nebraska 68781
made Application No. 1637-2 on March 17, 1978 for a water permit to appropriate
5.65 cubic feet per second of water from groundwater (three wells)
Bennett County, South Dakota for Irrigation purposes.
Permit No. 1637-2, with a priority date of March 17, 1978
was approved May 25, 1978 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 25, 1981 and for the application to beneficial use of said
water on or before May 25, 1983.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 5.35 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are (1) center of NW¼; (2) center of
NE¼ and (3) center of SE¼ Section 7, T37N, R33W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 7, T37N, R33W

NW $\frac{1}{4}$ NW $\frac{1}{4}$	30 Acres	(BB)	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AD)
SW $\frac{1}{4}$ NW $\frac{1}{4}$	30 Acres	(BC)	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AC)
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33 Acres	(BD)	NW $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres	(DB)
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33 Acres	(BA)	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33 Acres	(DA)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AB)	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30 Acres	(DC)
NE $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AA)	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 Acres	(DD)
TOTAL				384 ACRES	

(4) Pursuant to §46-5-30.1 AgriDel, Inc.

of Box 510, Tilden, Nebraska

the holder(s) and/or owner(s) of Water Permit No. 1637-2 is issued a license to appropriate water, the right to use 5.35 cubic feet per second of water from groundwater (three wells) with a priority date of March 17, 1978 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1637-2 and subject to South Dakota State Law.

John Hated
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

August 24, 1984

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9730

Pierre, August 2, 1984

19

RECEIVED OF AgriDel, Inc., Box 510, Tilden, NE 68781 (Hilán Petersen)

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1637-2 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____ (Any Other Work Provided by Law)

Total

50 00

50 00

By

John Hatch
Chief Engineer JOHN HATCH (MS)

No. 1637-2

**Dakota Department of
Water & Natural Resources**

600 Foss Building
23 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

August 24, 1984

AgriDel, Inc.
Box 510
Tilden, Nebraska 68781

Dear Sir:

Enclosed herewith is, Water License No. 1637-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License

Water Light Association

We have received a Water Management Board site sheet for the following:

1637-2,

 $\beta T / \omega \hbar$

Agredel. Ins.

3-24-57

Frieden, No. 68771

We are not sure which quarter of land this water permit covers. It would be appreciated if you could send us the land description for this permit.

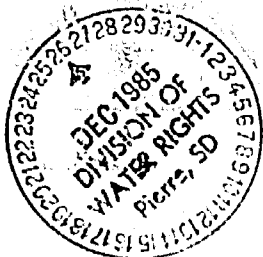
Please send your reply directly to me.

Thank you

Willie Nelson

R.R. 1

Tilden, No. 68781



WATER RIGHTS DIVISION
(605) 773-3352

December 26, 1985

Willis Nelson
Rte 1
Tilden, Nebraska 68781

Dear Mr. Nelson:

I am contacting you in response to your recent inquiry concerning Water Right No. 1637-2. Enclosed is a copy of the water right.

I am hoping this will be of some help to you. If you should need assistance in completing the data sheet or have any questions, please contact us.

Sincerely,

Genny McIlath
Natural Resources Analyst

GJM:ms
Enc.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1637-2

December 12, 1986

Danielski Harvesting & Farming
Box 221
Valentine NE 69201

Dear Sir:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAACK
Senior Secretary

DWNR-820A-8/83

NO. 1637-2

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12/15/86

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

384 acres : NW 1/4, NE 1/4, SE 1/4, Section 7, T37N, R33W

formerly owned by Agridel, Inc., Tilden NE

has been transferred to Danielski Harvesting & Farming, Box 221, Valentine NE 69201

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1637-2 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 Div. of Water Rights, Water Management Board as evidence of the change of ownership.

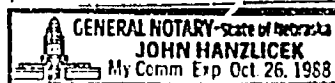
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

NEBRASKA
STATE OF ~~SOUTH DAKOTA~~)
County of CHERRY) ss.

I, CLARENCE DANIELSKI 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.

Clarence Danielski
(Signed)

Subscribed and sworn to before me this 15th Day of DECEMBER, 1986.



(Notary Public)

John Hanzlicek

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410000

Pierre, December 22, 1986

RECEIVED OF Lajelski Harvesting & Farming, Box 221, Valentine, NE 68081

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>1637-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By *John Hatch*
Chief Engineer **JOHN HATCH** 

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

December 31, 1986

Danilewski Harvesting & Farming
Box 221
Valentine, Nebraska 69201

Dear Sir:

Enclosed is receipt No. 410655 in the amount of \$2.50 which you
paid for transfer of Water Right No. 1637-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

#1270A-2
#1294-2A
#1637-2
#1922-2

February 17, 1989

Danielski Harvesting
Box 221
Valentine, NE 69201

Dear Mr. Danielski:

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

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

The new standards include:

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

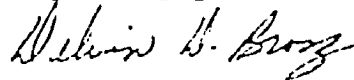


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (505-773-3352).

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division

1637-2



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

January 6, 1994

1637-2

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

Dear Sirs:

In followup to our January 6th telephone conversation, enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 1637-2. Mr. Danielski notified us of the ownership change when returning his 1993 irrigation questionnaires.

Please review the transfer form to ensure it's accuracy. Complete the form by writing in the name(s) and mailing address of who the water right is being transferred too. Upon completion, sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. If the water right is to be transferred to both your names, both of you must sign the form.

I have also enclosed a copy of the water right and a copy of the irrigation questionnaire that Mr. Danielski submitted. You may keep both for your records.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resource Analyst
Water Rights Division
(605) 773-3352

enclosures



1637-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1994

SECOND NOTICE
Permit No. 1637-2

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

Dear Mr. O'Neill:

On January 6, 1994, notice was sent to you concerning the transfer of Water Right No. 1637-2 in the name of Danielski Harvesting and Farming. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

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 Addressee to:

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

5. Signature (Addressee)

6. Signature (Agent)

1637-2

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

P 318 052 633

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ GCU

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

9-17-94

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT



1637-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 24, 1994

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

1637-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of the "Notice of Transfer" of ownership you submitted for Water Right No. 1637-2. The form was completed properly, however can not be filed for record without a \$2.50 filing fee as required by SDCL 46-2-13.

Please remit a total of \$2.50 as soon as possible. Water Right No. 1637-2 will be transferred to you and Rick O'Neill upon receipt of the fee.

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

Sincerely,

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



1637-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 1994

THIRD NOTICE
Water Right No. 1637-2

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

Dear Mr. O'Neill:

On January 6, 1994 and March 18, 1994, notices were sent to you concerning the transfer of Water Right No. 1637-2 in the name of Danielski Harvesting and Farming. On March 24, 1994, the "Notice of Transfer" was received, but no fee. A letter was sent to you on that day requesting the \$2.50 fee. To date, we have not heard from you on this matter. The form was completed properly, however, it can not be filed for record without a \$2.50 fee as required by SDCL 46-2-13.

Please remit a total of \$2.50 as soon as possible. Water Right No. 1637-2 will be transferred to you and Rick O'Neill upon receipt of the fee.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

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

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

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:

1637-2

4. Article Number

P 318 052 668

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

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)

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

1637-2

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3161



No. 1637-2

Date: 3-11-94

I\We request that Water Right No. 5706-3

formerly owned by: Danielski Harvesting and Farming, PO Box 230, Valentine, NE 68201

be transferred to: (name & address) Tony R. O'Neill HC 77 Box 33A
Cody NE 69211 (Telephone No) 605-685-1061

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

384 acres - NW¼, NE¼, and SE¼ Section 7, T37N, R33W

I\We understand that the validity of Water Right No. 1637-2 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 Fall)

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 11th day of March, 1994.

Linda S. Ziemert
(Notary Public) 02-06-00

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

414258

South Dakota Department of Environment and Natural Resources

Pierre, August 22, 19 94

RECEIVED OF Tony O'Neill, HC 77 Box 33, 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. 1637-2	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Hetch
Chief Engineer



1637-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 20, 1994

No. 1637-2

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

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1637-2.

Our records now show you as the owner of Water Right No. 1637-2.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

TONY & RICK O'NEILL
HIC 77 BOX 33A
CODY NE 69211

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 1637-2. 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 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 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

ed 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: <u>1637-2</u>		4a. Article Number <u>P837 692 735</u>	
TONY & RICK O'NEILL HC 77 BOX 33A CODY, N. 69211		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee) <u>Judy O'Neill</u>		7. Date of Delivery <u>2-08-95</u>	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	

Is your RETURN A

Thank you for using Return Receipt Service.



1637-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

NOTICE

TO: TONY & RICK ONEILL
HC77 BOX 33A
CODY, NE 69211

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

RE: Failure to Report Chemical Use under Water Permit No(s) 1637-2

The first notice to file chemigation report(s) for Permit No(s) 1637-2 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 1637-2. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1995, in the Crown Room, 3rd Floor, Kirk Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A:5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1637-2 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. Prior to March 3, 1995, 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 chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

1637-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1995

1637-2

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

Dear Sirs:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire and chemical reporting form. These forms were completed for you following our February 8, 1995 telephone conversation. You may disregard the February 7, 1995, **Notices of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire and Failure to Report Chemical Use.**

The questionnaire and chemical reporting form were completed and on file in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1993

NOTICE

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

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 1637-2 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1637-2 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. Prior to February 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



January 9, 1998

1637-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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.

1637-2

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

4a. Article Number
2-179157126

4b. Service Type

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

7. Date of Delivery
1-12-98

5. Received By: (Print Name)

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

6. Signature (Addressee or Agent)
X Tony O'Neill

PS Form 3837, December 1994

102595 97-Z-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**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:

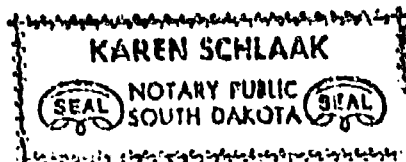
Tony O'Neill, HC 77, Box 33A, Cody, NE 69211.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

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

Karen Denigale
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2007

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 consideration would
be greatly appreciated.

General

Henry O'Neil



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 27, 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
(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.

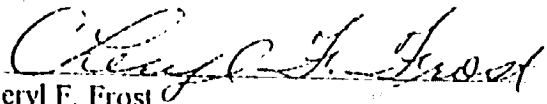
CERTIFICATION

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.

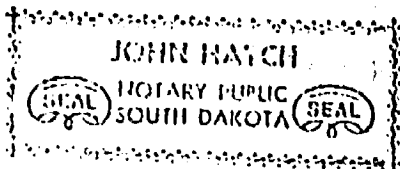
A copy of the above described Notice was hand delivered to:

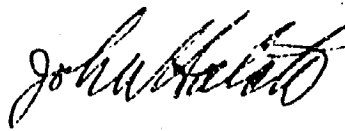
Diane Best, Assistant Attorney General, Capitol Building


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



**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 Genny McMath (605) 773-3352.

c: Diane Best, Assistant Attorney General

1637-2

CERTIFICATION

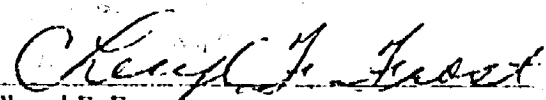
I hereby certify that on May 11, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 11, 1998, regarding Reinstatement of Water Right Nos. 1076-2, 1236-2 and 2167-2, in the name of Dale Heese, and 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.

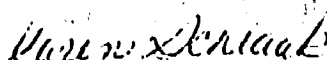
A copy of the above described Notices was sent Inter-office to:

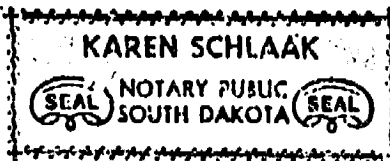
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

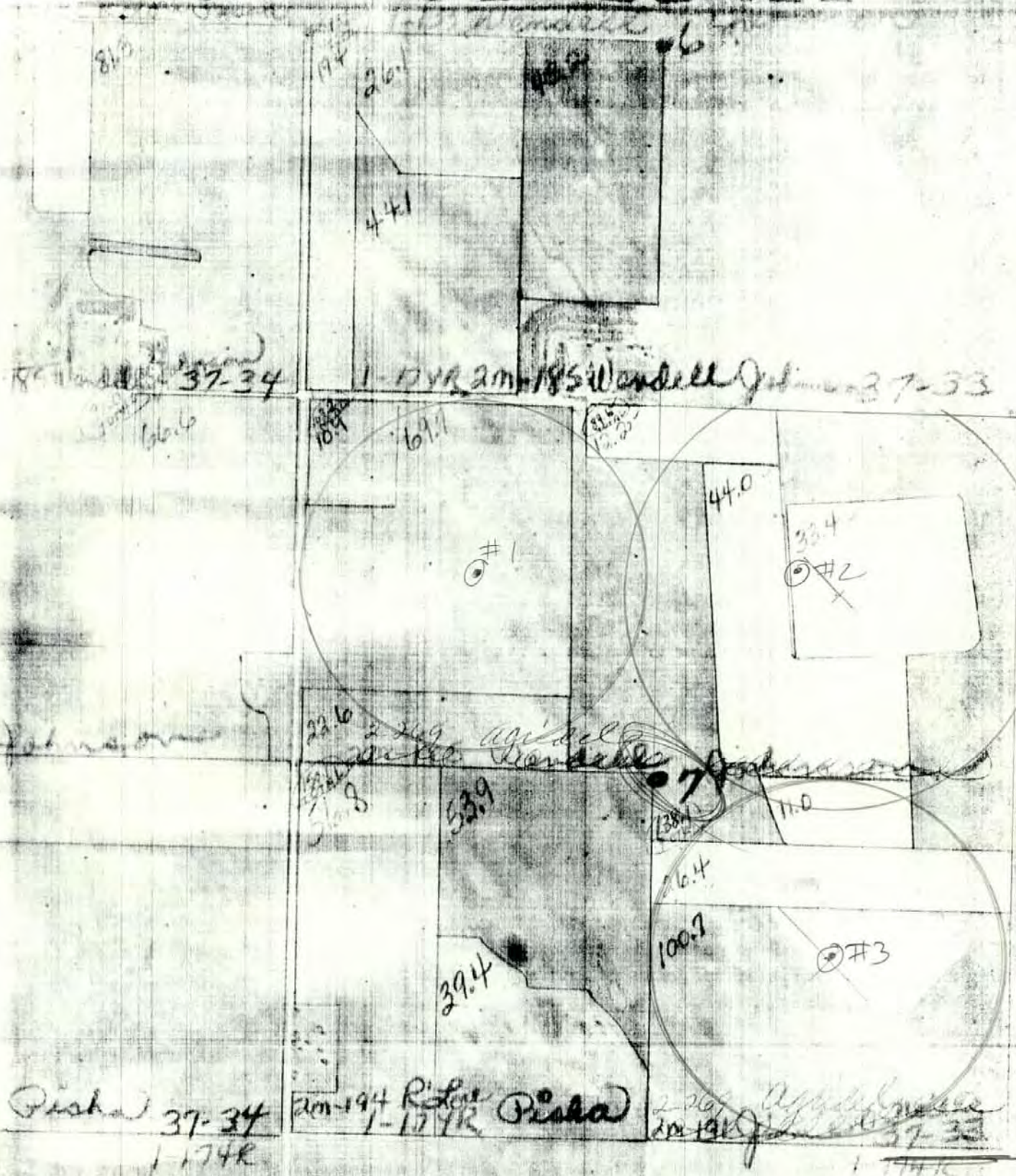
Sworn to, before me, this 13th day of May, 1998


Karen Schlaak
Notary Public

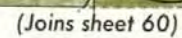


KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

Map # ~~145~~ 2



R. 34 W. | R. 33 W.



MAP No. 1401-2 APPL. 1637-2



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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9969

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

Your item was delivered at 10:31 AM on January 23, 2010 in CODY, NE 69211. The item was signed for by T ONEILL.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 23, 2010, 10:31 am, CODY, NE 69211
- Arrival at Post Office, January 23, 2010, 7:58 am, CODY, NE 69211

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 9969

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

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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 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



1637-2
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.



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,

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



1637-2
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

RECEIVED

APR 29 2019

WATER RIGHTS
PROGRAM

MAY ADAM

— Since 1881 —

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April 25, 2019

ROBERT B. ANDERSON
TIMOTHY M. ENGEL
MICHAEL F. SHAW
BRETT KOENECKE
CHRISTINA L. KLINGER
JUSTIN L. BELL
DOUGLAS A. ABRAHAM
KARA C. SEMMLER
TERRA M. FISHER

GLENN W. MARTENS 1881-1963
KARL GOLDSMITH 1885-1966
WARREN W. MAY 1920-2018
BRENT A. WILBUR 1949-2008
TELEPHONE
605 224-8803
FAX
605 224-6289

Email: tme@mayadam.net

PMB 2020
DENR - Water Rights Program
523 E. Capital Ave.
Pierre, SD 57501-3182

Re: Farm Credit Services of America/O'Neill
MAGT file: 6768.10

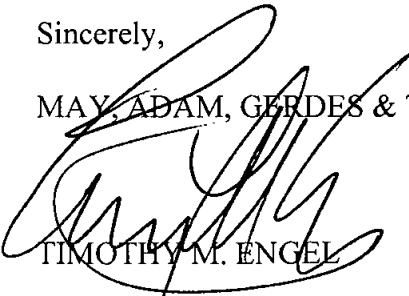
Dear Sir/Madam:

Enclosed please find an original Notice of Transfer of Ownership and our firm's check for the \$50 filing fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

MAY, ADAM, GERDES & THOMPSON LLP


TIMOTHY M. ENGEL

TME:drm

Enclosures

cc/enc. via email: Jay Jolley

MAY, ADAM, GERDES & THOMPSON LLP
503 SOUTH PIERRE STREET • P.O. Box 160
PIERRE, SOUTH DAKOTA 57501-0160

RECEIVED

APR 29 2019

PAID

APR 29 2019

Ck# 36589

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

WATER RIGHTS
PROGRAM

For assistance call (605) 773-3352

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

Water Right/Permit No. 1637-2
Date: 4/24/2019

I/We request that Water Right/Permit No. 1637-2 formerly owned by:

Tony O'Neill be transferred to:

New Owner Name: Farm Credit Services of America, PCA

Address: 5015 S. 118th Street

City, State, Zip: Omaha, NE 68137

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

SE1/4 Sec 7, T37N-R33W, Bennett County, South Dakota

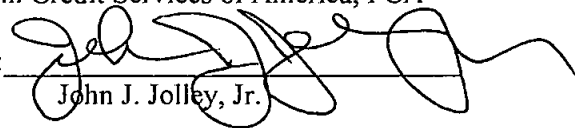
☒ I understand that the validity of Water Right/Permit No. 1637-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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.

The undersigned, an authorized representative of Farm Credit Services of America, PCA, the new owner, certify that the above information is true and correct.

Farm Credit Services of America, PCA

By: 
John J. Jolley, Jr.

Its: Assistant Corporate Secretary

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 April 29, 20 19

RECEIVED OF May, Adam, Gerdes, & Thompson LLP PO Box 160 Pierre SD 57501-0060

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 _____ 1637-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 09133

By Jeanne Goodman
Chief Engineer JM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2019

1637-2

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

Dear Mr. Jolley:

I am writing in regard to ownership of land described in Water Right No. 1637-2, listed under Tony and Rick O'Neill. The water right covers three quarters of land located in the NW $\frac{1}{4}$, NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ Section 7, T37N, R33W.

On April 29, 2019, an ownership change was filed by May, Adam, Gerdes and Thompson LLP on your behalf effectively changing ownership of the SE $\frac{1}{4}$ Section 7, T37N, R33W to Farm Credit Services of America, PCA.

It is our understanding the quarter of land owned by Farm Credit Services has now been sold and the entire acreage covered under the water right will eventually be owned by Rick O'Neill or O'Neill Cattle Company Inc. Mr. O'Neill will be required to file an ownership change for the water right at the time of closing.

The receipt for the filing fee for the ownership change from Tony O'Neill to Farm Credit Services is being forwarded to May, Adam, Gerdes and Thompson LLP by copy of this letter. If you have any questions, please let us know.

Sincerely,

Genny McMath
DENR - Water Rights Program
605 773-3352

c: Tim Engel, May, Adam, Gerdes & Thompson, LLP w/Receipt No. 09133



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 2019

1637-2

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

Dear Mr. O'Neill:

I am contacting you in regard to ownership of land described in Water Right No. 1637-2. The water right covers irrigation of the N ½ and the SE ¼ Section 7, T37N, R33W.

On April 29th, Farm Credit Services filed an ownership change for the SE ¼ Section 7 effectively changing the ownership to their name. Prior to dividing the water right into A & B, I checked to find out who owned the N ½ of Section 7 and found it was held by you. Since that time, it is our understanding you purchased the SE ¼ Section 7 at auction from Farm Credit Services.

Since you own all of the land, the water right does not need to be split and can be transferred to you in its entirety as soon as you close on the property with FCS. Enclosed is a partially completed form for filing the ownership change. After the closing, please complete and sign the form. You can then return it to our office with a required filing fee of \$50. 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 let me know.

Sincerely,

Genny McMath
DENR – Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP
RECEIVED

PAID
JUN 06 2019
Ck# 2387

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

JUN 06 2019

WATER RIGHTS
PROGRAM

No. 1637-2

Date: _____

I/We request that Water Right No. 1637-2

formerly owned by: **Tony & Rick O'Neill (N ½ Section 7) & Farm Credit Services of America
PCA (SE ¼ Section 7)**

be transferred to: (name & address)

O'Neill Cattle Co Inc - (Rick O'Neill)
24381 294th Street
Cody NE 69211 Telephone No. 605 685 1197

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

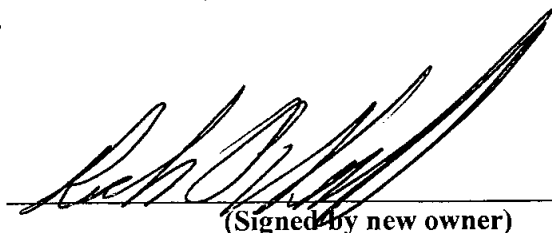
384 acres – N ½ and SE ¼ Section 7, T37N, R33W

I/We understand that the validity of Water Right No. 1637-2 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 O'Neill Cattle Co Inc, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 6

, 20 19

O'Neill Cattle Co. Inc. 24381 294th Ave Cody, NE 69211

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1637-2</u>		
Fee for _____	50	00
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. **09156**

By Jeanne Goodman
Chief Engineer vm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2019

1637-2

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

Dear Mr. O'Neill:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership of Water Right No. 1637-2.

The ownership change has been completed. Water Right No. 1637-2 is now listed under O'Neill Cattle Company Inc.

Enclosed for your records is Receipt No. 09156 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
DENR – Water Rights Program
605 773-3352
Email: genny.mcmath@state.sd.us

enclosure

1637-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: O'NEILL CATTLE CO INC, RICK O'NEILL, 24381 294TH ST, CODY, NE 69211

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1637-2 & 2710-2. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 1637-2 & 2710-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1637-2 & 2710-2 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 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: HYASQA**

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.

1637-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2021

1637-2
2710-2

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

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 1637-2 & 2710-2. 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, reading "Genny McMath".

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



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: O'NEILL CATTLE CO INC, RICK O'NEILL, 24381 294TH ST, CODY, NE 69211

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1637-2 & 2710-2. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 1637-2 & 2710-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 1637-2 & 2710-2 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 5, 2025**, 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: XEAPQH**

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 30, 2025

1637-2

2710-2

O'Neill Cattle Co. Inc.
c/o Rick O'Neill
24381 294th St
Cody NE 69211

Dear Mr. O'Neill:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1637-2 & 2710-2. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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

1637-2
2710-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: O'NEILL CATTLE CO INC, RICK O'NEILL, 24381 294TH ST, CODY, NE 69211

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1637-2 & 2710-2. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 1637-2 & 2710-2 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 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) 1637-2 & 2710-2 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 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QVGSTD**

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 30th, 2026

2710-2

1637-2

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

Dear Mr. O'Neill,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us