

1646-2

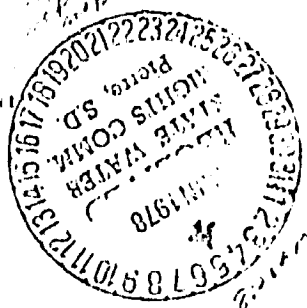
1. Considered SEPTEMBER 13, 1978
2. Name of Applicant LELAND LISSOLD
3. Post Office Address VETAL
4. Amount of Water claimed 2.0
5. Source of Water supply 362' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 140
7. Water to be diverted and used in BENNETT County
about 1 MILE EAST of VETAL
8. Proof of Publication Received ☒
Not Received ☐
9. Application 10-28-80

10. Remarks:

CALL FROM JOHN CHILDERS
SYSTEM UNDER PERMIT
N^o 1646-2, LELAND
LISSOLD, IS READY FOR
INSPECTION —

SEND COPY OF LICENSE,
WHEN ISSUED, TO

JOHN CHILDERS
WESTERN FARM MANAGEMENT CO.
Box 1162
NORTH PLATTE, NE. 69101

No. 1646-2Map No. 1410-2 Water Division No. 2 WHITE RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Ieland Lissolo Phone 685-1152
 Postoffice address Box 75 Vetal State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
 3. Name of diversion work Lissolo Well #7
 4. Amount of water claimed (cubic feet per second) 2 cfs
 5. Source of water supply Deep well
 6. Location of point of diversion Center of south 1/4 of NE 1/4, Section 4, 37-34

- County Bennett
 7. Annual period or periods during which water is to be used April thru October
 8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 130 ac

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NE 1/4 of NE 1/4 Sec 4, 37-34</u>	<u>35A</u>		
<u>NW 1/4 of NE 1/4 Sec 4, 37-34</u>	<u>35A</u>		
<u>SE 1/4 of NE 1/4 Sec 4, 37-34</u>	<u>35</u>		
<u>SW 1/4 of NE 1/4 Sec 4, 37-34</u>	<u>35A</u>		

Attach sheet if more space is needed

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

A. Works proposed to divert water from its natural source. High volume pumpB. Works proposed to transport water to place of use. 3" aluminum pipeC. Works proposed to apply water to beneficial use. Circular sprinklerEstimated Total cost \$ 58,300.00Attachments: Attach Form 2A if diversion from a well or dapout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of BENNETT) ss.I, Ieland Lissolo the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Ieland Lissolo
Subscribed and sworn to before me this 2 day of June 1978

Notary Public (or other qualified officer)

Reginald J. Buda

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1646-2LELAND LISSOLO

(Applicant)

Box 75, VETAL

(Post Office Address)

SOUTH DAKOTA 57575

(State)

With the following modifications.

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JUNE 5, 19 78Date of return to applicant for correction, amendments or changes required JUNE 5, 19 78Date of receipt of corrected application AUGUST 24, 19 78Approved SEPTEMBER 13, 19 78, Recorded in Book 20 Page 75WATER RIGHT PERMIT NO. 1646-2

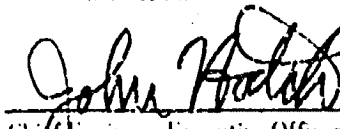
The Water Rights Commission hereby grants and issues this Water Right Permit No. 1646-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 24, 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 13, 19 81
3. The whole of said work is to be completed on or before SEPTEMBER 13, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 13, 19 85
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 2.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 2 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 SEPTEMBER 13, 19 85; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 20th day of SEPTEMBER, 19 78

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

TEST LOG
January 3, 1978

Leland Lissolo
Vetal Farm

1 1/2 miles East of Vetal, South side of road

0-15	sand
15-17	clay
17-20	sand, sandstone
20-60	sand, sandstone, small clay layers
60-75	coarse sand
75-76	clay
76-115	coarse sand
115-134	coarse sand, sandstone
134-137	clay
137-140	med to coarse sand, sandstone
140-153	med sand, sandstone
153-157	clay
157-200	coarse sand
200-220	fine sand, red rock

700 to 800 G.P.M.



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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 28", Depth 360 feet
- (2) Casing, Type Steel Diameter 18" Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Steel, Diameter 18", Length 220 feet
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

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 to sandstone

Depth to top of water bearing material 30 feet

Depth to bottom of water bearing material 360 feet

Thickness of water bearing material 330 feet

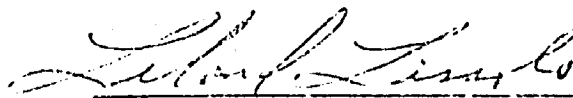
Depth to water (ground surface to water level) 25 feet

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

On same owner's property none rds. On property owned by others 240 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.



Signature of Applicant

CONSERVATION COMMISSION

FORM 101-1

6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

RECEIVED

JUL 17 1978

South Dakota
Division of Conservation

IMPORTANT: Read Instructions Before Proceeding!!!

NAME LESLIE LITTON

ADDRESS Box 75 Veda, South Dakota

COUNTY Beauregard

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 NE 1/4, Section 4, 37-24
2. LOCATION OF AREA TO BE IRRIGATED NE 1/4, Section 4, 37-24

TYPE OF IRRIGATION:

3. GRAVITY TOWLINE CENTER PIVOT X
OTHER (SPECIFY)

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

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

5. SAMPLE NUMBER 78-502
6. SALINITY (EC X 10⁶) 366 (medium - Low)
7. SODIUM (SAR) 0.23 (0.46 adjusted for bicarbonate) 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 Ed. Herbert Gentry 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.

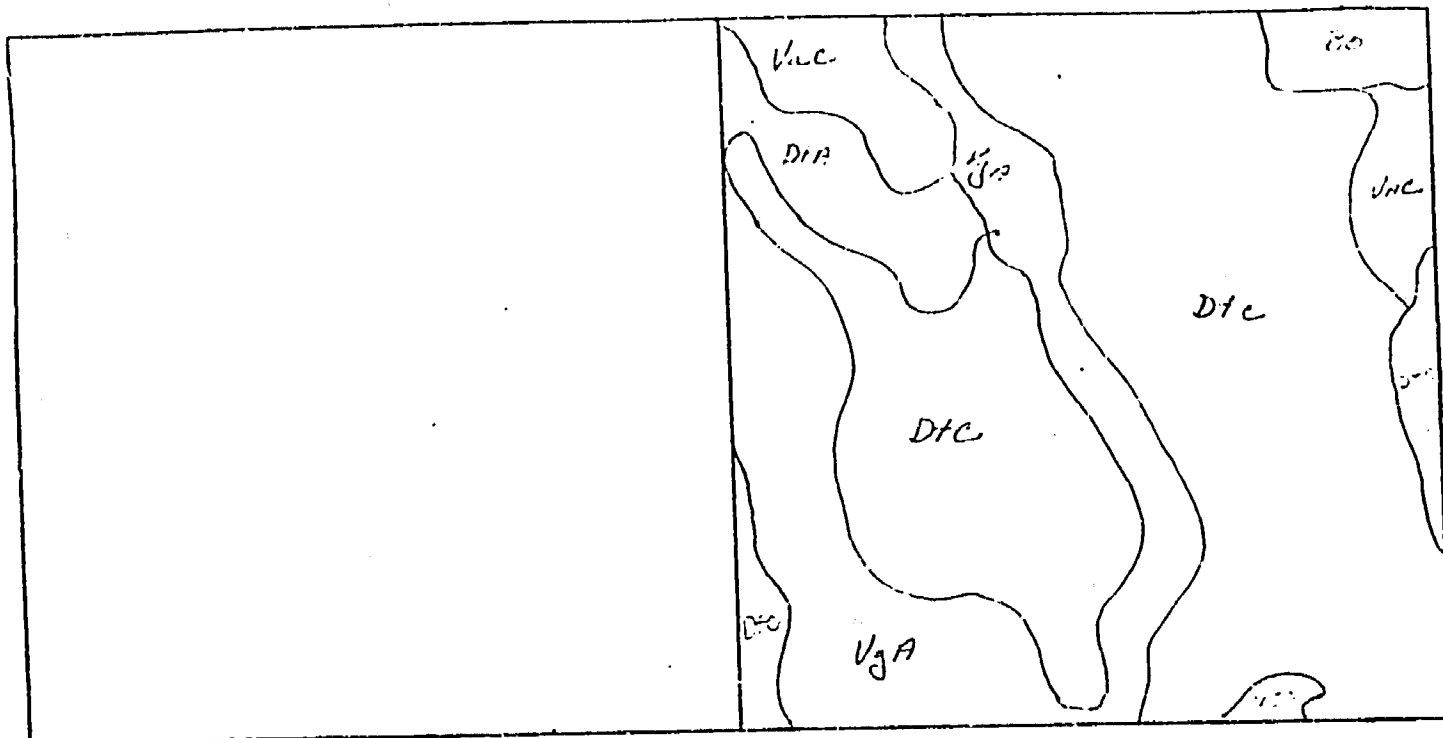
SUBSCRIBED AND SWORN BEFORE ME THIS
2nd DAY OF June, 1978.

Don B. Engelbert
(TITLE OR SEAL)
Register of Deeds

Leslie Litton
APPLICANT'S SIGNATURE
Albert J. Litton
x
Approved
Disapproved
Conditionally Approved

(SOILS INFORMATION ON REVERSE SIDE)

MAP



NARRATIVE

D1A and D1C - Dundee-Anselmo complex, 0-9% slope: Soils are somewhat excessively drained; Runoff is slow and permeability is rapid. Soils have moderate natural fertility, but they have low water holding capacity and are subject to soil blowing.

V1C - Valentine fine sand - rolling; soils are excessively drained; surface runoff is very slow, and permeability is rapid. Although these soils have a low capacity to hold moisture, they readily release this to plants. Valentine soils are highly susceptible to soil blowing.

V1A - Vetal and Goshen soils - 0-3% slope. Soils are well drained. Surface runoff is slow to medium, and permeability is moderately rapid to rapid. Soils have low to moderate water holding capacity and are subject to soil blowing. Lower areas of Goshen soils are high in natural fertility and have good tilth.



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

RECEIVED

JUL 17 1978

South Dakota
 Division of Conservation

Submitted by: _____
 Address: _____

Date Rec'd: _____
 Sample No.: _____
 Identification: _____

WATER ANALYSIS

Calcium (Ca)	56	ppm*	0.23	me/l**
Magnesium (Mg)	10	ppm	0.00	me/l
Sodium (Na)	7	ppm	0.00	me/l
Potassium (K)	8	ppm	0.00	me/l
Sulfate (SO ₄)	17	ppm	0.00	me/l
Nitrate (as N)	16	ppm	0.00	me/l
Chloride (Cl)	220	ppm	0.25	me/l
Bicarbonate (HCO ₃)		ppm	3.30	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		g.p.g.***
Hardness (EDTA as CaCO ₃)	180	ppm (as CaCO ₃)		
Alkalinity (Methyl Orange)	180	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	360	micromhos per cm at 25° C.		
Electrical Conductivity	0.23	Adjusted	0.46	
Sodium Adsorption Ratio	7.49	% of cations		
Sodium	0.00	me/l		
Residual sodium carbonate	7.22			

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

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

COMMENTS: Total cations 4.14 me/l
 Total anions 4.10 me/l



By: _____

Service Performed	Amount Due
Investigation	15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 22-502

Amount Enclosed \$

Signed

APPROVED

REC-4231/TOM
6/77

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

(RECOMMENDED MANAGEMENT)



NAME OF APPLICANT Leland Lissolo Vital, SD

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 see below
4. (☐ Yes ☐ No Subsurface drainage suggested
5. (☒ Yes ☐ No Specific land areas that ~~XXXXXXXXXXXXXXXXXXXX~~ may necessitate special management. See below

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

Your management angles stem from the contrasting water holding capacity and permeability rates of the sloping side slopes of Dunday-Anselmo and the relatively flat Goshen swales.

One suggestion, to improve irrigability and production potential of the Goshen swales, is to grade the swale area so that water does runoff rather than tend to pond in certain areas. Another suggested way to improve the continual water intake of Goshen soils is to deep chisel occasionally. The extent to such deep chisel practices as to depth, spacing, and frequency will be dictated by your experiences.

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

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

No. 1646-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bennett) ss.

I, XXXXXXXXXXXX Shirley Hahn 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:

August 31, 1978

September 7, 1978

Shirley Hahn
(Signature)

Booster
(Title)

September 9, 1978
(Date Signed)

No. 1646-2
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
August 24, 1978

Notice is hereby given that
Leland Lissolo whose post office
address is Velal, South Dakota,
has made an application in
accordance with the provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-9
thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22, 46-5-41,
46-6-3, 46-6-5, 46-6-6, 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 2.0
cubic feet of water per second of
time from groundwater (one
well) through the Lissolo Well
No. 7, the point of diversion of
which is to be located in the
center of NE 1/4, of Section 4, Twp.
37N Range 34W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: NE 1/4,
Section 4-T37N-R34W.

This Application No. 1646-2 will
be considered by the Water
Rights Commission at the 4-H
Fairground Meeting Hall, west of
Mitchell, S. D. on Hwy 16 upon the
13th day of September 1978 at 10
a.m. The Commission is author-
ized to make a determination on
this application at the hearing.
All interested persons may ap-
pear 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

21-11

REC'D
9-13-78
AT MEETING

8-24-78

Form 6 - Notice of Intent to Appropriate Water
GROUND WATER

No. 1646-2

Publish first publication, on or before August 31, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 24, 1976

Notice is hereby given that Leland Lissolo whose post office address is Vetal, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-2, 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 2.0 cubic feet of water per second of time from groundwater (one well) through the Lissolo Well #7, the point of diversion of which is to be located in the center of NE4.

of Section 4, Twp. 37 N Range 34 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE4, Section 4-T37N-R34W

This Application No. 1646-2 will be considered by the Water Rights Commission at the 4-H Fairground Meeting Hall, west of Hitchell, S.D. on Hwy 16 upon the 13th day of September 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

BETTY WESTLUND
Water Rights Specialist

cc: Leland Lissolo
Box 239
Martin, SD 57551

Division of Water Rights (605) 773-2252

1646-2

October 28, 1980

John Childers
Western Farm Management Co.
Box 1162
North Platte, NE 69101

Dear Mr. Childers:

This will acknowledge your notification that the system under Permit No. 1646-2, issued to Leland Lissolo, has been completed and is ready for inspection.

We will schedule the inspection as our schedule permits. Mr. Lissolo has complied with all of the provisions of the Permit, and the intervening time between the notification and performance of the inspection has no adverse affects on his water right.

If you have any further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/gy

WATER RIGHTS DIVISION (605) 773-3352

October 14, 1982

Steve Satterlee
Satterlee Real Estate
Box 686
Martin, South Dakota 57551

Dear Mr. Satterlee:

Per our telephone conversation of October 14, 1982, enclosed please find our Form 20, "Notice of Transfer" for transferring Water Right No. 1646-2.

The transfer form has been partially completed with the land description and previous owner. Please have the form completed, checked over, dated, signed and notarized before returning it to our office with a \$2.50 filing fee. Upon receipt of the completed transfer form and the filing fee, the permit will be transferred to the new owner.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Right Specialist

GY:ms
Enc.

NO. 1646-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

140 acres - NE 1/4 Section 4, T37N, R34W

formerly owned by Leland Lissolo, Vetal, South Dakota

has been transferred to William C. Donovan and Roberta L. Donovan Box 873
(please include complete mailing address) Wright, Wyoming 82732
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1646-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of 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 Sheridan) ss.

I, Leland Lissolo 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 18th Day of October, 1982.

[Signature]
(Notary Public)



A GENERAL NOTARY State of Nebraska
JOYCE C. JYSTAD
My Comm. Ex. May 11, 1983

WATER RIGHTS COMMISSION
State of South Dakota

State of South Dakota

PIERRE, October 21, 1982

RECEIVED OF Steve Satterlee, Satterlee Real Estate, Box 686, Martin, SD 57551
the following amount in fees for services rendered as provided for by law:

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/LMS

No. 1646-2



Department of Water & Natural Resources

Jon Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

October 26, 1982

William & Roberta Donovan
Box 873
Wright WY 82732

Dear Sirs:
Enclosed is receipt No. 4 8993 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1646-2.

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

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosure

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1646-2

September 13, 1984

William & Roberta Donovan
Vetal, South Dakota 57575

Dear Mr. & Mrs. Donovan:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1646-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

FIXED NOTICE

January 29, 1985

Permit No. 1646-2

NOTICE OF WATER LICENSE INSPECTION FEE DELINQUENCY

William & Roberta Donovan
Vetal, ID 57575

Dear Mr. & Mrs. Donovan:

September 13, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 1646-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

ES08.1R

2-1-85

Dear Sir

Enclosed is a check for \$50.00 for
the inspection fee for Water License # 1646-2.

Our New Address is:

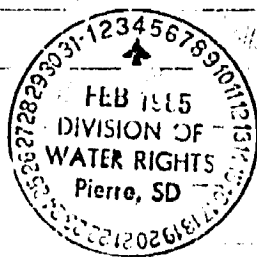
William & Roberta Donovan

Box 34 HC 77

Utah, So. Dak 57574

Thank You.

Roberta Donovan



Permit No. 1646-2
10145203
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 William and Roberta Donovan of Wright, WY ^{Vet. SD 5/15/74} holder of Permit No. 1646-2, bearing the priority of August 27 19 78 authorizing the diversion of 2.0 cu. ft. per second of the waters of Ground Water (Ogallala) for Irrigation purposes, in Bennet County.

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

A. Works used to divert the water:

On L 200 ft. deep well. Ogallala formation
2 stage Sargent pump. size 12 SA. #24678
60 Hp U.S. Electric motor. # R 6239-03-351 R2118289

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

50' of 8" aluminum pipe.

C. Works used to apply water to beneficial use:

One 7 tower Tugal Center pivot. 1320' overall length.
40 psi operating pressure.
800 gpm.

The system is in the following condition Good

The point of diversion is located Center of NE⁴S.4 T37N R34W

The works are capable of diverting and conveying to the place of use 800 gpm, 1.78 cfs 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:

S.4 T37N R34W: NW⁴NE⁴-33 acres

SW⁴NE⁴-33 acres

SE⁴NE⁴-33 acres

NE⁴NE⁴-33 acres

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs

Applicable provisions of the Water Rights Act have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date _____

Archie Smith June 12, 1984
 (signature)

NOTICE OF WELL CONSTRUCTION

1) WELL CONSTRUCTION

Location of well: NE 1/4 NE 1/4 of Section 4 Township 17 Range 34
 Well owner: Leland Lissolo & Kent Goodman P.O. Box 239 Martin, South Dakota
 Date well drilling completed: 12-7-78 Purpose of well: Irrigation

WELL LOG

Depth, top to top in feet	Description of layer	Depth to top of water or casing depth	Depth to static water level	Name of producing aquifer (if known)	Total depth of drill hole	Depth to bottom of casing	Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
0-15	sand	109	58		200	200	Casing is 15 inch .204 wall steel
15-17	clay						91 feet perforated casing
17-20	sand, sandstone						109 feet plain casing
20-60	sand, ss, sm. clay layers						
60-75	coarse sand						
75-76	clay						
76-115	coarse sand						
115-134	coarse sand, ss						
134-137	clay						
137-140	med-coarse sand, ss						
140-153	med sand, sandstone						
153-157	clay						
157-200	coarse sand						
200-220	fine sand, red rock						

Sargent Irrigation Company
 Name of Drilling Contractor

2) PUMP INSTALLATION

Company name and size of pump: 6" Sargent Pump HP 60
 Type of pump: turbine Capacity of installed pump: 800 GPM
 Depth of pump placement: 140 ft, Date of pump installation: 12-21-78

3) WATER SURFACE MEASURING TUBE

On home wells an air-tight water surface measuring tube is required. See Section 46-4CB of Chapter 46-4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft, tube diameter: _____, tube material: _____



Sargent Irrigation Company
 Name of Pump Installation Contractor

LICENSE FOR PERMIT NUMBER 1646-2 Water Use Trans To John J. Dwyer

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm Sargent

No. of wells 1 Depth _____

Casing a) diameter 16" Screen a) type Perf. Steel
b) length _____ b) length _____
c) type Steel Static Water Level _____

Pump a) make Sargent Motor a) make U.S.
b) model 24678 b) model no. R 6234-03.351 R2118287
c) size 12 1/2" c) horsepower rating 60
d) capacity _____ GPH d) motor efficiency rating _____
e) turbine pump
no. of stages 2

3. Distribution lines:
a) size of lines _____
b) type _____
c) length _____

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 _____

i) 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

- 1) make Tecumseh
- 2) number of towers 1
- 3) distance between towers 190
- 4) overall length 1320
- 5) End gun (Y/N) no
- 6) high or low pressure low
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 30-40
- 9) GPM 800

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. 1646-2

(1) Leland Lisselo
of Vetal, South Dakota
made Application No. 1646-2, June 5, 1978 for a water permit to appropriate
2.0 cubic feet per second of water from groundwater
Bennett County, South Dakota for Irrigation purposes.
Permit No. 1646-2, with a priority date of August 24, 1978
was approved September 13, 1978 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 13, 1983 and for the application to beneficial use of said
water on or before September 13, 1985.

October 21, 1982, Water Permit No. 1646-2 was transferred to William and Roberta Donovan.

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 1.78 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is the Center of the NE $\frac{1}{4}$ Section 4, T37N,
R34W.

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 T37N, R34W

Section 4	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AB)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AC)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AD)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33 Acres	(AA)
	TOTAL	132 ACRES	

(1) Pursuant to §16-5-30.1 William and Roberta Donovan
of HC 77, Box 34, Vetal, South Dakota 57574
the holder(s) and/or owner(s) of Water Permit No. 1646-2 is issued a license to appropriate water, the right to use
1.78 cubic feet per second of water from groundwater (one well) with a priority date
of August 24, 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. 1646-2 and subject
to South Dakota State Law.


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

JOHN HATCH

February 8, 1985

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9916

Pierre, February 4, 1985

RECEIVED OF William & Roberta Donovan, Box 34 HC 77, Vetai, SD 57574

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. 1646-2	50	00
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

By

Chief Engineer

JOHN HATCH (ms)

No. 1646-2

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

February 11, 1985

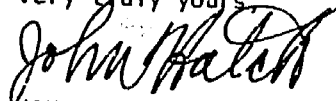
William & Roberta Donovan
HC 77, Box 34
Vestal, South Dakota 57574

Dear Mr. & Mrs. Donovan:

Enclosed herewith is, Water License No. 1646-2. 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, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 23, 1987

WILLIAM C & ROBERTA DONOVAN
HC 77 BOX 34
VETAL, SD 57575

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

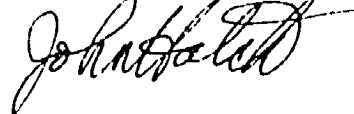
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1141-2, 1680-2B, 1646-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 1141-2, 1680-2B, 1646-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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

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

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

April 15, 1987

1141-2
1646-2
1680-2B

William C & Roberta Donovan
HC 77 Box 34
Vetal, SD 57575

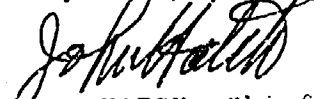
Dear Mr. & Mrs. Donovan:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1141-2, 1646-2 and 1680-2B and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

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

February 9, 1990

WILLIAM C & ROBERTA DONOVAN
HC77 BOX 34
VETAL, SD 57574

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1680-2B, 1646-2, 1141-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

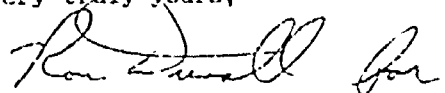
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1680-2B, 1646-2, 1141-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

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

February 23, 1990

1141-2
1646-2
1680-2B

William & Roberta Donovan
HC 77, Box 34
Vestal SD 57575

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 1141-2, 1646-2 and 1680-2B. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



1646-2

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

WILLIAM C & ROBERTA DONOVAN
HC77 BOX 34
VETAL SD 57574

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1141-2, 1646-2 & 1680-2B. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1141-2, 1646-2 & 1680-2B to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WILLIAM C. & ROB DONOVAN
HC 77 BOX 34
VETAL SD 57575

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1680-2B; 1141-2; 1646-2

The first notice to file chemigation report(s) for Permit No(s) 1680-2B; 1141-2; 1646-2 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1680-2B; 1141-2; 1646-2. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 hearings will be held at 9:15 am, on March 4, 1992, at the 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). 1680-2B; 1141-2; 1646-2 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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 733-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 1992

WILLIAM C/ROBERTA DONOVAN
HC 77 BOX 34
VETAL SD 57575

Dear Mr. DONOVAN:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No(s). 1680-2B; 1141-2; 1646-2. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report, your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 21, 1992

1141-2
1646-2
1680-2B

William & Roberta Donovan
HC 77 Box 34
Vetal, SD 57574

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 1141-2, 1646-2 and 1680-2B. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



1646-2

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

January 29, 1993

NOTICE

TO: WILLIAM C/ROBERTA DONOVAN
HC 77 BOX 34
VETAL, SD 57575

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) 1680-2B; 1141-2;
1646-2

The first notice to file chemigation report(s) for Permit No(s) 1680-2B; 1141-2; 1646-2 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1680-2B; 1141-2; 1646-2. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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, 1993, at the 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). 1680-2B; 1141-2; 1646-2 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 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



1646-2

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

January 29, 1993

NOTICE

TO: WILLIAM C/ROBERTA DONOVAN
HC 77 BOX 34
VETAL SD 57574

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1141-2, 1646-2 & 1680-2B. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1141-2, 1646-2 & 1680-2B to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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



11646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

1141-2
1646-2
1680-2B

William & Roberta Donovan
HC 77 Box 34
Vestal, SD 57574

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires and chemical reporting forms. You only completed the forms for No. 1141-2, so we must assume that you included irrigation from all three permits under the one number.

You may disregard the January 29, 1993 Notices - Failure to Report Chemical Use and Violation of the Requirement to Submit 1992 Irrigation Questionnaires. Since the information was received in our office prior to the Water Management Board Meeting, your names have been deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



1646-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN
HC77 BOX 34
VETAL SD 57574

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

RE: Failure to Report Chemical Use under Water Permit No(s) 1680-2B; 1141-2; 1646-2

The first notice to file chemigation report(s) for Permit No(s) 1680-2B; 1141-2; 1646-2 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 1680-2B; 1141-2; 1646-2. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and 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 applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East 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 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 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). 1680-2B; 1141-2; 1646-2 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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East 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.



February 4, 1997

1646-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, HC77 BOX 34, VETAL, SD 57574

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1141-2, 1646-2 & 1680-2B. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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) 1141-2, 1646-2 & 1680-2B 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 28, 1997, 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.



1646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 1997

1141-2
1646-2
1680-2B

William & Roberta Donovan
HC 77 Box 34
Vestal, SD 57574

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 1141-2, 1646-2 & 1680-2B and the Notice of Failure to Report Chemical Use

The information was received 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 Program
(605) 773-3352



1646-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, HC77 BOX 34, TUTHILL, SD 57574 9003

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1141-2, 1646-2 & 1680-2B. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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, March 3, 1999, 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) 1141-2, 1646-2 & 1680-2B 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 March 1, 1999, 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.



1646-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, HC77 BOX 34, TUTHILL SD 57574

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

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 1680-2B; 1141-2; 1646-2 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 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, March 3, 1999, 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). 1680-2B; 1141-2; 1646-2 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, 1999, 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 March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

1646-2



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

CLAIM CHECK
NO.

238125

IRN SERVICE REQUESTED

DATE

1-23-98
1ST NOTICE

2ND NOTICE

RETURN

Detached from
203 Form 3049-A
1-17-1990

CERTIFIED

Z 119 141

MAIL

RECEIVED
JAN 22 1998

PIERRE
SD
JAN 22 1998

6067152

U.S. POSTAGE
2.98

~~WILLIAM C & ROBERTA DONOVAN
HC77 BOX 77
TUTTHILL SD 57574 9003~~



1646-2

File No. 1141-2

1646-2

1680-2B

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: William & Roberta Donovan

ADDRESS: HC 77 Box 34, Tuthill, SD 57574-9003

DATE: February 1, 1999

TELEPHONE: 605 635-1043

RE: 1998 irrigation questionnaires

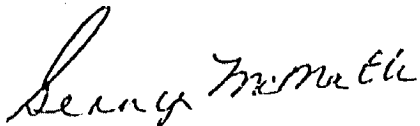
COMMENTS:

The "Notice" dated January 22nd concerning the Requirement to Report 1998 Chemical Use and the "Notice" concerning Reporting Requirements for 1998 Irrigation Questionnaire was sent Certified Mail to William and Roberta Donovan on January 22, 1999.

The Donovan's did not accept the certified mail and had it returned to our office on January 28th marked "refused". The questionnaires were subsequently received from them on February 1st. Upon receipt of the forms, I called Mr. Donovan to obtain the questionnaire information from him because the forms were submitted with nothing on them.

RECOMMENDED ACTION:

Accept the forms as filed since I was able to obtain the information from him by telephone and remove their names from the list of those to be heard by the Water Management Board on March 3rd.



Genny McMath
Environmental Scientist



1646-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, HC77 BOX 34, TUTHILL, SD 57574 9003

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1141-2, 1646-2 & 1680-2B. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, 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) 1141-2, 1646-2 & 1680-2B 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 28, 2000, 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.



1646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

January 28, 2000

1141-2
1646-2
1680-2B

William C & Roberta Donovan
HC 77 Box 34
Tuthill, SD 57574-9003

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 1999 Irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 1141-2, 1646-2 and 1680-2B.

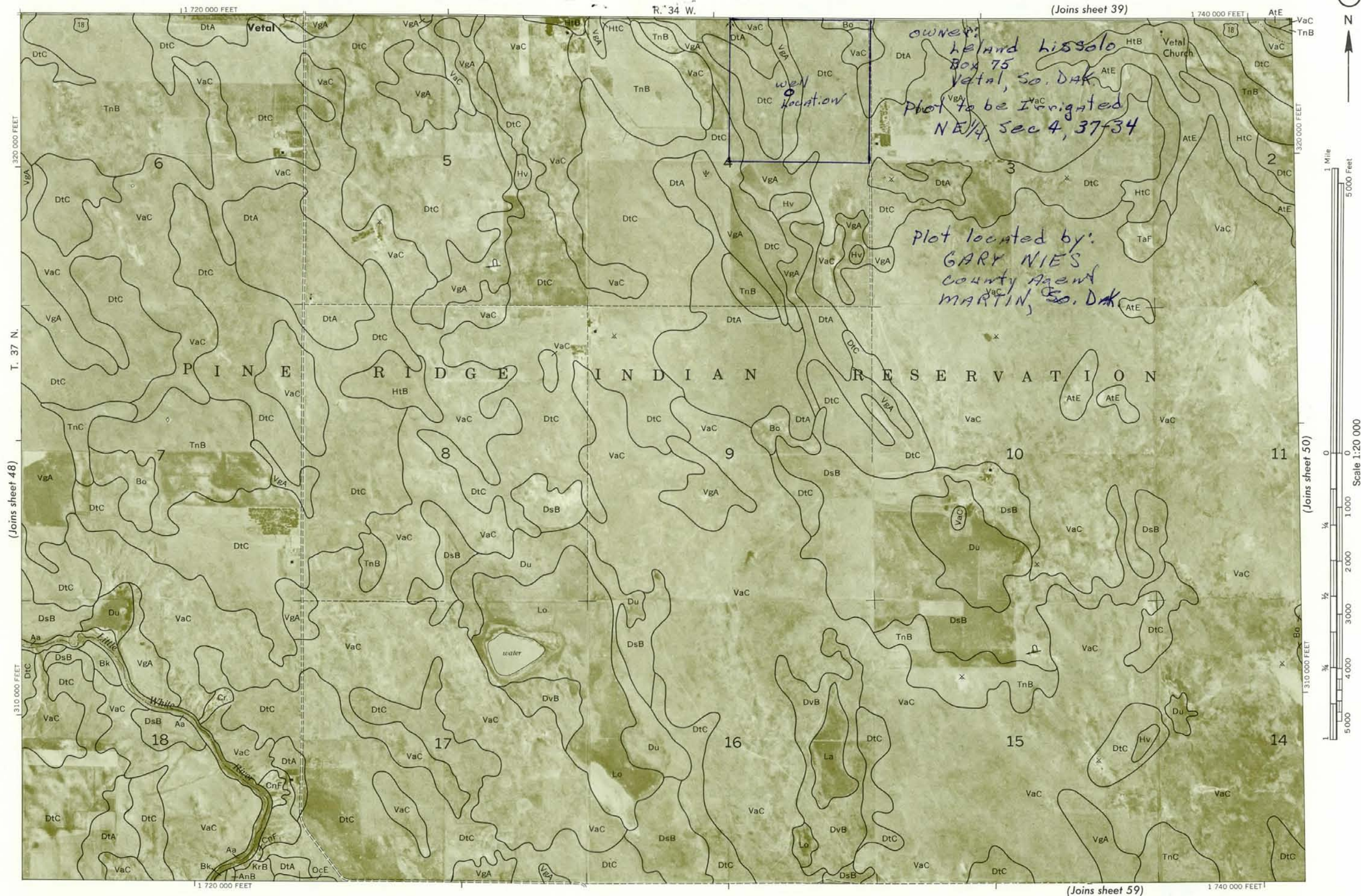
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

BENNETT COUNTY, SOUTH DAKOTA NO. 49



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

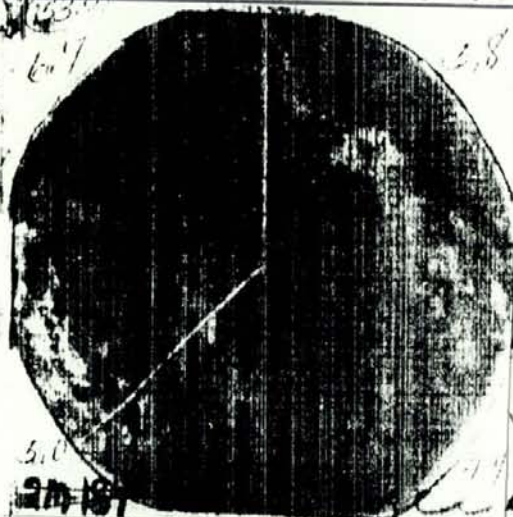
MAP No. 1410-2 APPL. # 1646-2

NOT TO SCALE

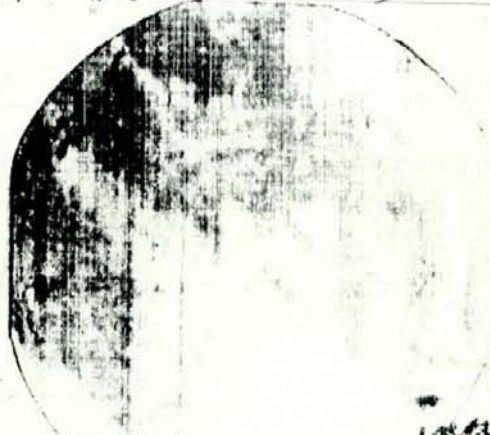
30-30

38-34

1-176R



131.3



4 Lawrence Johnson 37-34

2-163 Jack Strong

2-218 James Jamming 37-34



11646-2

182 sec 2 Jamming

2-100-218 James Jamming



1646-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, 28905 238TH AVE, TUTHILL, SD 57574
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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) 2111-2 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 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) 2111-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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 1, 2007, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



1646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2007

William & Roberta Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B and 2111-2.

Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B and 2111-2.

The information was received 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 Program
(605) 773-3352



1646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: WILLIAM C & ROBERTA DONOVAN, 28905 238TH AVE, TUTHILL, SD 57574

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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) 2111-2 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 11, 2008** 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) 2111-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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 3, 2008**, 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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**

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

January 29, 2008

William C & Roberta Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B & 2111-2

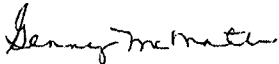
Dear Mr. & Mrs. Donovan:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B & 2111-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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



1646-2
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: WILLIAM C & ROBERTA DONOVAN, 28905 238TH AVE, TUTHILL, SD 57574

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) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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) 2111-2 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) 2111-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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

February 6, 2012

William & Roberta Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B & 2111-2

Dear Mr. & Mrs. Donovan:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B & 2111-2. The information was received 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,

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

1646-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2012

Cole Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B and 2111-2

Dear Mr. Donovan:

Thank you for contacting our office concerning the need for ownership changes on the above listed Water Rights. I have enclosed copies of the water rights in the event you do not have them.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$350). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 31 2012

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

No. 1646-2

WATER RIGHTS
PROGRAM

Date: 12/26/12

I/We request that Water Right No. 1646-2

formerly owned by: William C Donovan and Roberta L Donovan

be transferred to: (name & address)

Cole Blu Donovan
28905 238th AVE

Faith, SD 57574 Telephone No. 605-685-1043

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

NE ¼ Section 4, T37N, R34W

I/We understand that the validity of Water Right No. 1646-2 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 Cole Blu Donovan, 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 1/3, 20 13

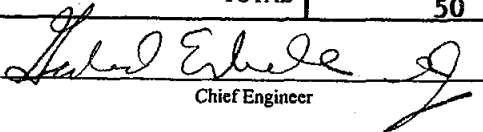
RECEIVED OF Donovan Farms 28005 238th Ave Tuthill SD 57574

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>1646-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05844**

By


Chief Engineer



1646-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 11, 2013

Cole Blu Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B and 2111-2

Dear Mr. Donovan:

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

The ownership changes have been completed. Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B and 2111-2 are now listed in your name.

Enclosed for your records are the receipts for the filing fees. If you have any questions, please contact me.

Sincerely,

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

enclosures



1646-2
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, 2014

NOTICE

TO: COLE BLU DONOVAN, 28905 238TH AVE, TUTHILL, SD 57574

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaires

Our records indicate that the 2013 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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) 2111-2 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 2111-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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 3, 2014**, 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

February 18, 2014

Cole Blu Donovan
28905 238th Ave
Tuthill SD 57574

RE: Water Permit or Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B & 2111-2

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for the above listed permits. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

RECEIVED

DEC - 3 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1646-2

Date: 12/3/15

I/We request that Water Right/Permit No. 1646-2

formerly owned by: Cole Blu Donovan, 28905 238th Avenue, Tuthill SD 57574

be transferred to: (name & address) Donovan Farms LLC

28903 238th Ave

Tuthill, SD 57574

Telephone No. 605-685-6978

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

NE ¼ Section 4, T37N, R34W

I/We understand that the validity of Water Right/Permit No. 1646-2 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 Donovan Farms LLC, the new owner, certify that the above information is true and correct.

Donovan Farms LLC by
(Signed by new owner)
Roberta L. Donovan, Manager

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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/4, 20 15

RECEIVED OF Donovan Farms LLC 28903 238th Ave Tuthill SD 57574

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>1646-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07540

By J. James Goodman
Chief Engineer

1646-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 3, 2015

Roberta L Donovan, Mgr
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

RE: Ownership changes for water rights

Dear Ms. Donovan:

I am writing to acknowledge the transfer forms and filing fees you submitted today for changing ownership of Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 (held by Cole Blu Donovan) and Water Permit No. 2697-2 (held by Roberta L Donovan Real Estate Trust).

The ownership changes have been completed. The above listed water permit and water rights are now listed in the name of **Donovan Farms LLC**.

The receipts for the filing fees paid will be sent to you under separate cover. If you have any questions, please contact me.

Sincerely,

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

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



1646-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: DONOVAN FARMS LLC, ROBERTA L DONOVAN, MGR, 28903 238TH AVE, TUTHILL, SD 57574

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B 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) 2111-2 & 2697-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

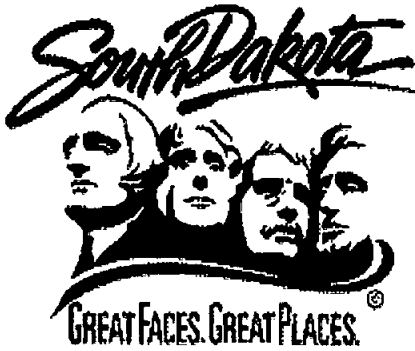
1. Suspend or cancel Permit No(s) 2111-2 & 2697-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 985-2, 1141-2, 1207-2, 1646-2, 1672-2 & 1680-2B to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1646-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2018

Roberta L Donovan
Donovan Farms LLC
28903 238th Ave
Tuthill SD 57574

RE: Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 and 2697-2

Dear Ms. Donovan:

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

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1141-2, 1207-2, 1646-2, 1672-2, 1680-2B, 2111-2 and 2697-2. 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
Water Rights Program
(605) 773-3352
email: 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

April 25, 2024

1646-2

Donovan Farms
c/o Cole Donovan
28903 238th Ave
Tuthill SD 57574

Dear Mr. Donovan:

I am writing in regard to Water Right No. 1646-2. The water right authorizes diversion 1.78 cfs (approx. 800 gpm) of water from groundwater, one well, completed into the Ogallala Aquifer, for the irrigation of 132 acres in the NE ¼ Section 4, T37N, R34W, Bennett County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 1646-2 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 132 acres irrigated
- Reported water use – 288.7 ac-ft of water (approximately 26.25 inches)
- Authorized water use – 264 acre-feet (132 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

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

NOTE: Water Right No. 1646-2 authorizes a diversion rate of 1.78 cubic feet or water per second (approx. 800 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 900 gpm. A new permit would be required to increase the rate of diversion from 1.78 cfs to 2.0 cfs.

enclosure