

Considered: _____

WATER PERMIT NO. 2117-2

HAP No. same 685-6507

Name of Applicant Clifford and Muriel McDonnell

Post Office Address HWC 3, Box 25, Martin SD 57851

Amount of Water Claimed 0.57 cfs Total Acres 20

Source of Water Supply dams

Water to be used for irrigation & Dom County Bennett

About 6 miles S of Tuthill

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 11/2/89 Fee \$150⁰⁰ Remarks _____

Corrected Application Received 1/11/90 Period of Annual Use May 1 - Oct 31

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

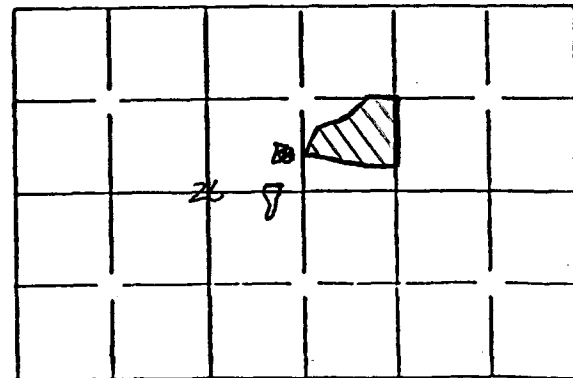
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dams: SW 1/4 NE 1/4 section 26-

T36N-R36W

Land to be Irrigated SE 1/4 NE 1/4 section 26-

T36N-R36W



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Earl L. Simmons Reviewed and the Number

assigned on March 20, 1990 By Ron D. [Signature]

(See instructions)

No. 2117-2 Hydrologic Unit 10140203
Basin White River
Newspaper Bennett Co Booster II, Box 610, Martin
(Wed 1-5-90)

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

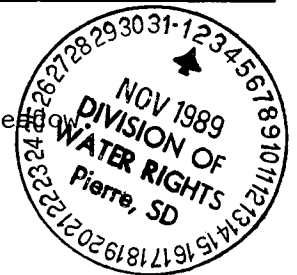
- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☒ Other Domestic Use
- Name of Applicant Clifford and Muriel McDonnell Phone No. 685-6507
Post Office Address HWC 3, Box 25 Martin State SD 57551
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 0.57 Total acres irrigated 40
3. Source of Water supply storage dams on live stream
4. Location of point of diversion NE corner of the SE 1/4 of Section 26, 36-36 SW 1/4 NE 1/4
County Bennett
5. Counties where water will be used Bennett
6. Annual period during which water is to be used May thru October 31
7. 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.
S 1/2 of NE 1/4	
Section 26, 36-36	40 <u>20</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____
(Specify) grass meadow
9. Crops to be Irrigated: _____
10. Give a description of proposed project. (Attach sheet if more space is needed)
5 hp motor - 3" inlet - 4" outlet pump
500 mainline pipe to distribute water for gravity irrigation across meadow



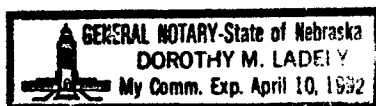
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

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

I, Clifford M. McDonnell, 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 Clifford M. McDonnell

Subscribed and sworn to before me this 9th day of January 1990



Dorothy M. Ladely
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 2117-2 FOR IRRIGATION

Date of first receipt of application November 2, 1989.

Date Soil/Water Compatibility Permit received March 28, 1990.

Date of return to applicant for corrections, amendments or changes December 13, 1989.

Date of receipt of corrected application March 20, 1990.

The Water Management Board approved Water Permit Application No. 2117-2 on May 24, 1990 for Clifford and Muriel McDonnell, HWC 3, Box 25, Martin, SD 57551 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. 2117-2 appropriates 0.29 cubic feet of water per second from two existing storage dams (combined storage capacity approximately 3.2 acre feet of water) to irrigate 20 acres. The storage dams are located in the SW1/4 NE1/4 and the irrigated acreage is to be located in the SE1/4 NE1/4; all in Section 26 T36N-R36W. The dams are also to be used for stock watering purposes.
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 - October 31.
3. The date from which applicant may claim right is November 2, 1989.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 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. Approval of Permit No. 2117-2 limits the diversion rate to 0.29 cfs (130 gpm) or a corresponding reduction in the number of hours of irrigation per day. At a diversion rate of 0.57 cfs (256 gpm) the number of hours of pumping per day would be 12.2 hours.
2. Water may not be pumped for irrigation from the 3.2 acre feet storage dams until the water authorized by US Withdrawal No. 2-2 has been received by the refuge.

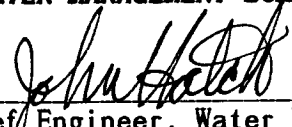
Permit No. 2117-2

Page 2

3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____


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

JUL 10 1990

(date)

Supplemental information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
 On applicants property _____ On property owned by others _____

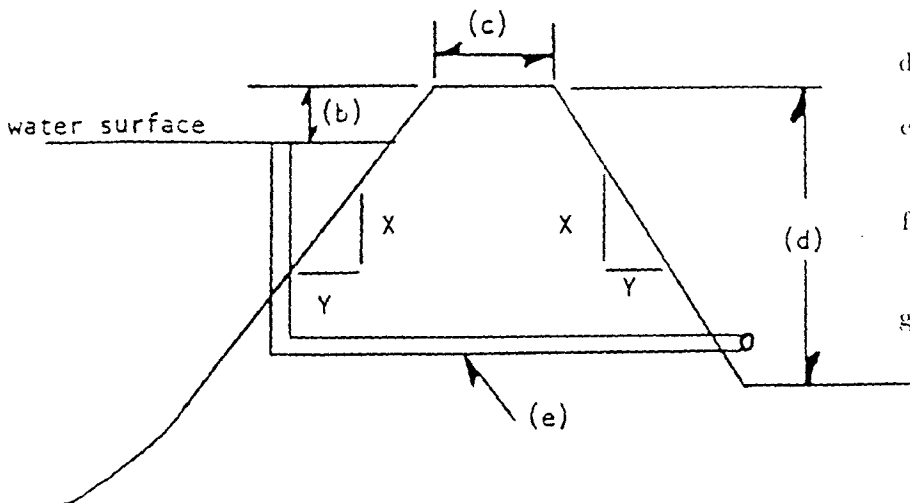
2. Dugout Information Estimates

- 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 2'
- c) Crest Width 15'
Crest Length 100'
- d) Height 5'
- e) Primary Outlet Capacity 15 cfs
If Pipe, diameter 18"
- f) Secondary Spillway Capacity 180 cfs
Spillway width 60'
- g) X & Y Slope
Upstream 3:1
Downstream 3:1

Surface Area of Impoundment 0.5 Ac
 Storage 0.8 acre feet
 Drainage area above dam Spring fed
Earl & Summors
Soil Cons. Service
1-3-90

Clifford M. Dannel
 Signature of Applicant
Clifford M. Dannel

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

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- 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 3 Ft.

c) Crest Width 12 Ft.

Crest Length 120 Ft.

d) Height 8 Ft.

e) Primary Outlet Capacity _____
If Pipe, diameter 20"

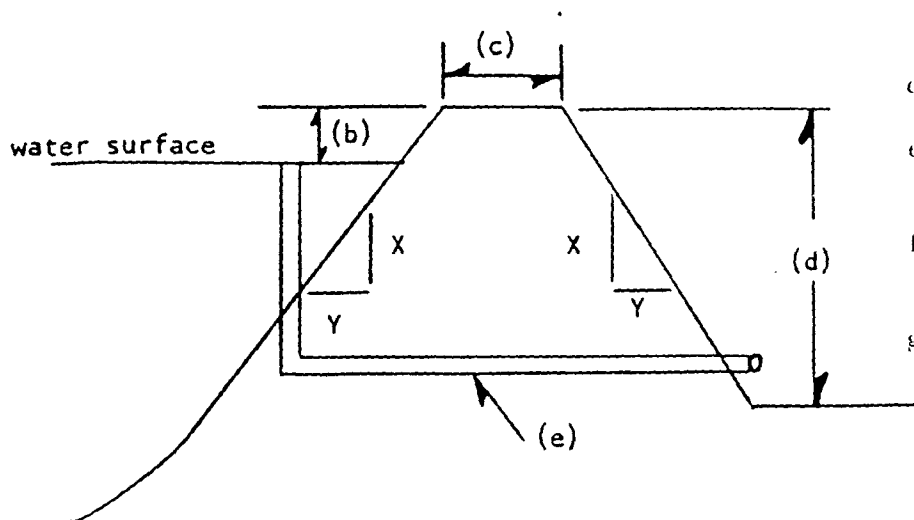
f) Secondary Spillway Capacity _____
Spillway width 60'

g) X & Y Slope
Upstream 45
Downstream 45

Surface Area of Impoundment _____

Storage 12 acre feet

Drainage area above dam _____
Spring Fed _____



Clifford M. Dannel
Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412026

Pierre, January 11, 19 90

RECEIVED OF Clifford McDonnell, HWC 3 Box 25, Martin, SD 57551

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

Fee for Application for Permit No. <u>2117-2</u> to Appropriate Water, to construct works and to put water to beneficial use	150	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	150 00

By John Hatch / [Signature]
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4468

WR#

OWNERS NAME: McDONNELL, CLIFFORD/MURIEL OWNERS ADDRESS: RWC 3, Box 25
Martin, SD 57551

COUNTY LAND LOCATED IN: Bennett PHONE: 685-6507

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION SW 1/4 NE 1/4 26-T36N-R36W

Depth _____

Legal Description	Acres	Legal Description	Acres
SE 1/4 NE 1/4 26-T36N-R36W	20		

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

3. CROPS TO BE IRRIGATED: Grass Meadow

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0549

7. ADJUSTED (SAR): 0.23

5. SALINITY (EC X 10⁶): 120

8. PERCENT SODIUM 15.25

6. SODIUM (SAR): 0.27

Requirements:

The area to be irrigated shall remain in permanent vegetation to address the wetness of the Loma soils and the wind erodibility of Dundy and Elsmire soils.



Leta R. Smith
Director, Division of Conservation

March 26, 1990

Date

XXX APPROVED

DISAPPROVED

WAIVER

XXX REQUIREMENTS

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

During irrigation periods, CMP through road grade is blocked and when the resulting small pond is full from overflow from stockwater pond and natural spring flow, pump is activated and water is pumped to irrigated area. When small reservoir is depleted, pump is turned off and reservoir is allowed to refill. Pump is then reactivated.

T 1462

Tommy

36-36-2-103R

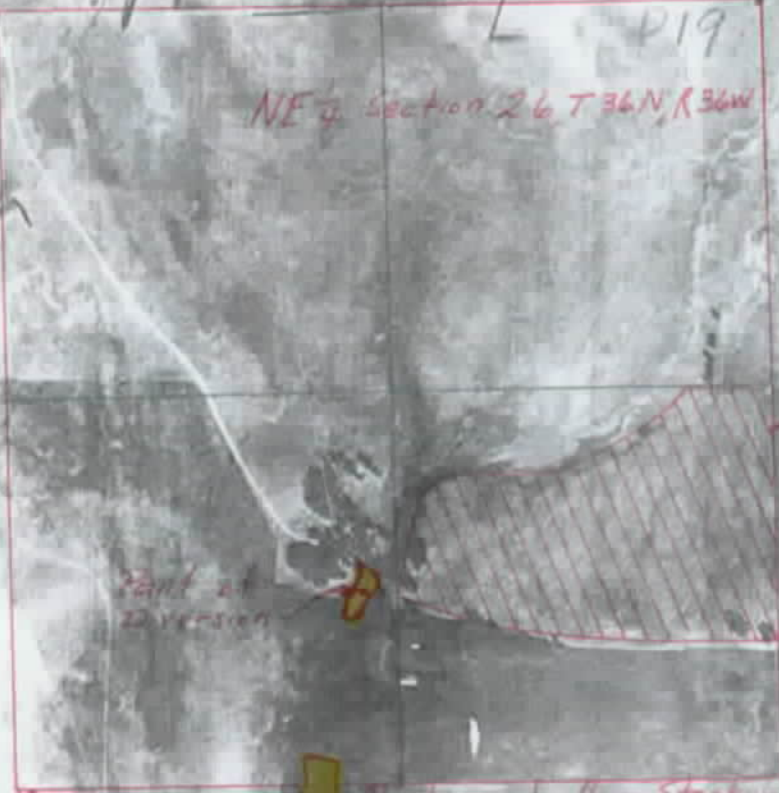
P19

NE 1/4 Section 26, T 36N, R 36W

These are existing ponds. New ponds are not planned to be built.

Point of diversion is approximately 120 Rods south and 86 Rods west of the NE corner of section 26, T 36N, R 36W in Bennett County, South Dakota

Map prepared by
Earl L. Simmons
Soil Conservation Technician
Soil Conservation Service
Bakeland, SD 1/3/40



Approx. Map scale
1" = 1 mile



Appl. No. 2117-2

 **Department of
Water & Natural Resources**

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

October 19, 1989

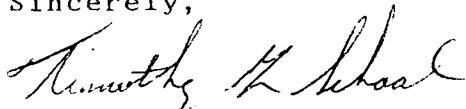
Clifford McDowell
HWC 3, Box 25
Martin, SD 57551

Dear Mr. McDowell:

Enclosed are the application forms and instruction sheet to apply for a Soil/Water Compatibility Permit and Water Permit for Irrigation for the irriagation project we discussed on October 12, 1989. These should be filled out, notarized and returned to us along with a signed map and an application fee of \$150.00.

If you have any questions, please let us know.

Sincerely,



Timothy G. Schaal
Water Resources Engineer
(605) 773-3352

enclosure





Department of Water & Natural Resources

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

December 13, 1989

Clifford and Muriel McDonnell
HWC 3, Box 25
Martin SD 57551

Dear Mr. and Mrs. McDonnell:

This letter is in response to the water permit application received on November 2, 1989. The following information is needed to complete the application:

- 1) The enclosed application forms need to be notarized. The applications received on November 2, 1989 were stamped with the seal of the County Treasurer which does not meet rules requirements.
- 2) The information on the enclosed applications was taken from your original applications with some modifications as follows:
 - a) The amount of water claimed has been increased from 0.50 cfs to 0.57 cfs which is the statutory limit. If you wish to apply for the lesser amount of water, the application can be changed from 0.57 cfs back to 0.50 cfs.
 - b) The legal description of the irrigated acreage has also been revised from the S1/4 NE1/4 to the S1/2 NE1/4 which is the correct legal description of the acreage.
- 3) The applications mention "storage dams on a live stream". The map shows only one dam site, please indicate if more than one dam is to be constructed. The map will also need to show any additional dam sites.
- 4) The fee to apply for a water permit to irrigate 40 acres is \$150.00. Please remit the \$150.00 application fee with the applications.
- 5) Please indicate who completed the sizing of the dam as shown on the form 2A submitted with your application.

A copy of your application will be forwarded to the Department of Agriculture when the application is complete. The soil/water compatibility permit needs to be approved by the Department of Agriculture prior to the Water Management Board considering your water permit application.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352
enc.

Report On Application No. 2117-2
Clifford and Muriel McDonnell
March 2, 1990

Application No. 2117-2, Clifford and Muriel McDonnell, proposes to appropriate 0.57 cubic feet of water per second (cfs) from two existing dams to irrigate 20 acres. The dams have a combined storage capacity of approximately 3.2 acre-feet (ac-ft) of water and are located in the SW1/4 NE1/4 in Section 26-T36N-R36W, the dams are also used for livestock watering. The acreage to be irrigated is in the SE1/4 NE1/4 in Section 26-T36N-R36W. The dams and the proposed irrigated acreage are located approximately 6 miles south of Tuthill, SD.

Investigation of Complaint

On October 18, 1989 Division of Water Rights Engineer Tim Schaal investigated a complaint made by a downstream land owner concerning the irrigation of the above described lands. The downstream land owner was concerned that the project would interfere with the availability of water for domestic purposes. The investigation found the irrigation project owned by Clifford and Muriel McDonnell for which there was no water permit.

Water Source

The water source is from an unnamed stream which flows into the larger dam, 2.4 ac-ft. When the dam is full the water overflows into the smaller dam, 0.8 ac-ft. Any excess water flows from the smaller dam down stream into the La Creek National Wildlife Refuge approximately 3 miles north of the dams. The diversion of water for irrigation is from the smaller dam. Flows in the stream are from surface runoff and from springs.

The diversion rate of 0.57 cfs, to irrigate the 20 acres, is greater than the allowable 1 cfs per 70 acres. The allowable rate by statute is 0.29 cfs.

Review of Existing Water Rights

The United States Department of the Interior, Fish and Wildlife Service holds U.S. Withdrawal Permit No. 2-2 which allows them all unappropriated waters of La Creek and tributaries above Dam No. 10 located in the SE1/4 of Section 25-T37N-R36W. The unnamed stream on which the proposed diversion point is located, is a tributary to the La Creek National Wildlife Refuge above Dam No. 10.

Excess water flows out of the refuge and continues on downstream in Lake Creek and on to the Little White River. The U.S. Geological Survey maintains a gaging station on Lake Creek below Dam No. 10. The median of yearly mean discharges past the gaging station is 17 cfs.

There are no existing water permits on Lake Creek between the refuge and the Little White River.

Conclusion

1. There is water available for this application.
2. The permit should be limited to a diversion rate of 0.29 cfs for irrigation of 20 acres.
3. The permit should be approved with the following qualifications:
 - A. There should be a low flow bypass for domestic use.
 - B. There should be no storage or diversion of water until water authorized by US Withdrawal No. 2-2 has been received by the Refuge.
 - C. The irrigation questionnaire must be submitted each year.

Mark D. Rath

Mark D. Rath
Natural Resources Engineer

approved by

Delvin D. Brosz

Delvin D. Brosz
Natural Resources Engineer IV

Reference

1. U.S. Geological Survey. 1988. Water Resources Data South Dakota Water Year 1988. U.S. Geological Survey Water-Data Report SD-88-1.

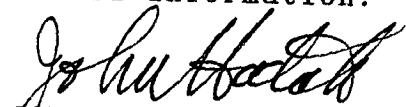
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2117-2, Clifford and Muriel McDonnell

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. 2117-2, Clifford and Muriel McDonnell, HWC 3, Box 25, Martin SD.

The Chief Engineer is recommending APPROVAL of Application No. 2117-2 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. Approval of Permit No. 2117-2 limits the diversion rate to 0.29 cfs (130 gpm) or a corresponding reduction in the number of hours of irrigation per day. At a diversion rate of 0.57 cfs (256 gpm) the number of hours of pumping per day would be 12.2 hours.
2. Water may not be pumped for irrigation from the 3.2 acre feet storage dams until the water authorized by US Withdrawal No. 2-2 has been received by the refuge.
3. Low flows as needed for downstream domestic use, including livestock water must be by-passed.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 5, 1990



Department of Water & Natural Resources

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

April 18, 1990

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

Clifford & Muriel McDonnell
HWC 3 Box 25
Martin, SD 57551-9414

Dear Mr. & Mrs. McDonnell:

Water Permit Application No. 2117-2 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 Intent to Appropriate Water 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 18, 1990

Bennett Co. Booster II
Box 610
Martin, SD 57511-0610

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 2117-2 to be published twice. Please publish the first notice on or before April 26, 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 Clifford and Muriel McDonnell, HWC 3 Box 25, Martin, SD 57551.

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,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

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 April 26, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2117-2 to Appropriate Water

Notice is given that Clifford and Muriel McDonnell, HWC 3 Box 25, Martin, SD 57551 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second (cfs) from 2 existing storage dams (combined storage capacity approximately 3.2 acre-feet of water) to irrigate 20 acres. The storage dams are located in the SW1/4 NE1/4 and the irrigated acreage is to be located in the SE1/4 NE1/4; all in Section 26-T36N-R36W. The dams are also to be used for stock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2117-2 for 0.29 cfs with qualifications 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 Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 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 May 11, 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 May 11, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Bennett) ss.

I, Wendell 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:

April 25, 1990

May 2, 1990

Wendell E. Long
 (Signature)

Editor
 (Title)

5/2/90
 (Date Signed)

Cost of Printing: 37.79



NOTICE OF HEARING On Application No. 2117-2 to Appropriate Water

Notice is given that Clifford and Muriel McDonnell, HWC 3 Box 25, Martin, S.D. 57551 has filed an application for a water permit to appropriate 0.57 cubic feet of water per second (cfs) from 2 existing storage dams (combined storage capacity approximately 3.2 acre-feet of water) to irrigate 20 acres. The storage dams are located in the SW 1/4 NE 1/4 and the irrigated acreage is to be located in the SE 1/4 NE 1/4; all in Section 26-T36N-R36W. The dams are also to be used for stock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2117-2 for 0.29 cfs with qualifications 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 Pelican Room, Ramkota Inn, Hwy 212, Watertown, S.D. on May 23, 1990, at 10:00 a.m. 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 May 11, 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 May 11, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
 21-47



Department of Water & Natural Resources

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

JUL 10 1990

Clifford and Muriel McDonnell
HWC 3, Box 25
Martin SD 57551

Dear Mr & Mrs. McDonnell:

Enclosed is Water Permit No. 2117-2 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,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate July 12, 1990TO: Water Rights Division, DWR
Joe Foss Building
Pierre SD 57501-3181FROM: Clifford & Muriel McDonnell HWC 3, Box 25, Martin, SD 57351
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2117-2.

Water Permit No. 2117-2 states that the diversion system is to be constructed by May 24, 1995, and that the water it put to beneficial use by May 24, 1999.

The diversion system was completed on June 10, 1989.
Applying the water to beneficial use was completed on June 10, 1989.

You may schedule an inspection so that the Water License may be issued.

Clifford & Muriel McDonnell
signature

Muriel McDonnell



Conversation or File Documentation

NAME OF PERSON OR FILE: Clifford McDonnellADDRESS: HWC 3, Box 25 Martin, SD COUNTY BennettDATE: October 18, 1989 TELEPHONE _____RE: Complaint

COMMENTS:

On October 12, 1989, I investigated a complaint made by Rod Uhrig from Alliance, Nebraska concerning construction of a dam and irrigation by McDonnell. Mr. McDonnell was irrigating a few areas from a small dugout below a dam located in the NE 1/4 Sec. 26-T36N-R36W. The dugout & dam are both existing structures and are spring fed. Mr. McDonnell is irrigating with a small 5 Hp pump and is not interfering with downstream use. In fact, Mr. McDonnell waters cattle from the creek downstream also. I told McDonnell he will need to get an irrigation permit and sent him the forms today. Mr. Uhrig said he (or his client Fern Brooks) would like to receive notice of McDonnell's application.

Fern Brooks40 Abbott BankP.O. Drawer AAlliance, Neb. 69301

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Conversation or File Documentation

NAME OF PERSON OR FILE: Clifford & Muriel McDonnellADDRESS: HWC 3, Box 25 COUNTY BennettDATE: Mar 19, 1990 TELEPHONE 685-6507RE: stock water storage dam

COMMENTS:

Contacted Mr McDonnell to determine if Mr. McDonnell wanted to include the stock dam on the application. Mr. McDonnell stated he would like to include the dam on the application. According to Mr McDonnell the dam has been there for many years.

I then contacted Earl L Simmons, SCS to determine the size of the second dam. Mr Simmons indicated that the dam was inspected but no information was documented. According to an estimate from Mr. Simmons, the dam is approximately 8 feet high, hold 5 feet of water and has a 2 feet bypass culvert.

According to the following estimate the dam impounds approximately 2.4 acre-feet of water:

$$(5 \text{ feet deep})(1.2 \text{ ac-surface area})(.4) = 2.4 \text{ ac-ft}$$

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: R. D. Durrall

Conversation or File Documentation

NAME OF PERSON OR FILE: Clifford McDannellADDRESS: HWC 3, Box 25 COUNTY BennettDATE: Mar 20, 1990 TELEPHONE 685-6507RE: Acreage to be irrigated

COMMENTS:

Contacted Mr McDannell to determine the correct
number of acres to be irrigated. I described the
acreage outlined on the map and informed Mr
McDannell the area was approximately 20 acres
versus 40 acres specified on the application.
Mr McDannell instructed me to change the applica-
tion to match the map.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Don Duvall

Conversation or File Documentation

NAME OF PERSON OR FILE: CLIFFORD E. MUEL, M. DONNELLYADDRESS: HWY 3 Box 25 MONTICELLO 57551 COUNTY BENNETTDATE: 3/27/90 TELEPHONE 685-6507RE: PERMIT INFORMATION

COMMENTS:

CONTACTED MUEL, M. DONNELLY. The name of the waterway
on which the two dams were located. She said that
there was no name and that the dams were 501.19
feet.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME OF PERSON OR FILE: ROD UHRIG ATTORNEY

DATE: 4/30/90 TELEPHONE 308-762-4400

RE: Stream By Pass for proposed Water Pond 2117-2

Ron Urrig Attorney for A Commercial Party, Agent Proposed
 Water Permit 2117-2 from Bennett County He Wanted
 to know About How Much Stream Flow The proposed Project
 Would Take I Told Him That 0.29 CFS was not very
 much water. His Client was Concerned About There
 Being A Lack of Water To Naturally Irrigate A
 Meadow His Client Leases from BIA Connection of the Project.
 I Read Him The Recommended Qualifications And
 Told Him That There was A Low Flow Bypass For
 Domestic Use, But Did Not Think That Natural Irrigation
 was Covered Under Domestic Use I Told Him If
 They Wished To Testify At the May Board Meeting
 That They Would Have File A Petition With
 Both the Applicant and the Chief Engineer
 by May 11, 1990

NAME: Wendy L. Smith



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1995

2117-2

Clifford & Muriel McDonnell
HC 3, Box 25
Martin, SD 57551

Dear Mr. and Ms. McDonnell:

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 No. 2117-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and 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.

Martin, J. D.

Aug 31, 1995

Dept of Environment & Natural Resources -
Pierre, S.D.

Sirs -

Enclosed find \$5 check
for fee for the inspection
and issuance of Water License
Permit No. 2117-2.

Thank You
Clifford Mc Donnell



RECEIPT

Division of Water Rights

414607

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 5, 19 95

RECEIVED OF Muriel McDonnell, HWC 3 Box 25, Martin, SD 57551

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>2117-2</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
gmh

Permit No. 2117-2
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 Clifford & Muriel McDonnell of HC 3, Box 25, Martin SD 57551 holder of Permit No. 2117-2, bearing the priority of November 2, 1989 authorizing the diversion of 0.29 cu. ft. per second and/or the storage of 3.2 acre-feet of the waters of runoff & spring fed ponds 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:
Teel self priming centrifugal pump with a 5 Hp Briggs & Straton gas motor
- B. Works used to transport water to place of use:
300 feet 3 inch PVC pipe
- C. Works used to apply water to beneficial use:
200 feet perforated flexible plastic hose

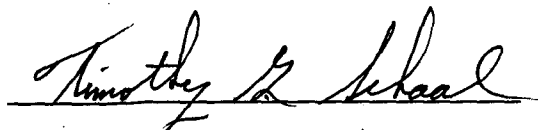
The system is in the following condition GOOD. The point of diversion is located 530 ft. north & 1255 ft. east of the Center of Sec.26-T36N-R36W (SW 1/4 NE 1/4). The works are capable of diverting and conveying to the place of use 0.44 (200 gpm) cu. ft. per second of water and/or storing 3.2 acre-feet of water which is to be used for irrigation & domestic use. Water has been put to beneficial use to the maximum extent as follows:

SE 1/4 NE 1/4 Sec.26-T36N-R36W--20 Acres

comprising a total of 20 acres of land and the license should be issued for 0.29 cfs and/or 3.2 acre-feet of storage.

Applicable permit qualifications have been complied with: XX Yes No

Exceptions to compliance are: Date Report Completed: August 17, 1995



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

REPORT ON INSPECTION OF PERMIT NO. 2117-2

Other permit(s) associated with the project:

DATE OF INSPECTION: June 14, 1995

NAME & ADDRESS OF INSPECTION CONTACT/ Clifford McDonnell, HC 3, Box 25, Martin SD 57551

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE:

NAME & ADDRESS OF PERMIT HOLDER: same as above

DIVERSION POINT LEGAL LOCATION: 530 ft. north & 1255 ft. east of the Center of Sec. 26-T36N-R36W (SW 1/4 NE 1/4)

Pump:

- 1) Make Teel Centrifugal pump
- 2) Model self priming
- 3) Size 3 inch
- 4) Capacity GPM 200 gpm

Motor:

- 1) Make Briggs & Straton
- 2) Model No.
- 3) Horsepower rating 5 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 3 inches 3) Length 300 feet
and 200 feet 3 inch perforated plastic hose

DAM INFORMATION: 2 small dams

- 1) Height to crest 5 & 8 feet
- 2) Height to primary spillway 3 & 5 feet
- 7) Spillway width 24 inch CMP feet
- 8) Approx. storage 3.2 total ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

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, has reported No Construction thinking they needed pivot, or etc.

T1462
Cont. on
D19

T1462
Cont. on

25 24
26 25

T1464

T1463

2-497 Trust

4-420 Tom Huppew



Approx. Scale
1 mile = 8 inch

Huppew

T1462

Div. low
Pl.



4-420

Sec. 26
T36N R36W

T1462

land used for
livestock
T1264

4-420 Tom Huppew

36-36
219

Timothy J. Huppew
August 1, 1995
21172

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2117-2

(1) Clifford & Muriel McDonnell, HC 3, Box 25, Martin SD 57551 made Application No. 2117-2, for a water permit to appropriate 0.29 cubic feet of water per second from runoff into two storage ponds (combined storage capacity approximately 3.2 acre feet of water), Bennett County, South Dakota for irrigation and stock watering purposes. Permit No. 2117-2, with a priority date of November 2, 1989 was approved May 24, 1990 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of said water on or before May 24, 1999.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on July 16, 1990. The "*Notice*" stated the diversion system was completed on June 10, 1989 and the water placed to beneficial use on June 10, 1989.

(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 0.29 cubic feet of water per second for beneficial use. The location of the diversion point is 530 feet north and 1255 feet east of the center of Section 26; the two storage ponds are located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 26; all in T36N-R36W.

(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:

SE 1/4 NE 1/4 Section 26-T36N-R36W - 20 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Clifford & Muriel McDonnell, HC 3, Box 25, Martin SD 57551 the holders and/or owners of Water Permit No. 2117-2 are issued a license to appropriate water, the right to use 0.29 cubic feet of water per second from runoff into two storage ponds (combined storage capacity approximately 3.2 acre feet of water) with a priority date of November 2, 1989 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 and stock watering. This license is subject to any limitations or qualifications listed in Water Permit No. 2117-2 and subject to South Dakota State Law.



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

SEP 6 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

2117-2

Clifford and Muriel McDonnell
HC 3, Box 25
Martin, SD 57551

Dear Mr. and Ms. McDonnell:

Enclosed is Water License No. 2117-2 and Receipt No. 414607 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2117-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

rd
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 21, 2002

2117-2

Dale McDonnell
PO Box 970
Martin SD 57551

Dear Mr. McDonnell:

The annual irrigation questionnaire for Water Right No. 2117-2 has been received in our office. A notation was made on the form that would indicate the water right should be transferred to your name. I am enclosing a copy of the water right for your review.

Also enclosed is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water right or completion of the transfer form, please let me know.

Sincerely,

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dale McDonnell, PO Box 970, Martin SD 57551-0970

DATE: October 29, 2002

TELEPHONE: 605 685-6735

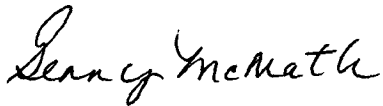
RE: Transfer of Water Right No. 2117-2

COMMENTS:

In response to my letter, Mr. McDonnell called concerning the transfer form I sent to him. He indicated that his father (Clifford) had passed away in August. His mother still owns the land. She is in her 80's and Dale would like any correspondence sent to him to ensure things get taken care of.

He said the estate is tied up in probate right now and he would rather wait to transfer the water right to either his mom or to himself after everything is settled.

For now, list Dale as the manager of the water right and leave ownership the way it is.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 31, 2001

2117-2

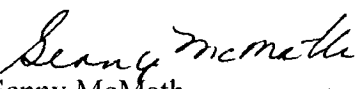
Clifford & Muriel McDonnel
PO Box 88
Martin, SD 57551

Enclosed is your "2001 Irrigation Questionnaire". In order for us to calculate how much water was used during this past crop season, the back side of the form needs to be completed.

Please write in the information for each month on the crop type, number of acres irrigated, pump rate in gallons per minute, days per month and average hour per day. Once we have that information, we can calculate the acre feet of water used.

I am enclosing a postage paid envelope for your reply. Thank you in advance for your help.

Sincerely,


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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 28 2004

WATER RIGHTS
PROGRAM

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

No. 2117-2

Date: 10/26/04

I/We request that Water Right No. 2117-2

formerly owned by: Clifford & Muriel McDonnell

be transferred to: (name & address) David + Danielle McDonnell
HC 5 Box 24c
Martin SD 57551

Telephone No. 605-685-1181

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

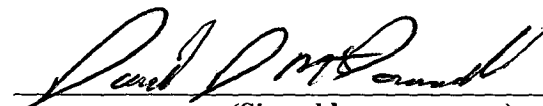
20 acres - SE 1/4 NE 1/4 Section 26, T36N, R36W

I/We understand that the validity of Water Right No. 2117-2 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 David + Danielle McDonnell, 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 October 28, 20 04

RECEIVED OF David & Danielle McDonnell, HC 5 Box 24C, Martin SD 57551-9413

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>2117--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.

000450

By

Darlene Erbe

Chief Engineer

gm



2117-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2004

2117-2
2325-2

David McDonnell
HC 5 Box 24C
Martin SD 57551

Dear Mr. McDonnell:

Thank you for the prompt return of the 2004 irrigation questionnaire and the ownership change for Water Right No. 2117-2. The transfer has been completed and the water right is now listed in your names. Enclosed is your Receipt No. 001450 in the amount of \$2.50.

During our phone conversation, you indicated the vested water right we have in Clifford McDonnell's name should probably be listed in Muriel's name. I am sending along a transfer of ownership form to be used for this purpose. If you would, please complete the form and have Muriel sign it and return it to us.

A \$2.50 filing fee is also required for filing the ownership change for the vested right. The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of Nos. 2117-2 and 2325-2 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



2117-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: DAVID & DANIELLE MCDONNELL, 29777 OWL LANE, MARTIN, SD 57551
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2117-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2117-2 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2117-2 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

2117-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0393

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 11:00 am on January 27, 2011 in MARTIN, SD 57551. The item was signed for by D MCDONNELL.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 27, 2011, 11:00 am, MARTIN, SD 57551
- Out for Delivery, January 22, 2011, 9:03 am, MARTIN, SD 57551
- Sorting Complete, January 22, 2011, 8:53 am, MARTIN, SD 57551
- Arrival at Post Office, January 22, 2011, 7:25 am, MARTIN, SD 57551

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0393

DAVID & DANIELLE MCDONNELL
29777 OWL LANE
MARTIN SD 57551

Waiver of Signature ☐ YES ☐ NO

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

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2011

2117-2

David & Danielle McDonnell
29777 Owl Lane
Martin SD 57551

Dear Mr. & Mrs. McDonnell:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2117-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



2117-2
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 20, 2017

NOTICE

TO: DAVID & DANIELLE MCDONNELL, 29777 OWL LANE, MARTIN, SD 57551
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2117-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2117-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 2117-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <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.



2117-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

2117-2

David & Danielle McDonnell
29777 Owl Lane
Martin SD 57551

Dear Mr. & Mrs. McDonnell:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 2117-2. 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



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

January 20, 2023

NOTICE

TO: DAVID & DANIELLE MCDONNELL, 29777 OWL LANE, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2117-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2117-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2117-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GZNRGI**

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



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

January 24, 2023

2117-2

David & Danielle McDonnell
29777 Owl Lane
Martin SD 57551

Dear Mr. & Ms. McDonnell:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 2117-2. 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
Genny.mcmath@state.sd.us



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

January 19, 2024

NOTICE

TO: DAVID & DANIELLE MCDONNELL, 29777 OWL LN, MARTIN, SD 57551

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2117-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2117-2 qualification:

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

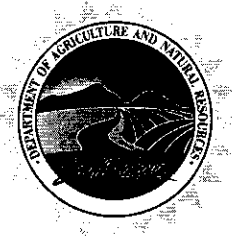
The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2117-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JISIAP**

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.



2117-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 29, 2024

2117-2

David & Danielle McDonnell
29777 Owl Lane
Martin SD 57551

Dear Mr. & Ms. McDonnell:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2117-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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