

Considered: _____

WATER PERMIT NO. 2111-2

HAP No. same 685-1110

Name of Applicant Jerry Donovan

Post Office Address HWC 2, Box 6, Vetal SD 57575

Amount of Water Claimed 1.78 cfs Total Acres 135

Source of Water Supply ground water - 1 well

Water to be used for irrigation County Bennett

About 20 miles E of Martin.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Jan 11, 1990 Fee \$250⁰⁰ Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

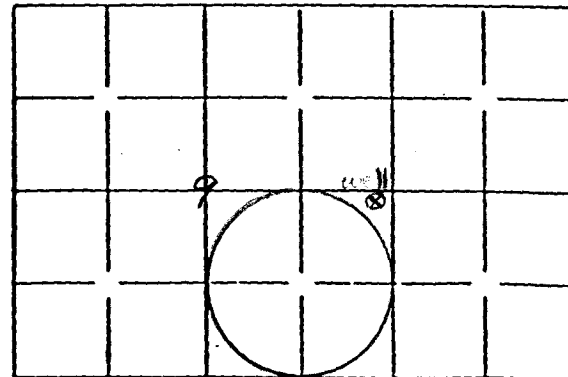
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point well: NE 1/4 SE 1/4 section 9 -

T37N-R34W

Land to be Irrigated SE 1/4 section 9 -

T37N-R34W



Well Log: Driller Sargent Irr. Co Licensed YES ☒ NO _____

Depth of Well 120 feet REMARKS _____

Type of Map soils PREPARED BY Diane L Gronlund Reviewed and the Number

assigned on January 19, 1990 By Ron J. J. J.

(See instructions)

No. <u>2111-2</u>	Hydrologic Unit <u>10140203</u>
Basin <u>White River</u>	
Newspaper <u>Bennett Co. Booster II, Box 610, Martin</u> <u>(City) 57561</u>	

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☒ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant Jerry Donovan Phone No. 685-1110
 - Post Office Address HWC 2 Box 6 Netal State SD 57575
(Street, RR or Box) (City) Zip Code
 - Amount of water claimed (c.f.s.) 1.78 Total acres irrigated 135
 - Source of Water supply ground water
 - Location of point of diversion is located 50 yds west and 150 yds
south of the northeast corner of SE 1/4 of section 9
T37N, R34W, NE 1/4 SE 1/4 County Bennett
 - Counties where water will be used Bennett
 - Annual period during which water is to be used May-September 30
 - 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.
<u>SE 1/4, Section 9 T37N R34W</u>	<u>135</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____ (Specify) _____
- Crops to be Irrigated: corn
- Give a description of proposed project. (Attach sheet if more-space is needed)

Drill an irrigation well for
an existing center pivot



Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Bennett)^{ss}

I, Jerry J. Donovan, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Jerry J. Donovan

Subscribed and sworn to before me this 5th day of January 19 90

My commission expires: 3/11/93

Luella Cozad
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 30" Depth 135'
- b) Casing Type steel Diameter 16" Thickness .29"
- c) Screen Type steel Diameter 16" Thickness .29"
- d) Gravel Pack Thickness 7 inch Length of Gravel Pack 135'
- e) Depth to Top of Water Bearing Material 108'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:
On applicants property 200 yds south On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

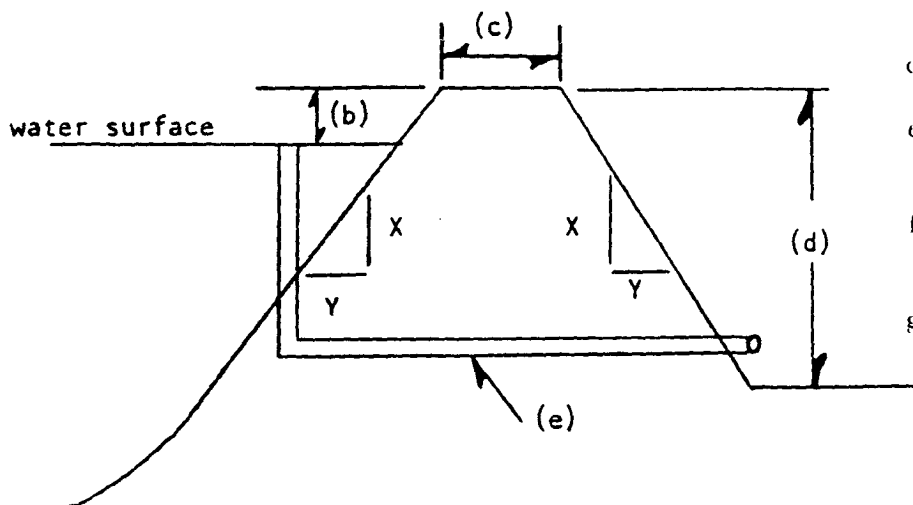
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



James J. Donovan
Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 2111-2 FOR IRRIGATION

Date of first receipt of application January 11, 1990.

Date Soil/Water Compatibility Permit received February 8, 1990.

The Water Management Board approved Water Permit Application No. 2111-2 on March 7, 1990 for Jerry Donovan, HWC 2, Box 6, Vetal SD 57575 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2111-2 appropriates 1.78 cubic feet of water per second (cfs) from one additional well (Ogallala Aquifer) 120 feet deep to irrigate 135 acres also authorized for irrigation by Water Right No. 1206-2. The additional well is to be located in the NE1/4 SE1/4 and the irrigated acreage is located in the SE1/4; all in section 9-T37N-R34W. The combined diversion rate authorized by Water Right No. 1206-2 and this permit may not exceed 1 cfs for each 70 acres irrigated.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is January 11, 1990.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The combined diversion rate authorized by Water Right No. 1206-2 and Permit No. 2111-2 may not exceed 1.0 cfs for each 70 acres irrigated.

WATER MANAGEMENT BOARD

By: _____

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

APR 25 1990

(date)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

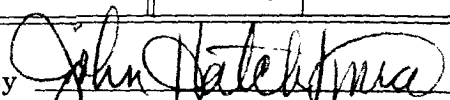
412025

Pierre, January 11, 19 99

RECEIVED OF Jerry Joe Donovan, Jr., RR #2 Box 6, Vetal, SD 57575

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 _____	250	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 _____		
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	250 00

By 
Chief Engineer

corrected copy

Department of Agriculture

WI#1

5/87

SOIL/WATER COMPATIBILITY PERMIT

Division of Conservation

Office Use Only

4441

WR#

79-251

OWNERS NAME: DONOVAN, JERRY

OWNERS ADDRESS: HWC 2, Box 6

Vetal, SD 57575

COUNTY LAND LOCATED IN: Bennett PHONE: 685-1110

LEGAL DESCRIPTION:

NE1/4 SE1/4 9-T37N-R34W

☒ Well

☐ Surface

1. LOCATION

Depth 120'

Legal Description	Acres	Legal Description	Acres
SE1/4 9-T37N-R34W	135		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ~~XXX~~ GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 79-251

7. ADJUSTED (SAR): 0.30

5. SALINITY (EC X 10⁶): 191

8. PERCENT SODIUM 9.50

6. SODIUM (SAR): 0.20

Requirements:



[Signature]
Director, Division of Conservation

January 23, 1990

Date

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER
_____ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4441

WR#

79-251

OWNERS NAME: DONOVAN, JERRY OWNERS ADDRESS: HWC 2, Box 6
Vetal, South Dakota 57575

COUNTY LAND LOCATED IN: Bennett PHONE: 685-1110

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION NW1/4 10-T37N-R34W

Depth 255'

Legal Description	Acres	Legal Description	Acres
<u>SE1/4 9-T37N-R34W</u>	<u>135</u>		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____
(Specify)

3. CROPS TO BE IRRIGATED: Corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 79-251

7. ADJUSTED (SAR): 0.30

5. SALINITY (EC X 10⁶): 191

8. PERCENT SODIUM 0.50

6. SODIUM (SAR): 0.20

Requirements:



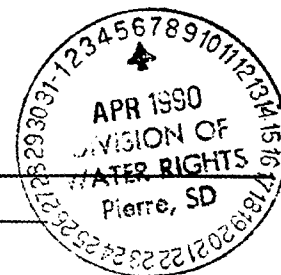
[Signature]
Director, Division of Conservation

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER
☐ REQUIREMENTS

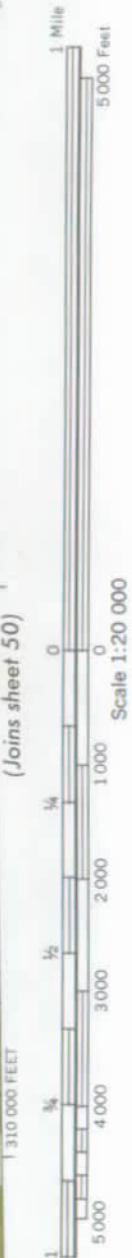
January 23, 1990
Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Date 3-30-90



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.

(Joins sheet 59) 1 740 000 FEET

Appl. No. 2111-2

REPORT ON APPLICATION NO. 2111-2

Jerry Donovan

January 23, 1990

This application proposes to appropriate 1.78 cfs from one 120 foot well to irrigate 135 acres. This is an additional well to irrigate lands covered by Water Right No. 1206-2. This well is to be located in the NE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in section 9, T37N R34W in Bennett County. The combined diversion rate authorized by Water Right No. 1206-2 and this application may not exceed 1 cfs for each 70 acres irrigated.

AQUIFER - OGALLALA (TO)

The Ogallala aquifer underlies 280,960 acres and contains 2.8 million acre feet of recoverable water in Bennett County (Allen, 1984). The aquifer consists of fine to coarse sands which overlie the Arikaree Formation (locally called redrock). The Ogallala is recharged by direct infiltration of precipitation and is hydraulically connected to the Arikaree Formation. Ground water also discharges into the Little White River.

The Division of Water Rights monitors an observation well BT-76B which is located approximately 1/2 mile from this proposed diversion. Water levels for this well indicate there is some annual fluctuation due to pumping (2-4 feet). This is primarily due to the close proximity of BT-76B to three irrigation wells. Historically water level data indicate recharge does occur and the aquifer is maintaining withdrawals without adverse effect (Water Rights, 1990).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing permits/rights (Nos. 1219-2, 1179-2, 1672-2 and 985-2) which obtain water from the Ogallala with diversion points approximately 1/2 mile away. Data indicate drawdowns are occurring but are not significant. This additional diversion should not adversely impact existing water users.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is under water table conditions and significant drawdowns do not extend very far from a production well. Interference is not expected to be a problem.
3. There is a growing body of evidence that farming practices over shallow water table aquifers such as Ogallala will have an impact upon the water quality of the aquifer.
4. The proposed well must be constructed in accordance with SD well construction standards.

5. The standard water use qualification should be included.
6. This land is already covered by Water Right No. 1206-2. This will be an additional well for irrigation of those lands and the combined diversion of this permit and 1206-2 may not exceed 1 cfs for each 70 acres.


James A Goodman

Natural Resources Engineer IV

BIBLIOGRAPHY

Allen, J.C., 1984, ANALYSIS OF GROUNDWATER AND STREAMFLOW DATA
WESTERN DAKOTAS REGION OF SOUTH DAKOTA, TASK 3 AND 4,
GROUNDWATER RESOURCE INVENTORY, for US Army Corps of
Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Rights, 1990, RECORDS OF OGALLALA AQUIFER OBSERVATION WELLS
IN BENNETT COUNTY, SD DWR, Div. of Water Rights, Joe Foss
Bldg., Pierre, SD, 57501.

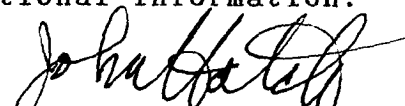
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2111-2, Jerry Donovan

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2111-2, Jerry Donovan, HCR 2, Box 6, Vetal SD.

The Chief Engineer is recommending APPROVAL of Application No. 2111-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The combined diversion rate authorized by Water Right No. 1206-2, and Permit No. 2111-2 may not exceed 1.0 cfs for each 70 acres irrigated.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 29, 1990



Department of Water & Natural Resources

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

January 30, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Jerry Donovan
HWC 2 Box 6
Vetal, SD 57575

Dear Mr. Donovan:

Water Permit Application No. 2111-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bennett Co. Booster II printed at Martin SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

NOTE: The Department of Agriculture needs to approve your soil/water compatability application (SWCA) prior to water permit application No. 2111-2 being considered by the Water Management Board. If the SWCA is not approved prior to the March 7 & 8, 1990 Water Management Board meeting, then Application No. 2111-2 will be removed from the March 7 & 8, 1990 Board meeting agenda. If the SWCA is aproved after the March 7 & 8, 1990 Board meeting, the Application No. 2111-2 will need to be readvertised for a later hearing date.

You should also be aware that approval of the SWCA by the Department of Agriculture is subject to review by the Conservation Commission. Although not expected, if the Conservation Commission reverses approval of the SWCA, then Application No. 2111-2 will not be issued to you if approved at the March 7 & 8, 1990 Board meeting.



Department of Water & Natural Resources

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

January 30, 1990

Bennett Co. Booster II
Box 610
Martin, SD 57551

ATTN: Legal Publications

Enclosed is a Notice of Hearing on Application No. 2111-2 to be published twice. Please publish the first notice on or before February 7, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Jerry Donovan, HWC 2 Box 6, Vetal, SD 57575.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO:

Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before February 7, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2111-2 to Appropriate Water

Notice is given that Jerry Donovan, HWC 2, Box 6, Vetat, SD 57575 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one additional well (Ogallala Aquifer) 120 feet deep to irrigate 135 acres also authorized for irrigation by Water Right No. 1206-2. The additional well is to be located in the NE1/4 SE1/4 and the irrigated acreage is located in the SE1/4; all in Section 9-T37N-R34W. The combined diversion rate authorized by Water Right No. 1206-2 and this application may not exceed 1 cfs for each 70 acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2111-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Bennett)

I, Mary E. Long
 certify that the attached printed Notice 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:

February 7, 1990

February 14, 1990

Mary E. Long
 (Signature)
Publisher
 (Title)
2-15-90
 (Date Signed)

Cost of Printing: 39.63

NOTICE OF HEARING On Application No. 2111-2 To Appropriate Water

Notice is given that Jerry Donovan, HWC 2, Box 6, Vetat, S.D. 57575 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second (cfs) from one additional well (Ogallala Aquifer) 120 feet deep to irrigate 135 acres also authorized for irrigation by Water Right No. 1206-2. The additional well is to be located in the NE 1/4 SE 1/4 and the irrigated acreage is located in the SE 1/4; all in Section 9-T37N-R34W. The combined diversion rate authorized by Water Right No. 1206-2 and this application may not exceed 1 cfs for each 70 acres irrigated.

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Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the Applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01-01 thru 74:02:01:15.
 2T-36





Department of Water & Natural Resources

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

APR 25 1990

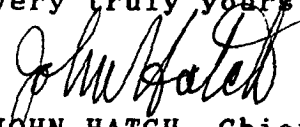
Jerry Donovan
HWC 2, Box 6
Vetal SD 57575

Dear Mr. Donovan:

Enclosed is Water Permit No. 2111-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,


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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

Permit No. 2111-2

Jerry Donovan
HC 2, Box 6
Vetal, SD 57575

Dear Mr. Donovan:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 1206-2 and 2111-2, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 1206-2 will be incorporated into 2111-2.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JERRY DONOVAN, HC 2 BOX 6, VETAL, SD 57575

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

SUBJECT: Violation of Water Permit No(s) 2111-2

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 2111-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the 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 9:45 am, March 6, 1996 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. 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. 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, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



January 30, 1996

2111-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JERRY J DONOVAN
HC 2 BOX 6
VETAL SD 57575

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) 985-2; 1672-2; & 2111-2

The first notice to file chemigation report(s) for Permit No(s) 985-2; 1672-2; & 2111-2 was dated 10/20/95. Our records indicate that we have not received the 1995 chemigation report for Permits No(s) 985-2; 1672-2; & 2111-2. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 A.M. on March 6, 1996, 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). 985-2; 1672-2; & 2111-2 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 March 1, 1996 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1996

985-3
1672-2
2111-2

Jerry J Donovan
HC 2 Box 6
Vetal, SD 57575

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires and chemical reporting forms. You may disregard the January 30, 1996, **Notice of Violation of Water Permit and Notice of Failure to Report Chemical Use.**

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1996

2111-2

Jerry Donovan
HC 2, Box 6
Vetal, SD 57575

Dear Mr. Donovan:

Our records indicate that a check in the amount of \$50.00 for the final inspection of your Water Permit No. 2111-2 was submitted to our office on September 29, 1995. On October 2, 1995, this check was sent back to you because there was no signature on it. As of this date, the fee has not been resubmitted.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

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

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1997

Jerry Donovan
HC 2 Box 6
Vetal, SD 57575

Dear Mr. Donovan:

I am contacting you in regard to the pending water license for your Water Permit No. 2111-2. In reviewing the water permit file, I noticed the water license has not been issued due to lack of the \$50.00 fee.

An investigation of the water use system described in No. 2111-2 was conducted in June, 1995. In August of 1995, we contacted you concerning payment of the \$50.00 fee due for the investigation and issuance of the water license. A check was received from you September 29, 1995 for payment of the fee and was returned to you on October 2, 1995 for signature. A follow-up letter was written to you on February 15, 1996, but to date, the fee has not been resubmitted.

The water license is the final document in the process of obtaining a water permit. Please take a few minutes to send in a check or money order for \$50.00. Upon receipt of the fee, we will begin processing your water license. If you have any questions, please contact me.

Sincerely,

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

RECEIPT

Division of Water Rights

415349

South Dakota Department of Environment and Natural Resources

Pierre, _____

May 12, 1997

RECEIVED OF Donovan Ranch, HC 2, Box 6, Vetal, SD 57551-9718

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2111-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch 

REPORT ON INSPECTION OF PERMIT NO. 2111-2

Other permit(s) associated with the project: # 1206-2

DATE OF INSPECTION: June 14, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Jerry Donovan, HC 2, Box 6, Vetal, SD 57575
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE:

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: 1300 ft. East & 100 ft. South of the Center of Section 9-T37N-R34W (SE 1/4 SE/14).

WELL INFORMATION:

- 1) Well Drilling Firm: Sargent Irrigation Company
- 2) No. of Wells 1
- 3) Depth(s) feet 120 feet
- 4) Well log is available yes
- 5) Comment:

Casing:

- 1) Diameter inches 16 inch
- 2) Length feet 40
- 3) Type steel

Screen:

- 1) Type manufactured slotted screen
- 2) Length feet 80 feet
- 3) Static water level feet

Pump:

- 1) Make Sargent Pipe Company
- 2) Model Serial No. 02990
- 3) Size 11 inch
- 4) Capacity GPM 850 gpm

Motor:

- 1) Make Allis Chalmers Diesel motor
- 2) Model No. Serial No. 1-5100-04503-1
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1800 feet

SYSTEM TYPE:**Center pivot:**

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 13
- 4) Distance between towers 100 feet
- 5) End gun Yes
- 6) High or low pressure High-- 65 psi
- 7) Capacity 850 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Yes
- 4) Low pressure drain Yes
- 5) Discharge is 20' from source Yes
- 6) Interlock type Electric
- 7) Injection pump type Piston (23 gph)
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump Yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Yes

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Yes
- 3) All structures, wells and lands on map Yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

Permit No. 2111-2
White River- Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, June 14, 1995, made a thorough examination of the water use system constructed by Jerry Donovan of HC 2, Box 6, Vetat SD 57575 holder of Permit No. 2111-2, bearing the priority of January 11, 1990 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater for irrigation purposes, in Bennett County.

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

- A. Works used to divert the water: **100 Hp Allis Chalmers diesel motor, Serial No. 1-5100-04503-1 with 6 stage Sargent Pipe Company turbine pump, Serial No. 02990**
- B. Works used to transport water to place of use:
1800 feet 8 inch buried PVC pipe
- C. Works used to apply water to beneficial use:
Valley 13 tower Center Pivot

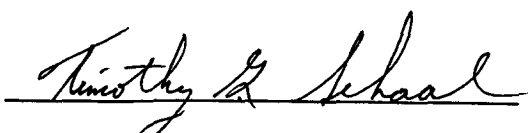
The system is in the following condition GOOD. The point of diversion is located 1300 ft. East & 100 ft. South of the Center of Sec. 9-T37N-R34W (NE 1/4 SE 1/4). The works are capable of diverting and conveying to the place of use 1.89 (850 gpm) cu. ft. per second of water of which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>NW 1/4 SE 1/4 Sec. 9-T37N-R34W--33 Acres</u>	
<u>NE 1/4 SE 1/4</u>	<u>" " --33</u>
<u>SW 1/4 SE 1/4</u>	<u>" " --33</u>
<u>SE 1/4 SE 1/4</u>	<u>" " --33</u>

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

Applicable permit qualifications have been complied with: XX Yes No

Exceptions to compliance are: Date Report Completed: August 15, 1995



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

File No. 2111-2 & 1206-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Jerry Donovan

ADDRESS: HC 2, Box 6, Vetal SD 57575 COUNTY: Bennett

DATE: August 25, 1995

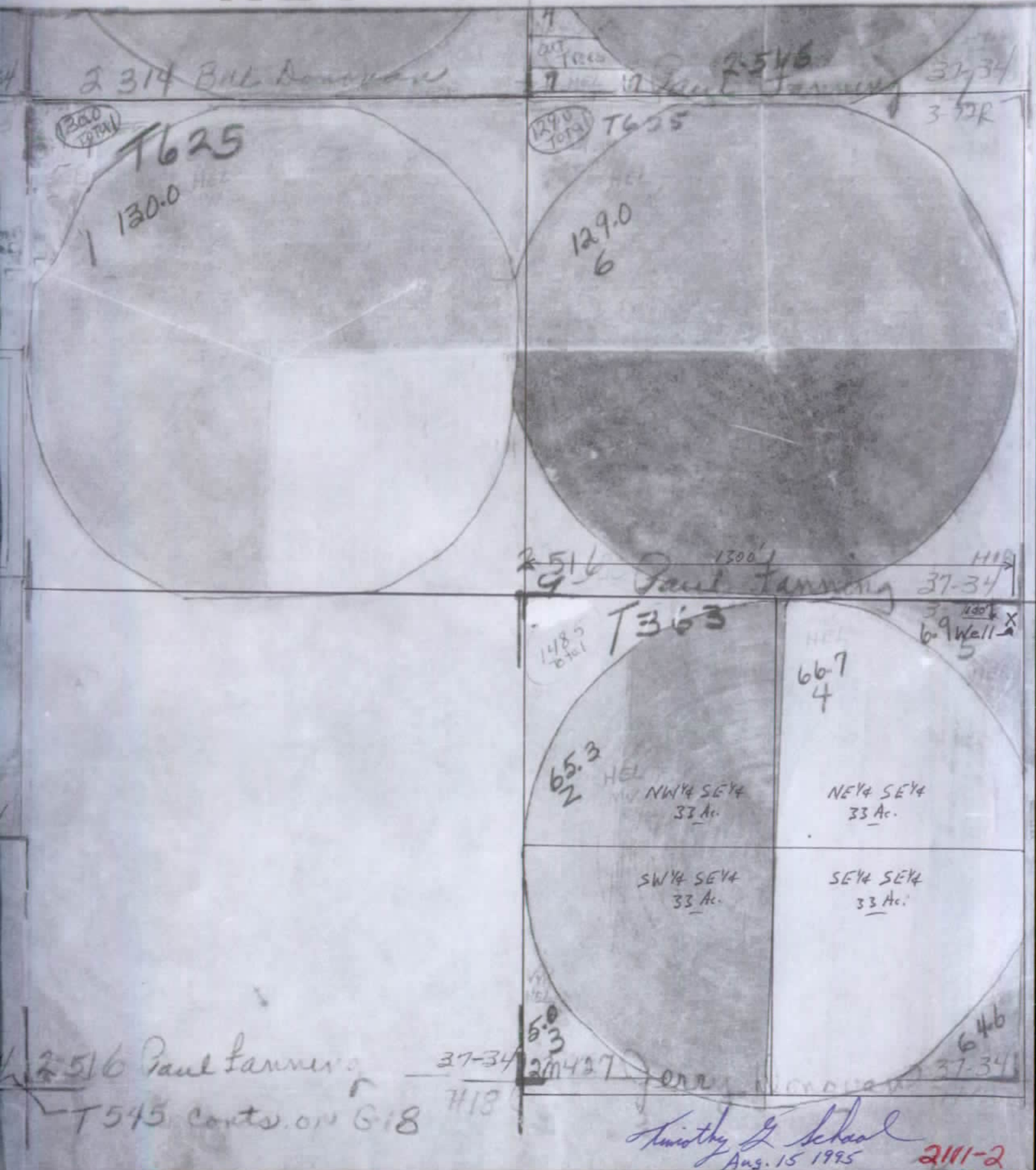
TELEPHONE: 685-1110

RE: Water Right No. 1206-2

I talked to Jerry Donovan today about Water Right No. 1206-2. He said that the Well located in the SW 1/4 of Section 10-T37N-R34W is still connected to the center pivot located in the SE 1/4 of Section 9-T37N-R34W.


Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program
(605) 773-3352

NOT TO SCALE



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2111-2

(1) Jerry Donovan, HC 2, Box 6, Vetat SD 57575 made Application No. 2111-2, January 11, 1990 for a water permit to appropriate 1.78 cubic feet of water per second from groundwater (one well), Bennett County, South Dakota for irrigation purposes. Permit No. 2111-2, with a priority date of January 11, 1990 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

Water Permit No. 2111-2 authorized an additional well to irrigate lands authorized by Water Right No. 1206-2. The well authorized under Water Right No. 1206-2 located in the SW 1/4 SW 1/4 Section 10 retains a priority date of August 27, 1974. The applicable portions of Water Right No. 1206-2 have been incorporated into Water License No. 2111-2.

(2) It is certified that the applicant 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 of water per second for beneficial use. The location of the diversion points are 1300 feet east and 100 feet south of the center of Section 9-T37N-R34W (NE 1/4 SE 1/4) and 1320 feet north and 1960 feet west of the south 1/4 corner of Section 10-T37N-R34W (SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 9-T37N-R34W	NW 1/4 SE 1/4	33 acres
	NE 1/4 SE 1/4	33 acres
	SW 1/4 SE 1/4	33 acres
	SE 1/4 SE 1/4	33 acres
Total		132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jerry Donovan, HC 2, Box 6, Vetat SD 57575 the holder and/or owner of Water Permit No. 2111-2 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (two wells) with priority dates of August 27, 1974 and January 11, 1990 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. 2111-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

2111-2

Jerry Donovan
HC 2, Box 6
Vetal, SD 57575

Dear Mr. Donovan:

Enclosed is Water License No. 2111-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415349 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2111-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Right No. 1206-2 have been incorporated into Water License No. 2111-2.



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL, SD 57575

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 2111-2, 985-2, 1207-2 & 1672-2. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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, 1207-2 & 1672-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2111-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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. 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, 1207-2 & 1672-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL SD 57575

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) **985-2, 1672-2 & 2111-2** was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). **985-2, 1672-2 & 2111-2** in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 1998

985-2
1207-2
1672-2
2111-2

Jerry J Donovan
HC 2 Box 6
Vetal SD 57575

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 985-2, 1207-2, 1672-2 and 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



2111-2

**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: JERRY J DONOVAN, HC 2 BOX 6, MARTIN SD 57551

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) 985-2; 1672-2 & 2111-2 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). 985-2; 1672-2 & 2111-2 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.



January 22, 1999

2111-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL, SD 57575

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 2111-2, 985-2, 1207-2 & 1672-2. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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, 1207-2 & 1672-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2111-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in 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. 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, 1207-2 & 1672-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1999

Jerry J Donovan
HC 2 Box 6
Martin, SD 57551

RE: Water Right Nos. 985-2, 1207-2, 1672-2 and 2111-2

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right Nos. 985-2, 1207-2, 1672-2 and 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



2111-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL, SD 57575

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 2111-2, 985-2, 1207-2 & 1672-2. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit Nos. 985-2, 1207-2 & 1672-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 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, 2001 in 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. 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. 2111-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 985-2, 1207-2 & 1672-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2001

985-2
1207-2
1672-2
2111-2

Jerry J Donovan
HC 2 Box 6
Vetal, SD 57575

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1207-2, 1672-2 and 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



2111-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL, SD 57575

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 2111-2, 985-2, 1207-2 & 1672-2. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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, 1207-2 & 1672-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2111-2 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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, 1207-2 & 1672-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



2111-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4500

Your item was delivered at 9:38 am on January 18, 2003 in MARTIN, SD 57551. The item was signed for by J DONOVAN.

[Shipment History >](#)[Request Delivery Record >](#)

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Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:

2301 0370 0000 7541 4500

P
J
e

JERRY J DONOVAN
HC 2 BOX 6
VETAL SD 57575

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PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2003

985-2
1207-2
1672-2
2111-2

Jerry J Donovan
HC 2 Box 6
Vetal SD 57575

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 985-2, 1207-2, 1672-2 and 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



January 14, 2004

NOTICE

2111-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: JERRY J DONOVAN, HC 2 BOX 6, VETAL, SD 57575
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 2111-2, 985-2, 1207-2 & 1672-2. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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, 1207-2 & 1672-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2111-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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, 1207-2 & 1672-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



2111-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 7834

Your item was delivered at 12:31 pm on January 15, 2004 in MARTIN, SD 57551. The item was signed for by J DONOVAN.

[Shipment Details >](#)

Notification Options

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 7834

JERRY J DONOVAN
HC 2 BOX 6
VETAL SD 57575

Waiver of Signature ☐ YES ☐ NO

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2111-2
DEPARTMENT of ENVIRONMENT
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PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2004

985-2
1207-2
1672-2
2111-2

Jerry J Donovan
HC 2 Box 6
Martin SD 57551

Dear Mr. Donovan:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. Your forms were received the same day the notices from our office were mailed out. Unfortunately, the mail had left before I had a chance to retrieve the letter sent to you.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Permit or Right Nos. 985-2, 1207-2, 1672-2 and 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



2111-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 11, 2005

Fred Cozad
PO Box E
Martin SD 57551

Dear Mr. Cozad:

Thank you for contacting us regarding possible ownership changes for water rights held by Donovan's. Enclosed as we discussed, are copies of all seven water rights on file for either Jerry J Donovan or William C & Roberta L Donovan.

Also enclosed are a few "Notice of Transfer of Ownership" forms for filing ownership changes with the water rights. The new owner(s) of the land will need to sign the forms. A \$2.50 filing fee is required for each ownership change filed. The check or money order(s) can be made payable to the "Water Rights Program".

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2111-2

Date: 10-11-05

I/We request that Water Right/Permit No. 2111-2

formerly owned by: Jerry Donovan

be transferred to: (name & address) William Donovan
28905 238th Ave
Tutthill, SD 57574 Telephone No. 605-685-1043

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

SE 1/4 Section 9-T37N-R34W

I/We understand that the validity of Water Right/Permit No. 2111-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I/We William Donovan, the new owner, certify that the above information is true and correct.

William Donovan

(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.

RECEIVED
OCT 13 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 13, 20 05

RECEIVED OF Bill Donovan, HC 77 Box 34, 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	2	50
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>2111-2</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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001987

By

J. Darland Erluke
Chief Engineer *gr*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2005

985-2
1207-2
1672-2
2111-2

William Donovan
28905 238th Ave
Tuthill SD 57574

Dear Mr. Donovan:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 985-2, 1207-2, 1672-2 and 2111-2. The transfers have been completed. The water rights once listed in the name of Jerry J Donovan are now listed in your name.

Enclosed are your Receipt Nos. 001985, 001986, 001987 and 001988 in the amounts of \$2.50 each. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosures



2111-2
**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.

2111-2



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



2111-2

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

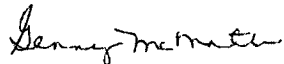
Dear Mr. & Mrs. Donovan:

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



2111-2
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 cursive script that reads "Genny McMath".

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

2111-2



**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

WATER RIGHTS
PROGRAM

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

No. 2111-2

Date: 12/26/12

I/We request that Water Right No. 2111-2

formerly owned by: William Donovan

be transferred to: (name & address) Cole Blu Donovan

28905 235th AVE

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

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

SE 1/4 Section 9, T37N, R34W

I/We understand that the validity of Water Right No. 2111-2 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

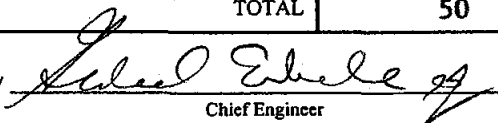
RECEIVED OF Donovan Farms 28905 238th Ave Tuthill Sd 57574

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

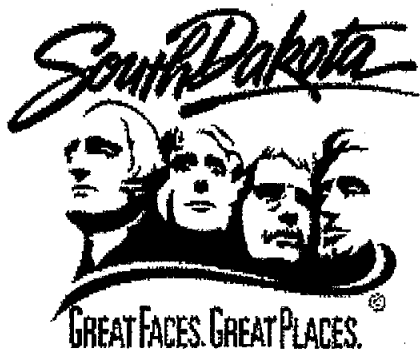
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2111-2</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. **05845**

By


Chief Engineer

2111-2



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



2111-2
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,

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. 2111-2
Date: 12/3/15

I/We request that Water Right/Permit No. 2111-2

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:

SE ¼ Section 9, T37N, R34W

I/We understand that the validity of Water Right/Permit No. 2111-2 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)
Robert 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/4, 20 15

RECEIVED OF Donovan Farms LLC 20003 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>2111-2</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. 07543

By

James Henderson
Chief Engineer

2111-2



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



2111-2
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.



2111-2

**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,

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