

WATER PERMIT NO. VR 2325-2

Phone: 605-685-6507

Name of Applicant: Clifford McDonnell

Post Office Address: HWC 3, Box 25, Martin SD 57551

Amount of Water Claimed: 1.0 Total Acres: 70

Source of Water Supply: spring fed creek

Water to be used for: irrigation County: Bennett

Location: 12 miles southeast of Martin

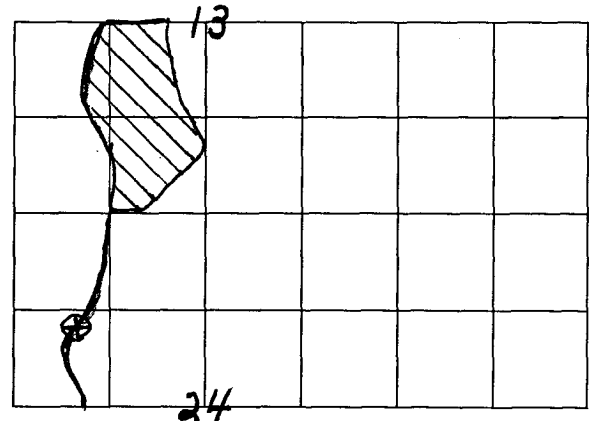
PRIORITY Date Received: 1-6-95 Fee: \$15.00

Corrected Application Received: _____ Period of Annual Use: March 1 - Oct 31

Remarks: Claimed priority date of January 1, 1937

Diversion Point: SW 1/4 NW 1/4 Sec 24-T36N-R36W

Land to be Irrigated: SW 1/4 Sec 13-T36N-R36W



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: Diane Gronlund, SCS Reviewed and the Number

Assigned on: 1-6-95 By: Karen Schlaak

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

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2325-2 Hydrologic Unit 10140203
Basin White River
Newspaper Bennett Co. Booster II, Box 610, Martin
(office use only)



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

Type of Application: New X Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

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

1. Name of Applicant Cilfford McDonnell Phone 605-685-6507
(check one) X Owner Tenant/lessee
Mailing Address HWC 3 Box 25 Martin State SD 57551
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 1.0 *CFS or **GPM ***AF Total Acreage 70
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout if applicable)

3. Source of water supply The stream is fed by four springs.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
dike is located in the SW1/4 NW1/4 Sec. 24 T36N R36W
N County Bennett

5. County or counties where water will be used Bennett

6. Annual period during which water is to be used March 1 - Oct 31

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

(Attach sheet if more space is needed)

			Land Description	Acres
NE1/4 SW1/4 Sec. 13 T36N R36W	10.0	acres		
NE1/4 SW1/4 Sec. 13 T36N R36W	25.3	"		
NE1/4 SW1/4 Sec. 13 T36N R36W	1.8	"		
SE1/4 SW1/4 Sec. 13 T36N R36W	32.9	"		

8. Type of Irrigation: Gravity: X Towline: Center Pivot: Gun: Other (Specify):

9. Crops to be irrigated: native hayland

10. Give a description of the project. (Attach sheet if more space is needed)
Flood irrigate hay meadow, by diverting water from spring fed creek, by plugging 50% of 24" culvert when diverting water. The water flows through a ditch that has been in existence since or before 1937, irrigating approximately 70 acres with no outer boundry dikes.

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

STATE OF SOUTH DAKOTA

County of Bennett) SS

I, Cilfford 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 representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Cilfford McDonnell
Subscribed and sworn to before me this 5th day of January 19 95

Nancy Sterkel Commission Expires 10-17-99
Notary Public

Affidavit of Water Use

No. _____

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Clifford McDonnell, Dale McDonnell, & David McDonnell

Mailing Address HWC 3 Box 25 Martin South Dakota 57551
(Street, RR or Box) (City) (State) (Zip Code)

- A. Notice of Appropriation N/A Date of Posting N/A
Date of Recording N/A Recording Date N/A
- B. Date of start of construction of water supply system existing since or before 1937
- C. Date that water was first applied to beneficial use N/A
- D. Name of owner of original water supply system N/A
- E. Amount of water originally applied to beneficial use N/A
- F. Present use of water - amount of water now being used to irrigate hay meadow; 1 c. ft. per sec.
Date that this water was first used 1937 or before

G. Chronological History of Water Use

The diversion has been used continuously since or before 1937 by all previous owners and since 1952 by the present owner to flood irrigate approximately 70 acres of hay meadow for 2 to 3 months each year.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
County of Bennett) ss

I, Clifford C McDonnell the applicant, certify that I have read the foregoing and that
(print or type)
the matters therein are true.

Signed Clifford C McDonnell

Subscribed and sworn to before me January 5, 19 95

Barney Storkel
Notary Public
Commission Expires 10-17-99

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

Clifford C McDonnell 1-5, 19 95
(Print name)

_____, 19____
(Print name)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2325-2 FOR IRRIGATION

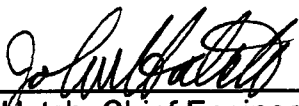
Date of Receipt of Claim January 6, 1995.

Date of Validation June 26, 1995.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2325-2 for irrigation purposes for Clifford McDonnell, HWC 3, Box 25, Martin SD 57551 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2325-2 appropriates 1.0 cubic feet of water per second from a spring fed creek located in the SW 1/4 NW 1/4 Section 24 for irrigation via a waterspreading system of 70 acres located in the SW 1/4 Section 13; all in T36N-R36W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: March 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1937.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 5 1995

date

RECEIPT

414369

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 6 _____, 19 95

RECEIVED OF Mrs. Muriel McDonnell, LWC 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>2325-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	15	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 _____		

(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

NOT TO SCALE

on other map

Cliff McDonnell
owns the land that
McKlown is irrigated and the
location of the point
of diversion.

Diane L. Scotland
District Conservationist
Natural Resources Conservation
Service

area that is
irrigated is
outlined in blue

25.3 ac

10.0 ac

1.8 ac

32.9 ac

7-2-47 Hon. L. L. Linn

T139L

363 HEL
1 NW

point of
diversion

on map D19

2-431

Cliff McDonnell

24

T1515

* 0-5000

Refuge

A.U.

A.U.

13

Edna F. McDonald

Donald Hines

Edna F. McDonald

Edna F. McDonald

Edna F. McDonald

Donald Hines

24

A.U.

School

Clay
Grinder

A.U.

Brake

Trust

Brake

R.M. Rose

Director of Equalization

Bennett County

Box 426

Martin, SD 57551

Phone
605 685-6991



Date: 1-3-1995

To whom it may concern:

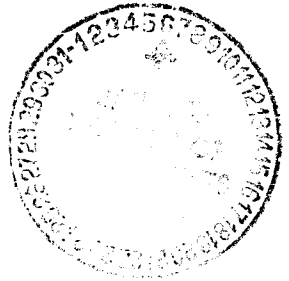
The photo copies of aireal photographs in which Cliff McDonnell poces are copied from original prints dated August ninth, nineteen thirty seven are filed in the Bennett County Assessors Office.

Tom Nelson CAA

Bennett County Director of Eaualization

Martin, South Dakota

January 4, 1995



TO WHOM IT MAY CONCERN:

I have been a neighbor of Cliff and Muriel McDonnell ever since they moved to Bennett County in 1953, and have seen flood irrigating through ditches in the meadow east of their residence all those years. I have lived in this area since 1946, and know such irrigating was done all that time, and that no changes were made.

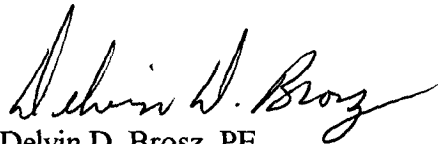

John Christensen

**INSPECTION REPORT FOR
VESTED WATER RIGHT CLAIM
APPLICATION NO. 2325-2
CLIFFORD MCDONNELL**

On May 19, 1995 I inspected the water spreading project that is described in Vested Water Right Claim Application No. 2325-2, Clifford McDonnell.

The diversion point is located in the SW1/4 NW1/4 Section 24, T36N-R36W and consists of a dike constructed across a spring fed creek. The dike is 135 feet in length and is 5 feet high, measured from the creek bottom, has a top width of 10 feet and side slopes of 3:1. The dike has two corrugated metal pipes (CMP) through it. The 24 inch CMP on the west end of the dike allows water to flow through the dike and remain in the creek channel. The 18 inch CMP on the east end allows water to flow into a small channel when the 24 inch CMP is restricted by the use of wooden boards. The small channel continues to the north across a county road. On the north side of the county road, a dike has been constructed across the small channel. The dike is 75 feet long and approximately 2 feet high. The dike has a 16 inch CMP through it which allows the water to flow through the dike and continue on to a main creek. When the CMP is closed, again with wooden boards, the water flows into a small ditch. the ditch has small notches which allows the water to spread over the 70 acres as described in the application.

The project exists as described in the application.



Delvin D. Brosz, PE
Natural Resources Engineer IV
Division of Water Rights

5-22-95

Report on Vested Water Right Application No. 2325-2
Clifford McDonnell
January 27 1995

Background

Vested Water Right Application No. 2325-2 is to validate a claim for a diversion rate of 1.0 cubic foot of water per second (cfs) from a spring fed creek. The diversion point is located in the SW1/4 NW1/4 Section 24, T36N-R36W, in Bennett County. Water has been used since prior to 1937 for irrigation of 70 acres located in the SW1/4 Section 13, T36N-R36W.

Discussion

The 70 acres has been flood irrigated by plugging one half (1/2) of a 24 inch culvert. An irrigation ditch is used to transport water to various parts of the land. The applicant has been using water for irrigation since he purchased the property. An affidavit by John Christensen states that the land has been irrigated since 1946 without any changes.

On May 19, 1995, an inspection was made of the waterspreading system described in Vested Water Right Application No. 2325-2. The inspection showed that the acreage is being irrigated as described in the application (for details see the inspection report).

Water in the spring fed creek flows into Pool No. 9 on the LaCreek National Wildlife Refuge. US Withdrawal No. 2-2, United States Fish and Wildlife Service (USFWS) authorizes storage of 23,710 acre feet of water from Lake Creek and its tributaries, with a priority date of October 16, 1934. Lake Creek flows out of the Refuge and joins the Little White River. There is no other water permit/right between the diversion point for Application No. 2325-2 and the Little White River.

Conclusions

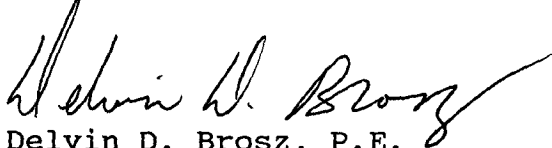
1. According to the applicant, water had been used since prior to 1937. There is no complaint on file, from downstream water users, regarding use of water by the applicant.
2. If necessary, the applicant must by-pass water for U.S. Withdrawal No. 2-2.
3. Water is diverted by plugging half of a 24 inch culvert. The applicant must limit the diversion rate to 1.0 cfs for irrigation of the 70 acres.
4. Vested Water Right Application No. 2325-2 should be approved

for a diversion rate of 1.0 cfs for irrigation of 70 acres,
with a priority date of January 1, 1937, with the low flow
by-pass qualification.



M. Rassool Ahadi
Natural Resources Engineer III

Approved By:



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 2325-2, Clifford McDonnell**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2325-2, Clifford McDonnell, HWC 3 Box 25, Martin, SD 57551.

The Chief Engineer is recommending VALIDATION of Application No. 2325-2 for 1.0 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1937, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
May 26, 1995

**RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2325-2, Clifford McDonnell**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 2325-2, Clifford McDonnell, HWC 3 Box 25, Martin, SD 57551.

The Chief Engineer is recommending DEFERRAL of Application No. 2325-2 to allow time for an inspection of the irrigation system by a staff engineer.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
March 6, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 31, 1995

Clifford McDonnell
HWC 3 Box 25
Martin, SD 57551

Dear Mr. McDonnell:

Your Application No. 2325-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Bennett Co. Booster II printed at Martin, SD (Ph # 605-685-6866). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice 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 to validate a vested right 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.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



May 31, 1995

Bennett Co. Booster II
Box 610
Martin, SD 57551-0160

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2325-2 to be published twice. Please publish the notice on June 7, 1995, 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 McDonnell, HWC 3 Box 25, Martin, SD 57551 (Ph # 605-685-6507).

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 until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application 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 June 7, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2325-3 to Appropriate Water

Notice is given that Clifford McDonnell, HWC 3 Box 25, Martin, SD 57551 has filed an application to validate a vested water right claim to appropriate 1.0 cubic foot of water per second from a spring fed creek located in the SW 1/4 NW 1/4 Section 24 for irrigation via a waterspreading system of 70 acres located in the SW 1/4 Section 13; all in T36N-R36W. The water use has a claimed priority date of January 1, 1937.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2325-2 because 1) water has been appropriated as described for waterspreading irrigation with a claimed priority date of January 1, 1937, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 26, 1995.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of _____) ss



I, Dale R. Lewis

certify that the attached printed Notice was
 taken from the Bennett County

Booster II

printed and published in Martin, SD

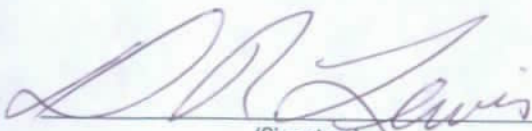
County of Bennett and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

June 7, 1995

June 14, 1995

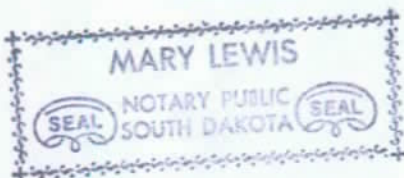
Cost of Printing: \$38.91


 (Signature)

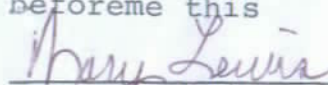
Editor/Publisher
 (Title)

June 14, 1995

(Date Signed)



Subscribed and sworn to before me this
 15th day of June, 1995.


 Notary Public, County of Bennett, South Dakota.

My commission expires June 27, 2002.

NOTICE OF HEARING To Validate

Vested Water Right Application No.
 2325-3 to Appropriate Water

Notice is given that Clifford
 McDonnell, HWC 3 Box 25, Martin, S.D.
 57551 has filed an application to vali-
 date a vested water right claim to ap-
 propriate 1.0 cubic foot of water per
 second from a spring fed creek located
 in the SW1/4 NW1/4 Section 24 for irri-
 gation via a waterspreading system of
 70 acres located in the SW1/4 Section
 13; all in T36N R36W. The water use has
 a claimed priority date of January 1,
 1937.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer recommends VALIDATION of
 Vested Water Right Application No.
 2325-2 because 1) water has been ap-
 propriated as described for water-
 spreading irrigation with a claimed
 priority date of January 1, 1937, 2) the
 use has been developed without unlaw-
 ful impairment of existing rights, 3) it
 is a beneficial use of water, and 4) it is
 in the public interest. In accordance
 with SDCL 46-2A-23, the chief engineer
 will act on the application, as recom-
 mended, unless a petition is filed
 opposing the application or the appli-
 cant files a petition contesting the chief
 engineer's recommendation. If a peti-
 tion opposing the application or con-
 testing the recommendation is filed,
 then a hearing will be scheduled and
 the Water Management Board will
 consider the application. Notice of the
 hearing will be given to the applicant
 and any person filing a petition.

Any person interested in opposing
 or supporting this application or rec-
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 engineer's recommendation. The Chief
 Engineer's address is "Water Rights
 Division, Foss Building, 423 E. Capitol,
 Pierre, SD 57501 (605 773-3352)" and
 the applicant's mailing address is
 given above. A petition filed by either
 an interested person or the applicant
 must be filed by June 26, 1995.

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 the petitioner's legal
 counsel, if legal counsel is obtained.
 Contact Eric Gronlund at the above
 Water Rights Division address to re-
 quest copies of information pertaining
 to this application. Nettie H. Myers,
 Secretary, Department of Environment
 and Natural Resources.

2TC-2

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2325-2 FOR IRRIGATION

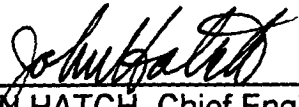
(1) Clifford McDonnell, HWC 3, Box 25, Martin SD 57551, made Application No. 2325-2, January 6, 1995 for validation of a vested right claim to appropriate 1.0 cubic feet of water per second from a spring fed creek, Bennett County, South Dakota, for irrigation purposes. Vested Water Right No. 2325-2 was validated June 26, 1995 with a priority date of January 1, 1937. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is SW 1/4 NW 1/4 Section 24-T36N-R36W.

The location of the irrigated acreage is:

Section 13-T36N-R36W	NW 1/4 SW 1/4	10.0 acres
	NE 1/4 SW 1/4	25.3 acres
	SW 1/4 SW 1/4	1.8 acres
	SE 1/4 SW 1/4	32.9 acres
	Total	70.0 acres

(3) Pursuant to Section 46-5-30.1 Clifford McDonnell, HWC 3, Box 25, Martin SD 57551 the holder and/or owner of Vested Water Right No. 2325-2 is issued a license to appropriate 1.0 cubic feet of water per second from a spring fed creek with a priority date of January 1, 1937 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2325-2 and subject to South Dakota State Law.



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

SEP 5 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

VR 2325-2

Clifford McDonnell
HWC 3 Box 25
Martin, SD 57551

Dear Mr. McDonnell:

Enclosed are your Validated Vested Water Right and Water License No. 2325-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures



2325-2
**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

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV 24 2004

WATER RIGHTS
PROGRAM

No. 2325-2

Date: 11-24-04

I/We request that Vested Water Right No. 2325-2

formerly owned by: Clifford McDonnell

be transferred to: (name & address) Mervil M. McDonnell
Box 88 Martin S.D. 57551

Telephone No. 605-685-6507

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

70 acres - SW 1/4 Section 13, T36N, R36W

I/We understand that the validity of Vested Water Right No. 2325-2 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 Mervil M. McDonnell, the new owner, certify that the above information is true and correct.

Mervil M. McDonnell
(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 November 29, 20 04

RECEIVED OF Muriel McDonnell, PO Box 88, 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	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>2325-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

002435

By

Darlene Echele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 2004

2325-2

Muriel McDonnell
PO Box 88
Martin SD 57551

Dear Ms. McDonnell:

Thank you for following up on the ownership change for Vested Water Right No. 2235-2. The vested water right, formerly held by Clifford McDonnell is now listed in your name.

Enclosed is your Receipt No. 001485 in the amount of \$2.50. You may keep this for your records.

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

enclosure