

WATER PERMIT NO. 2328-2

Phone: 587-8020

Name of Applicant: Michael Kirwan

Post Office Address: RR 1, Bristow ^{NE} 68719

Amount of Water Claimed: 0.22 cfs Total Acres: 31

Source of Water Supply: groundwater (Dakota Formation)

Water to be used for: irrigation County: Gregory

Location: 1 mile southwest of Ft. Randall Dam

PRIORITY Date Received: 2-21-95 Fee: \$150

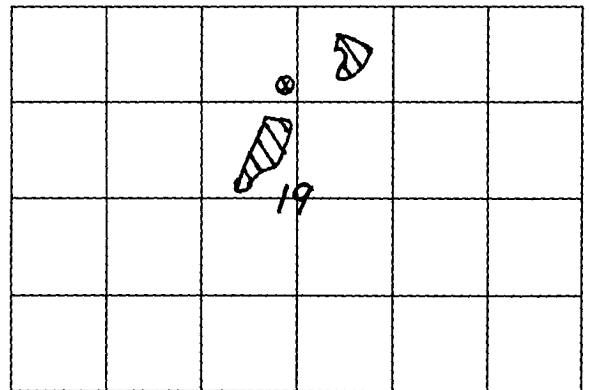
Corrected Application Received: _____ Period of Annual Use: Jan 1- Dec 31

Remarks: _____

Diversion Point: NE 1/4 NW 1/4 Sec 19-T95N-R65W

Land to be Irrigated: W 1/2 NE 1/4,

SE 1/4 NW 1/4 Sec 19-T95N-R65W



Well Log: Driller: Sather Drilling Licensed: YES X NO _____

Depth of Well: 790 feet REMARKS: _____

Type of Map: aerial Prepared By: Barry McLaury Reviewed and the Number

Assigned on: 2-21-95 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. 2328-2, Hydrologic Unit 10170101
Basin Niobrara Trib.
Newspaper Burke Gazette, Box 359 57523-0359
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ 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.) _____

- Name of Applicant Michael Kirwan Phone 587-8020
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR1, Bristow, State NB 68719
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.22 *CFS or 100 **GPM ***AF Total Acreage 31
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Groundwater - Dakota Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well located in the NE1/4 NW1/4 Section 19 T95N-R65W.
- County Gregory
- County or counties where water will be used Gregory
- Annual period during which water is to be used January 1 - December 31
- 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	Land Description	Acres
NW1/4 NE1/4 Section 19 T95N-R65W	13		
SW1/4 NE1/4 " " " "	6		
SE1/4 NW1/4 " " " "	12		

- Give a description of the project. (Attach sheet if more space is needed)
This application is for the use of a well as a diversion point to irrigate the area described in #7 above. Water permit NA 1455-2 was advertised showing the diversion point as being from a dry draw dam. An inspection of this permit found the irrigated acreage being irrigated from a flowing well capable of producing 100 GPM.

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

STATE OF SOUTH DAKOTA)

County of Charles Mix)^{SS}

I, Michael Kirwan, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Michael J. Kirwan

Subscribed and sworn to before me this 10th day of FEBRUARY 19 95

[Signature]

Notary Public - SOUTH DAKOTA
My Comm. Expires: 8-1-97

**SOUTH DAKOTA
WATER PERMIT NO. 2328-2**

Date of first receipt of application February 21, 1995.

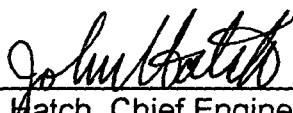
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2328-2 to Michael Kirwan, RR 1, Box 31, Bristow NE 68719 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2328-2 appropriates 0.22 cubic feet of water per second from one existing flowing well (Dakota Formation) 790 feet deep located in the NE 1/4 NW 1/4 Section 19 to irrigate 31 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4 Section 19; all in T95N-R65W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: January 1 - December 31.
3. The date from which applicant may claim right is February 21, 1995.
4. The date of approval of Permit No. 2328-2 is April 24, 1995.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

SEP 5 1995
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 5" Depth 790'
- b) Casing Type Copper Diameter 2" Thickness Standard K Copper
- c) Screen Type Copper Diameter 2" Thickness 3/8" holes
- d) Gravel Pack Thickness NA Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 730'
- f) Depth to Water (ground surface to water level) + 185'
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

_____ b) Freeboard _____

_____ c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

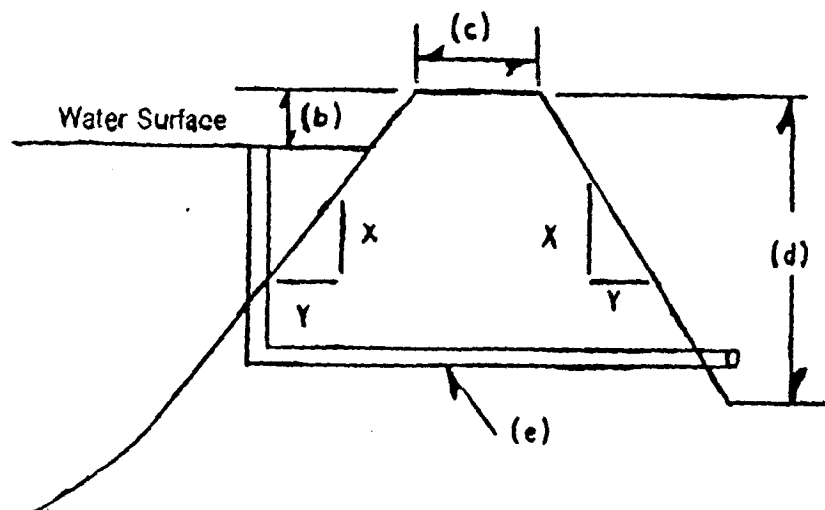
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

414410

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 21 _____, 19 95

RECEIVED OF Michael Kirwan, HC 76 Box 31, Bristow, NE 68719-9501

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

Fee for Application for Permit No. <u>2328-2</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

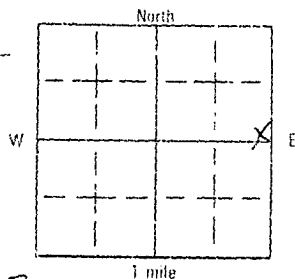
10-85

Location $\frac{1}{4}$ Sec 19 Twp 45 Rg 65

County

DeWitt

Please mark well location with an "X"

Well Completion Date August 30, 1972

PROPOSED USE:

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

Method of Drilling:

Forward rotary

CASING DATA:

☒ Steel ☐ Plastic ☒ Other
If other describe 2" K Cap

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 107 FEETWhat is grouting material? CementIf cement, number of sacks? 17Describe grouting procedure pump down three pipe till come to surface - shut off with valve.What was grout weight? 6 gal water / few bags of cement. LB/GALSCREEN ☒ Perforated pipe ☐ ManufacturedDiameter 2" IN Length 20 FEETMaterial 2" K CapSlot Size 3/8 Set From 0 Feet To 20 FeetSlot Size 3/8 Set From 20 Feet To 40 FeetSlot Size 3/8 Set From 40 Feet To 60 Feet

Other information

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? leadi

Describe packet(s) and location?

Was well disinfected upon completion? ☐ YES ☐ NO

Explain

Bacteriological analysis ☐ YES ☐ NO

Laboratory sent to

Well Owner

Name Maxine Helen KivianAddress Brickton, Ark.

Well log

Depth

Formation	From	To
Shale	100	200
Shale	200	300
Shale	300	400
Shale	400	500
Shale	500	600
Shale	600	700
Shale	700	730
Sandstone		00
Total depth -		790

STATIC WATER LEVEL _____ Feet

If flowing, closed in pressure 80 PSI

GPM flow _____ through _____ inch pipe

Controlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? yes

WELL TEST DATA

☐ Pumped☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS

107 ft. 5" cemented in
 790 ft. 2" K cap
 flows - 30 GPM
 water temp - 78°
 Nishnaw - 360 ft.

This well was drilled under license # 9

And this report is true and accurate.

Drilling firm Latimer Drilling, Inc.

Signature of License Representative

William L. Larkin

Signature of Well Owner

Date Sept. 13, 1972

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

REDUCTION 25:1 ROLL NO 4-4 DATE MICROFILMED 3-9-90 CAMERA OPERATOR William L. Larkin

REPORT ON WATER PERMIT APPLICATION NO. 2328-2
for Michael Kirwan
March 15, 1995

Application No. 2328-2 proposes to appropriate 0.22 cfs (100 gpm) from one existing flowing well approximately 790 feet deep located in the NE 1/4 NW 1/4 of section 19 to irrigate 31 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4 of section 19; all in T95N R65W in Gregory County.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sandstone and shale (Schoon, 1971). The aquifer is approximately 200 feet thick in this area, underlies 638,080 acres and contains an estimated 15.5 million acre feet of recoverable water in storage in Gregory County (Allen, 1984). The Dakota Formation is areally extensive into all surrounding counties and into Nebraska to the south. The aquifer is confined and under artesian conditions. The driller's log submitted with the application indicates the top of the Dakota at 730 feet below land surface with 60 feet of sandstone penetrated for a total depth of 790 feet. The well was capable of flowing 80 gpm and had a shut in pressure of 80 psi when completed by Sather Drilling in 1972.

The Division of Water Rights monitors two observation wells GY-89A completed into the Dakota Formation and located 51 miles northwest of this application and AU-89A located about 40 miles north of this application. Water levels for these wells show a gradual decline of 2 to 3 feet in water levels since installed in 1989 (Water Rights, 1995). Hydrographs of these two wells are included with this report. Historical evidence, suggests that water levels have declined as much as 350 feet in areas like the Missouri River valley and can be attributed to the large number flowing wells which have been developed there (Schoon, 1971). Most of the decline occurred in the early years of development of the aquifer. Since that time, the decline has continued, but at a greatly reduced rate. Theoretically, this makes sense and the aquifer is behaving predictably.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

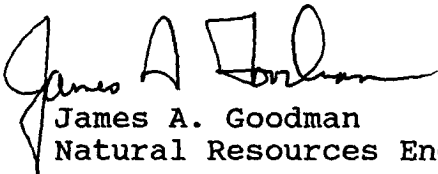
There are no other nearby permitted Dakota Formation wells in this area. Interference should not be a concern. The Dakota Formation is widely used for stock water and domestic purposes in this area. This is an existing well and has been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The aquifer is confined and under artesian conditions. This well is a free flowing at the land surface and must be

controlled to prevent the waste of water. Interference is not expected to be a concern.

3. The well as built would not comply with existing SD Well Construction Standards for an irrigation well. This well is completed in accordance with standards for a domestic well.
4. This is an existing well and has been in use for many years.
5. Soil Water Compatibility for this acreage from this well was approved by the State Conservation Commission in 1976. This approval was included in the original irrigation permit No. 1455-2 which only specified a water source of runoff into storage. For some reason the well was never listed as a water source on the original permit application. Approval of this application and subsequent issuance of the water license based upon inspection made by Barry McLaury will result in cancellation of water permit No. 1455-2.
6. The Water Management Board has determined that permits can be issued from the Dakota Formation even though water levels (head pressure) are declining. The Board has determined that the major reason for declining water levels is the large number of uncontrolled wells flowing to waste. The Board has determined that it would not be in the public interest to deny a permit when the effects of the withdrawal will not be significant and will not have a significant affect upon the decline or stabilization of head pressure in the Dakota Formation (see Farmland Industries Permit No. 5136-3).



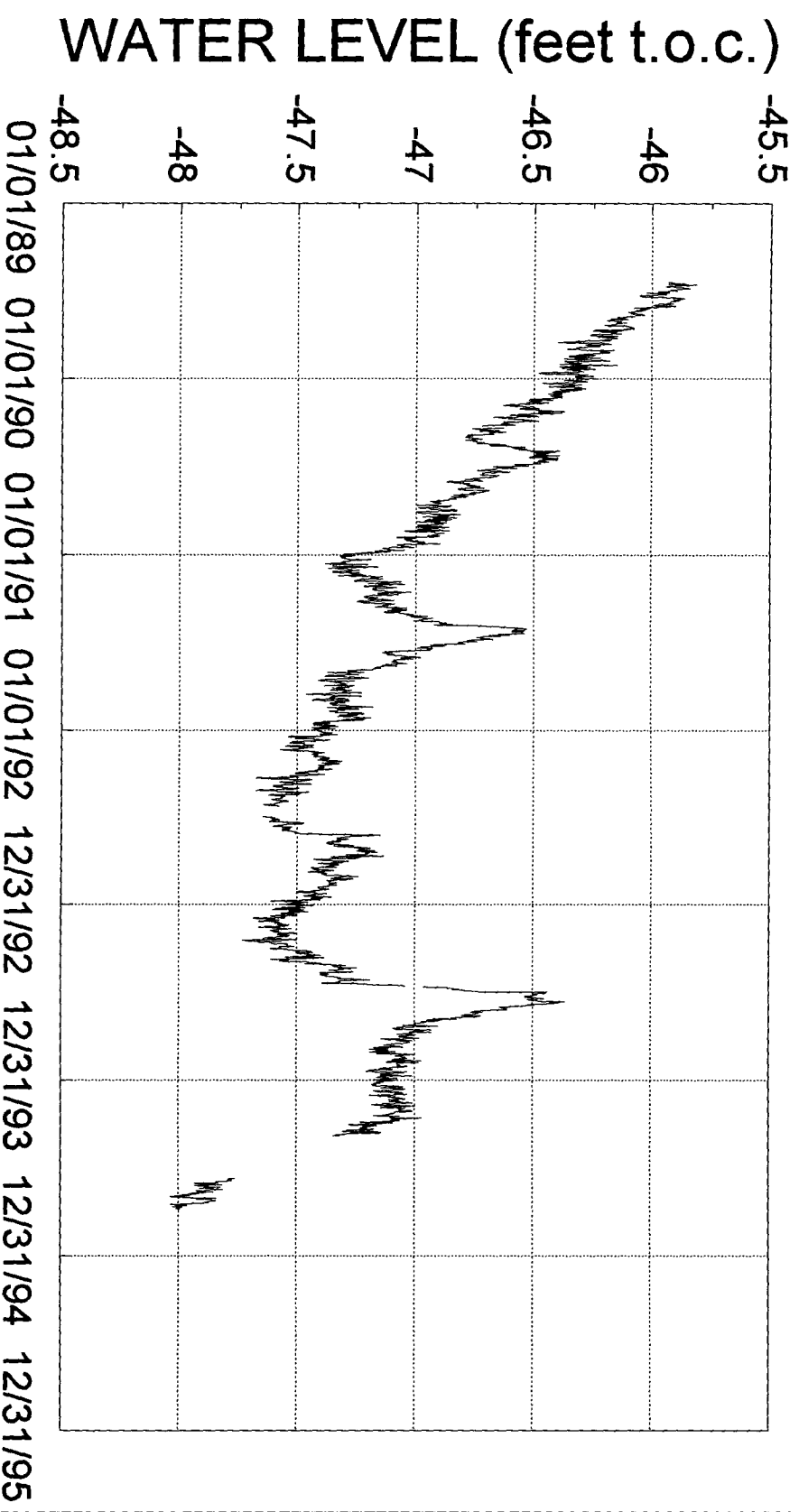
James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Schoon, R.A., 1971, Geology and Hydrology of the Dakota formation in South Dakota, RI No. 104, SD DENR, SDGS, Vermillion, SD, 57609.
- Water Rights, 1995, Unpublished Observation Well Records for the Dakota Formation, SD DENR, Division of Water Rights, Pierre, SD, 57501.

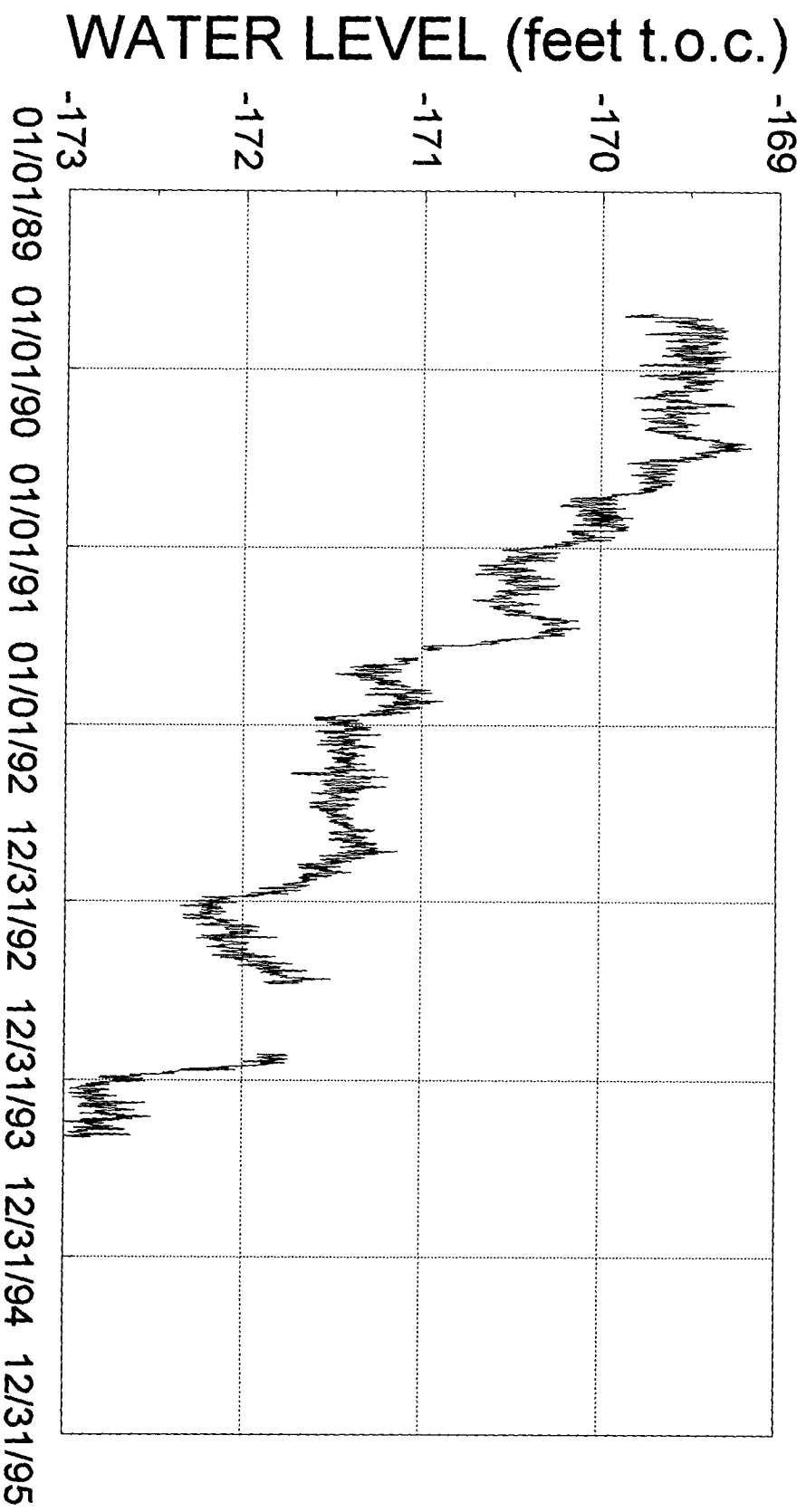
WATER RIGHTS OBSERVATION WELL

AU-89A



WATER RIGHTS OBSERVATION WELL

GY-89A



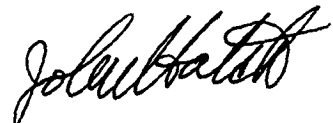
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2328-2, Michael Kirwan**

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 Water Permit Application No. 2328-2, Michael Kirwan, RR 1, Bristow, NE 68719.

The Chief Engineer is recommending APPROVAL of Application No. 2328-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used (directly or for storage purposes). The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Chief Engineer upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
March 28, 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.

March 30, 1995

Michael Kirwan
RR 1
Bristow, NE 68719

Dear Mr. Kirwan:

Water Permit Application No. 2328-2 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 Burke Gazette printed at Burke, SD (Ph # 605-775-2612). 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 prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1995

Burke Gazette
Box 359
Burke, SD 57523-0359

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2328-2 to be published twice. Please publish the first notice on April 5, 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 Michael Kirwan, RR 1, Bristow, NE 68719 (Ph # 605-587-8020).

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. No action may be taken on the permit application 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
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 5, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2328-2 to Appropriate Water

Notice is given that Michael Kirwan, RR 1 Bristow, NE 68719 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one existing flowing well (Dakota Formation) 790 feet deep located in the NE 1/4 NW 1/4 Section 19 to irrigate 31 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4 Section 19; all in T95N-R65W (Gregory County).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2328-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 April 24, 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. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Gregory) ss

I, CJ Fahrenbacher

certify that the attached printed Notice was

taken from the Burke Gazette

printed and published in Burke

County of Gregory and State of

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

Wednesday, April 5, 1995

Wednesday, April 12, 1995

Cost of Printing: 30.37

CJ Fahrenbacher
 (Signature)

Publisher
 (Title)

4-13-95
 (Date Signed)

NOTICE OF APPLICATION NO. 2328-2 TO APPROPRIATE WATER

Notice is given that Michael Kirwan, RR 1 Bristow, NE 68719 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one existing flowing well (Dakota Formation) 790 feet deep located in the NE 1/4 NW 1/4 Section 19 to irrigate 31 acres located in the W 1/2 NE 1/4, SE 1/4 NW 1/4 Section 19; all in T95N-R65W (Gregory County).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2328-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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.

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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 April 24, 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. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

Apr. 5-12





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 1995



Michael Kirwan
RR 1
Bristow, NE 68719

Dear Mr. Kirwan:

After an inspection of your Water Permit No. 1455-2 on April 19, 1994, I found that you are irrigating from a well which is not covered by a permit.

Water Permit No. 1455-2 shows the diversion point location as being from a dam in the NW1/4 of Section 19 T95N-R65W. The inspection found the diversion point to be a well in the same location, not a dam. This water permit is subject to cancellation because the water source was not developed.

The enclosed application is for the use of a well as a diversion point to irrigate the following lands:

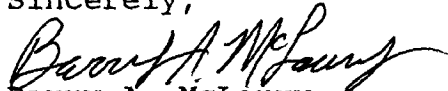
T95N-R65W	SECTION 19	NW1/4 NE1/4	13 acres
		SW1/4 NE1/4	06 acres
		SE1/4 NW1/4	12 acres

Total area being irrigated is 31 acres. If you intend to use the dam as part of your irrigation system, it will need to be added to the application. Also, the lower portion of form 2A pertaining to "dam information" will need to be completed.

Please fill out the bottom of the enclosed partially completed water permit application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$150.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,


Barry A. McLaury
Water Rights Division

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Michael Kirwan
RR 1 Box 31
Bristow, NE 68719

Dear Mr. Kirwan:

Enclosed is Water Permit No. 2328-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

RECEIPT

414612

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 11, 19 95

RECEIVED OF Michael Kirwan, RR 1 Box 31, Bristow, NE 68719

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>2328-2</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 John Hatch
Chief Engineer

REPORT ON INSPECTION OF PERMIT NO. 2328-2

DATE OF INSPECTION: April 19, 1994

Other permit(s) associated with the project: None

Name of inspection contact: Michael Kirwan

Contact relationship to permit holder: Owner

Name/address of permit holder: Michael Kirwan, RR1, Bristow, NB 68719

DIVERSION POINT LEGAL LOCATION: 1280 feet S and 100 feet W from the N quarter corner of Section 19; T95N-R65W (NE1/4 NW1/4).

WELL INFORMATION:

1) Well Drilling Firm: Sather Well Drilling

3) Depth(s) 790 feet

2) No. of Wells 1

4) Well log is available Y

Casing:

1) Diameter 2 inches

2) Length 770 feet

3) Type steel

Screen:

1) Type copper

2) Length 20 feet

3) Static water level 730 feet

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum 2) Size 4 inches 3) Length 1500 feet

1) Type Aluminum 2) Size 6 inches 3) Length 400 feet

SYSTEM TYPE:

Flood Irrigation:

1) Pipe length 20 feet each

2) Diameter 6 inches

3) Spacing of gates 40 inches

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

****NOTE:** Mr. Kirwan commented during the inspection that he hasn't irrigated for the last couple of years due to sufficient rainfall on the irrigated acreage.

Permit No. 2328-2
Missouri 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

On this day, April 19, 1994, I made a thorough examination of the water use system constructed by Michael Kirwan of RR1, Bristow, NB 68719 holder of Permit No. 1455-2, bearing the priority of February 21, 1995 authorizing the diversion of 0.22 cu. ft. of water per second from groundwater for irrigation purposes, in Gregory County.

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

- A. Works used to divert the water:
A 100 GPM maximum capacity flowing well.
- B. Works used to transport water to place of use:
1500 feet of 6" aluminum pipe.
- C. Works used to apply water to beneficial use:
400 feet of 4" gated aluminum pipe.

The system is in the following condition: good. The point of diversion is located 1280 feet S and 100 feet W from the N quarter corner of Section 19; T95N-R65W (NE1/4 NW1/4). The works are capable of diverting and conveying to the place of use 0.22 cu. ft. of water per second and acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>T95N-R65W</u>	<u>SECTION 19</u>	<u>NW1/4 NE1/4</u>	<u>13 acres</u>
		<u>SW1/4 NE1/4</u>	<u>06 acres</u>
		<u>SE1/4 NW1/4</u>	<u>12 acres</u>

comprising a total of 31 acres of land and the license should be issued for 0.22 cfs and acre-feet of storage.

****NOTE:** During the inspection, Mr. Kirwan commented that he hadn't irrigated the last couple of years due to adequate rainfall on his irrigated acreage.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: April 19, 1994


Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2328-2

(1) Michael Kirwan, RR 1, Box 31, Bristow NE 68719 made Application No. 2328-2, February 21, 1995 for a water permit to appropriate 0.22 cubic feet of water per second from groundwater (one well), Gregory County, South Dakota for irrigation purposes. Permit No. 2328-2, with a priority date of February 21, 1995 was approved April 24, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and for the application to beneficial use of said water completed.

(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 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 1280 feet south and 100 feet west from the north quarter corner of Section 19-T95N-R65W (NE 1/4 NW 1/4).

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

Section 19-T95N-R65W	NW 1/4 NE 1/4	13 acres
	SW 1/4 NE 1/4	6 acres
	SE 1/4 NW 1/4	12 acres
	Total	31 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Michael Kirwan, RR 1, Box 31, Bristow NE 68719 the holder and/or owner of Water Permit No. 2328-2 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (one well) with a priority date of February 21, 1995 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2328-2 and subject to South Dakota State Law.



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

DEC 18 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

2328-2

Michael Kirwan
RR 1, Box 31
Bristow, NE 68719

Dear Mr. Kirwan:

Enclosed is Water License No. 2328-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414612 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2328-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 21, 2025

2328-2

Michael Kirwan
300 W SD HWY 46
Wagner SD 57380

Dear Mr. Kirwan:

Enclosed is a "Notice" dated October 8, 2025, concerning the 2025 Irrigation Questionnaire.

The notice was originally mailed to you at 37971 Randall Valley Rd, Bristow NE 68719. The post office notified our office that your address has changed, and your records have been updated accordingly.

This is a time sensitive matter. Please complete and return the enclosed questionnaire or submit your report online at <https://danr.sd.gov/iq/> using this password **AXPDYW**.

If this change of address is in-correct, please contact our office immediately to update your contact information.

Sincerely,

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

enclosures

581 NFE 114152510010/14/25
RETURN TO SENDER
KIRWAN, MICHAEL V
300 W SD HIGHWAY 46
WAGNER SD 57380-9304

RETURN TO SENDER





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 13th, 2025

2328-2

Jean Crowe
300 W SD Hwy 46
Wagner, SD 57378

Dear Ms. Crowe:

Thank you for returning my call regarding Water Right No. 2328-2, currently held in the name of Michael Kirwan. I am sorry for the loss of your father.

For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.3352

Sincerely,

Shannon Konst

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 4, 2025

2328-2

1455-2

Kirwan Estate
c/o Jean Crowe
300 W SD Hwy 46
Wagner SD 57380

Dear Ms. Crowe:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fees you submitted for Water Right No. 2328-2. Enclosed is a receipt of payment for your records.

Water Right No. 2328-2 previously held by Michael Kirwan is now listed under the Kirwan Estate. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the license, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

In reviewing the transfer paperwork, it was also found that Michael Kirwan holds Water Right No. 1455-2, which authorizes irrigation of the same property from a storage dam. This was intended to be a "back-up" water source. If diversions from the dam are still occurring, Water Right No. 1455-2 should also be transferred to the estate. I've enclosed a partially completed "Notice of Transfer of Ownership" form for Water Right No. 1455-2 and an additional \$50.00 would need to be submitted. However, if the dam has been removed or abandoned, the Water Right should be considered for cancellation.

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

Sincerely,

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

NOTE: The validity of Water Right No. 2328-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures

2328-2

PAID

DEC 01 2025

Ck# 1050

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2328-2

Date:

I/We request that Water Right/Permit No. 2328-2 formerly owned by:
Michael Kirwan

be transferred to:

New Owner Name: Kirwan Estate

Address: 300 West SD Hwy 46

mobile: 605-370-7744

City, State, Zip Wagner, SD 57380

email: jalapix.jc@gmail.com

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

31 Acres, located W1/2 NE1/4, SE1/4 NW1/4, S19
All in T95N - R65W

- ☒ I understand that the validity of Water Right/Permit No. 2328-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Kirwan Estate, the new owner, certify that the above information is true and correct.

Kirwan Estate by Jean A. Crowe
(signed by new owner) (Shareholder)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

RECEIVED

DEC 01 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date December 02, 2025

RECEIVED OF Kirwan Estates 300 W SD Hwy 46 Wagner SD 57380

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #2328-2 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By 
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 4, 2025

2328-2
1455-2

Kirwan Estate
c/o Jean Crowe
300 W SD Hwy 46
Wagner SD 57380

Dear Ms. Crowe:

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

Sincerely,


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

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