

WATER PERMIT NO. 2521-2

Name of Applicant: O'Neill Farms

Address: HC 77 Box 33A, Cody NE 69211

Phone: 605 685-1197

Amount of Water Claimed: 3.56 cfs

Total Acres: 250 acres

Source of Water Supply: groundwater (2 wells)

Water to be used for: irrigation

County: Bennett

Type of Waste Disposal System:

Location: 24 miles east of Martin

PRIORITY Date Received: 3-16-04

Application/License Fee: \$350

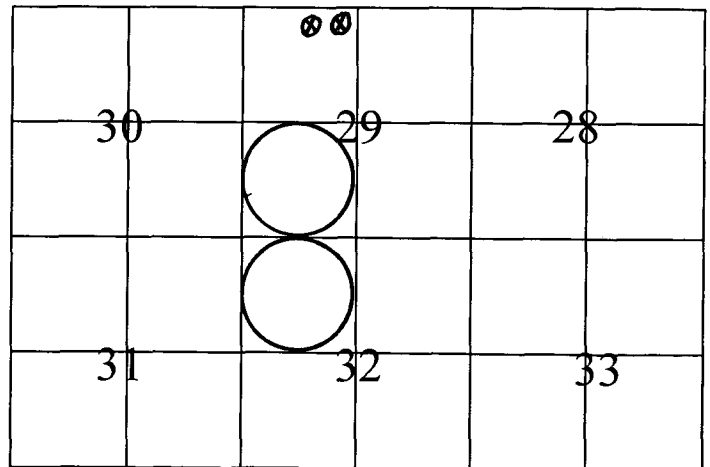
Corrected Application Received: 3-23-04

Period of Annual Use: May 15 – September 15

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 29-T37N-R33W

Land to be Irrigated: SW ¼ Sec 29 and NW ¼ Sec 32; all in T37N-R33W



Depth of Well: 240 feet deep

Well Driller: : Grosch Irrigation Co., Inc.

Remarks:

Type of Map: aerial

Prepared by: Susan K Sigman, ASCS

Reviewed and the Number Assigned on: 3-23-2004

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED
MAR 16 2004
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2521-2</u> (office use only)	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II, Martin</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant O'Neill Farms, Inc. AKA Tony O'Neill Phone 605-685-1197 or 1061
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 77 Box 33A Cody State NE 69211
(Street, RR, or Box and City) (each well) (Zip Code)
- Amount of water claimed 3.56 *CFS or 800 **GPM ***AF Total Acreage 139.250
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Ground water (Log Lake Aquifer?)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in NE 1/4 NW 1/4 of Section 29, T37N-R33W
County Bennett
- County or counties where water will be used Bennett co.
- Annual period during which water is to be used 5-15 to 9-15
- List below each forty acre division, 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
NW 1/4 of SW 1/4 S29, T37N R33	32.5	NW 1/4 of NW 1/4 S32 T37N R33	30
NE 1/4 of SW 1/4 S29, T37N R33	32.5	NE 1/4 of NW 1/4 S32 T37N R33	30
SE 1/4 of SW 1/4 S29, T37N R33	32.5	SE 1/4 of NW 1/4 S32 T37N R33	30
SW 1/4 of SW 1/4 S29, T37N R33	32.5	SW 1/4 of NW 1/4 S32 T37N R33	30

8. Give a description of the project. (Attach sheet if more space is needed) put in place irrigation wells to water 2 1/4's and raise corn & alfalfa. pump water 1/2 mile to irrigate farmground.

STATE OF SOUTH DAKOTA) SS

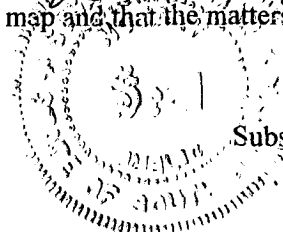
County of Bennett

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)

I, O'Neill Farms, Inc., the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature O'Neill Farms Inc. by Tony O'Neill

Subscribed and sworn to before me this 12 day of March 2004



**SOUTH DAKOTA
WATER PERMIT NO. 2521-2**

Date of first receipt of application March 16, 2004.

Date of return to applicant for corrections, amendments or changes March 17, 2004.

Date of receipt of corrected application March 23, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2521-2 to O'Neill Farms Inc., HC 77, Box 33A, Cody NE 69211 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. 2521-2 appropriates 3.56 cubic feet of water per second (cfs) from two wells (Ogallala Formation) 240 feet deep located in the NE ¼ NW ¼ Section 29, T37N, R33W for irrigation. The permit holder proposes to irrigate 130 acres located in the SW ¼ Section 29, T37N, R33W and provide supplemental water to the center pivot located in the NW ¼ Section 32, T37N, R33W. Water Right No. 1591-2 appropriates 1.56 cfs from the Ogallala Formation to irrigate the NW ¼ of Section 32.
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: May 15 – September 15.
3. The date from which applicant may claim right is March 16, 2004.
4. The date of approval of Permit No. 2521-2 is June 7, 2004.
5. One-fifth of the construction is to be completed on or before December 7, 2006.
6. All construction is to be completed on or before June 7, 2009.
7. Water is to be put to beneficial use on or before June 7, 2013.
8. 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 wells 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 wells authorized by Permit No. 2521-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water authorized by Water Right No. 1591-2 and Water Permit No. 2521-2, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre annually.

(continued)

Water Permit No. 2521-2
O'Neill Farms, Inc.
Page 2

4. The approval of Water Permit No. 2521-2 cancels Water Right No. 1782-2 based on forfeiture for nonuse.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

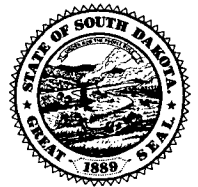
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 14 2004

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in Depth 240
- b) Casing Type 16 PVC SDR 26 Diameter 16 in Thickness .622
- c) Screen Type Narrow Slot Diameter 16 in Thickness .622
- d) Gravel Pack A Pack Length of Gravel Pack ~~20~~ 20 → 240 FT
- e) Depth to Top of Water Bearing Material 85 FT
- f) Depth to Water (ground surface to water level) 41 FT
- g) Distance to nearest existing domestic well:
On applicants property 1/2 mile On property owned by others 1 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

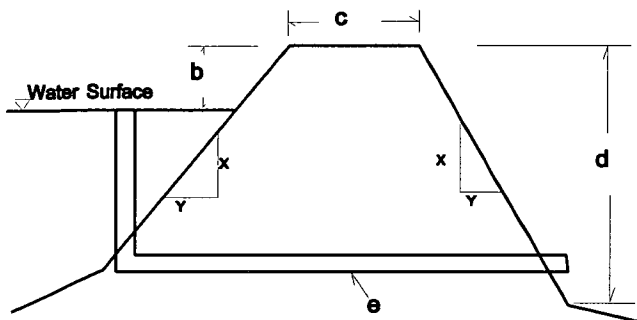
3. Dugout Information

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

4. 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

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 16, 20 04

RECEIVED OF 6th Neill Cattle Company Inc., Cody NE 69211-9601

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

Fee for Application for Permit No. <u>2521-2</u> to Appropriate Water, to construct and to put water to beneficial use	300	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 _____		
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	300.00

No.

CC 1225

By

Darland Ebele
Chief Engineer *gm*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 23, 20 04

RECEIVED OF O'Neill Farms Inc., HC 77 Box 30, Coody NE 69211-9501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2521-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

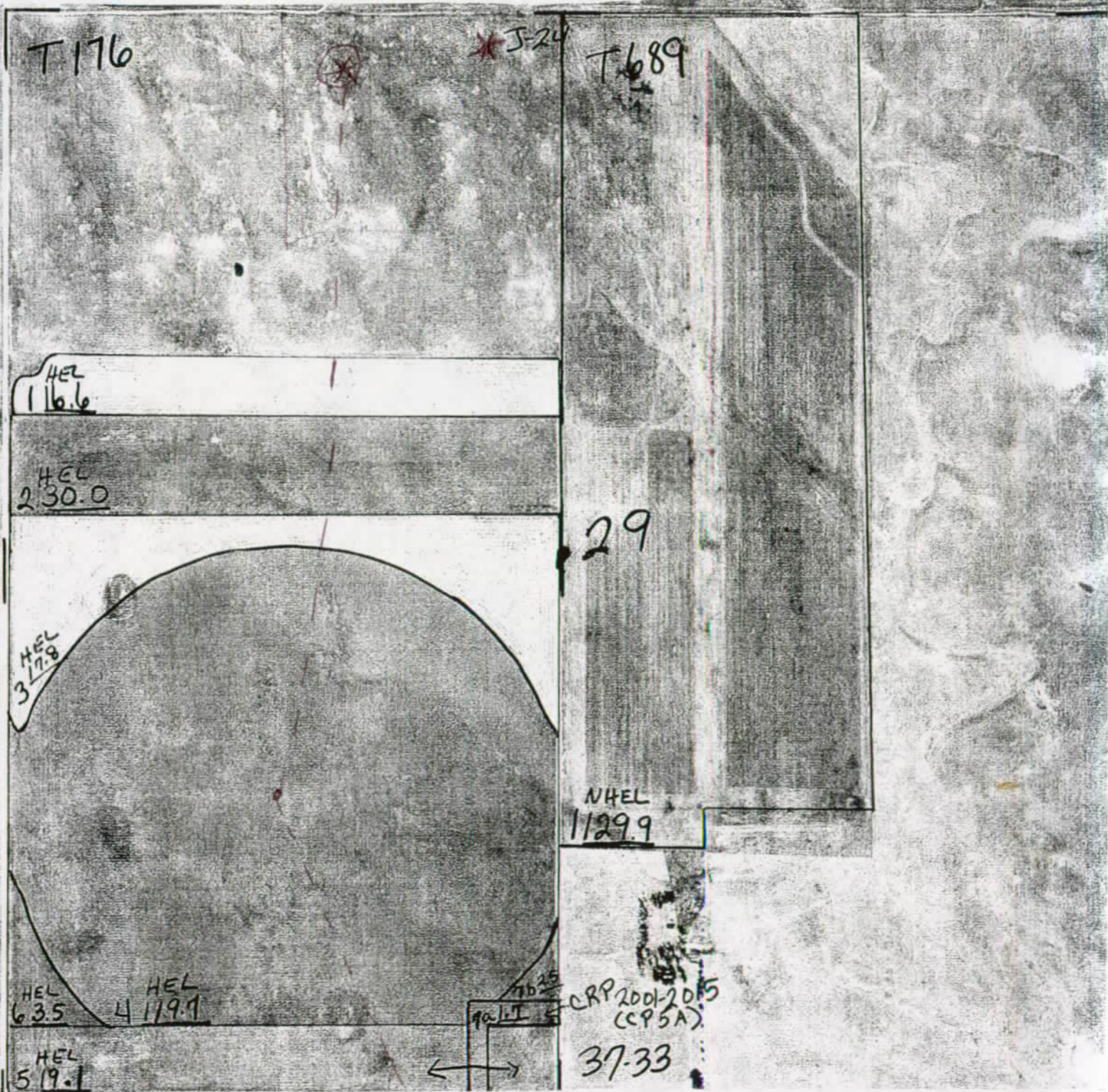
No.

001218

By

Darland Erbe
Chief Engineer

⊗ well site Susan K. Sigman (ASCS) Martin SP.



T176

HEL J-24
10 16.9

HEL
11 14.8

HEL
12 24.4

HEL
9 150.2

HEL
13 71.6

T1666

32

HEL
14 9.3

HEL
17 7.5

37-33

HEL
16 9.3

HEL
15 123.7

HEL
18 8.1

GROSCH IRRIGATION CO., INC.

GPS

Branch O'Neill, NE
Date March 10, 2004

4 - 29 - 04

Name Rick & Tony O'Neill

Address Vetal SD

NW 1/4 29 SEC 37 TN 33 RA

Bennett Co. SD

(LOCATE TEST WITH X)

65 FEET FROM NORTH LINE
1214 FEET FROM WEST LINE

TEST LOG

FOOTAGE

DESCRIPTION

0	43	MEDIUM PEPPER SAND / SANDSTONE
43	51	LIMESTONE / LIMEY CLAY
51	104	MEDIUM PEPPER SAND / SANDSTONE W/ FEW THIN CLAY LAYERS
104	134	MEDIUM PEPPER SAND / SANDSTONE
134	151	COARSE PEPPER SAND <i>5 gal - 1st</i>
151	189	FINE PEPPER SAND / SANDSTONE W// THIN SILT LAYERS <i>3 gal</i>
189	212	COARSE PEPPER SAND
212	228	COARSE SAND / FINE GRAVEL
228	235	COARSE SAND / SANDSTONE
235	260	RED ROCK

APPROX. SWL: 52'

Grosch Irrigation Co. Inc.

S.D. 189#

[Signature]

40-2-336-1805

DRILLER
BRETT SHOLES

6-703

 Testwell	

(LOCATE TEST WITH X)

TEST LOG

FOOTAGE

DESCRIPTION

		DESCRIPTION
0	2	SANDY TOP SOIL
2	63	SAND
63	67	CLAY
67	114	SAND
114	163	COARSE PEPPER SAND / SANDSTONE
163	182	MEDIUM PEPPER SAND / SANDSTONE W/ THIN CLAY LAYER
182	204	SANDSTONE W/ SILTY CLAY LAYER
204	240	RED ROCK

APPROX. SWL: 82'

Corrosch Irrigation Co. Tax

S.D. 189*

Spencer T. Jones

402-336-1805

DRILLER
BRETT SHOLES



March 17, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

O'Neill Farms, Inc.
Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RECEIVED
MAR 23 2004
WATER RIGHTS
PROGRAM

Dear Mr. O'Neill:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Your application states the amount of water claimed to be 800 gallons per minute. Are you requesting this amount from each well? Or are you requesting 800 gallons per minute from a combination of the two wells? *800 gal/well from 2 wells to water 2 different*
- We have received the \$300 application filing fee. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit. *1/4 5*
- Please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

WATER RIGHT NOS. 1591-2 and 1782-2

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Tony O'Neill – Water Permit Application No. 2521-2
ADDRESS: COUNTY: Bennett
DATE: May 18, 2004 TELEPHONE:

RE: Phone conversation regarding application.

COMMENTS:

Based on Ken's report which found that the acreage was included under two permits, I contacted Tony O'Neill to find out exactly what irrigation was taking place.

I stated that in 1999, Genny McMath had a conversation with him regarding transferring the water rights to O'Neill Farms. At that time, Genny informed that the land in the SW ¼ of Section 29 and authorized by Water Right No. 1782-2 had just come out of the Conservation Reserve Program (CRP) and that irrigation would need to begin in 3 years or the permit would be subject to forfeiture for nonuse.

The land in the NW ¼ of Section 32 is authorized by Water Right No. 1591-2 and according to Mr. O'Neill has been continually irrigated.

The SW ¼ of Section 29 and the NW ¼ of Section 32 are both covered by the pending application. I asked for an explanation.

Mr. O'Neill indicated that this application is primarily for irrigation of the SW ¼ of Section 29 which hasn't been irrigated since it came out of CRP. He went on to explain that the NW ¼ of Section 32 has been irrigated under Water Right No. 1591-2 but that the well is failing and they anticipate using these new wells to provide supplemental water. He said they finally found a location on their property where there is sufficient water to support irrigation wells.

I told Mr. O'Neill that Water Right No. 1782-2 was likely subject to forfeiture for nonuse. He agreed and I intend to cancel No. 1782-2 as part of approving Application No. 2521-2.

The application is being amended to be for 130 new acres but a diversion rate that will include being able to serve the irrigated acres under Water Right No. 1591-2 and Application No. 2521-2.

We went on to discuss timing on getting his application public noticed.

NAME: Eric Hunsaker

WATER PERMIT APPLICATION NO. 2521-2
O'NEILL FARMS
MAY 17, 2004

Water Permit Application No. 2521-2 proposes to appropriate 3.56 cubic feet of water per second from two wells (Ogallala Formation) 240 feet deep, located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 29 to irrigate 130 acres located in the SW $\frac{1}{4}$ Sec. 29 all in T37N-R33W and to provide supplemental water to the NW $\frac{1}{4}$ Section 32, T 37N, R 33W which is authorized by Water Right No. 1591-2.

This application proposes to irrigate acreage that is currently covered under existing Water Rights which were transferred to Tony O'Neill in 1999. Water Right No. 1782-2 authorizes irrigation of 132 acres in the SW $\frac{1}{4}$ Sec. 29, T37N-R33W; and Water Right No. 1591-2 authorizes irrigation of 132 acres in the NW $\frac{1}{4}$ Sec. 32, T37N-R33W. Correspondence in the respective Water Rights files indicate that prior to the transfer, the land had been enrolled in the Conservation Reserve Program (CRP) and was not irrigated. Water Right's staff informed Mr. O'Neill at the time of the transfer that the water rights were not subject to forfeiture for nonuse as long as the acreage was withdrawn from use as required for participation in CRP. Staff went on to inform Mr. O'Neill that once the lands were removed from CRP, three years of nonuse could constitute forfeiture and the water rights could be subject to cancellation. Mr. O'Neill may have considered portions of Water Right Nos. 1782-2 and 1591-2 forfeited in 2004, which may have lead to the filing of this application.

AQUIFER: Ogallala (OGLL)

GENERAL:

The High Plains aquifer consists of the upper sandstone units of the Arikaree Formation, the Ogallala Formation, and the Sand Hills Formation, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). The High Plains aquifer underlies 4,750 square miles of South Dakota and contains an estimated 700 million acre feet of water in the state (Gutentag and others, 1984). The Ogallala Formation, which consists of clays, silts, sands and surface gravel deposits, makes up a major part of the High Plains aquifer. The Ogallala Formation underlies approximately 280,960 acres of Bennett County and contains an estimated 2,809,600 acre-feet of recoverable water in storage in the county (Allen and others, 1984). The saturated thickness of the aquifer is estimated to be 200-400 feet in this area. (Kolm and Case, 1983). The aquifer is under unconfined conditions with the water table controlled locally by topography. Precipitation is the principal source of recharge to the aquifer. The annual recharge rate has been estimated to be 8 percent of the precipitation rate, or about 1.3 in./yr to 1.8 in./yr (Kolm and Case, 1983). This would equate to an annual recharge of 30,400 acre-feet to 42,000 acre-feet in Bennett County. Natural discharge occurs to streams and springs, and directly to the atmosphere by evapotranspiration.

WATER AVAILABILITY:

Water Rights Program monitors 81 observation wells completed into the Ogallala Formation, of which 19 are located in Bennett County. Three observation wells completed into the Ogallala are located within about five miles of this application. Water Rights' Observation Well BT-76C is located less then two miles southeast of this project area. Water Rights' Observation Well BT-78K

is located approximately two miles north of this project area. The hydrographs for these wells are shown in figures 1-2.

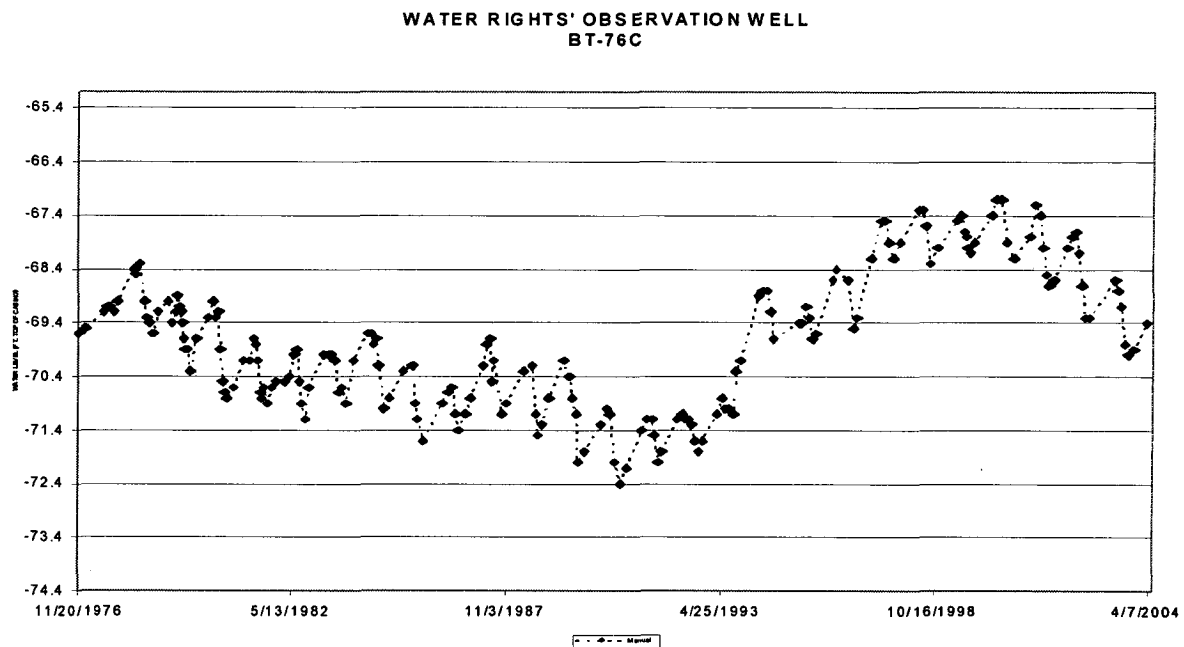


Figure 1. Hydrograph of Water Rights' Observation Well located approximately 1.2 miles north of 2521-2.

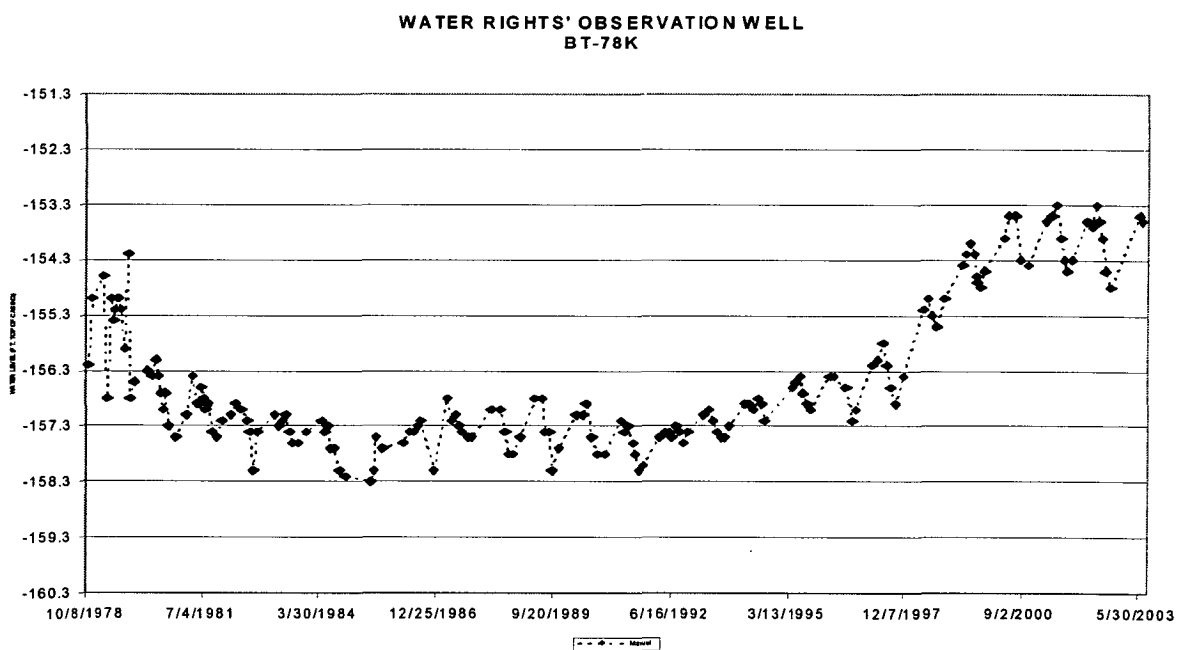


Figure 2. Hydrograph of Water Rights' Observation Well located approximately 4.3 miles north of 2521-2.

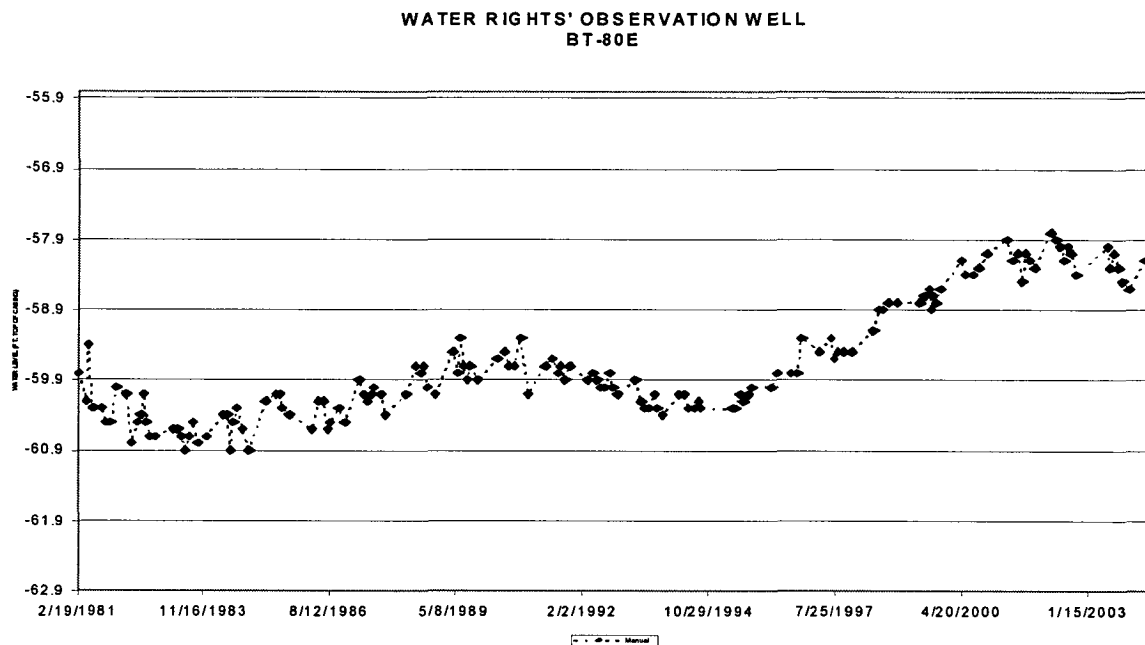


Figure 3. Hydrograph of Water Rights' Observation Well located approximately one mile southwest of 2521-2.

These observation wells are read monthly and show only slight fluctuations due to existing pumping, and changes do to climatic conditions (Water Rights, 2004a).

There are 136 permits/rights which appropriate water from the Ogallala aquifer in South Dakota. There are 45 permits/rights from the Ogallala in Bennett County (Water Rights, 2004c). Irrigation is the major water use from the aquifer. Reported pumpage from the Ogallala for irrigation use can be seen in figure 1.

*Reported Irrigation Pumpage
from the Ogallala Aquifer in South Dakota*

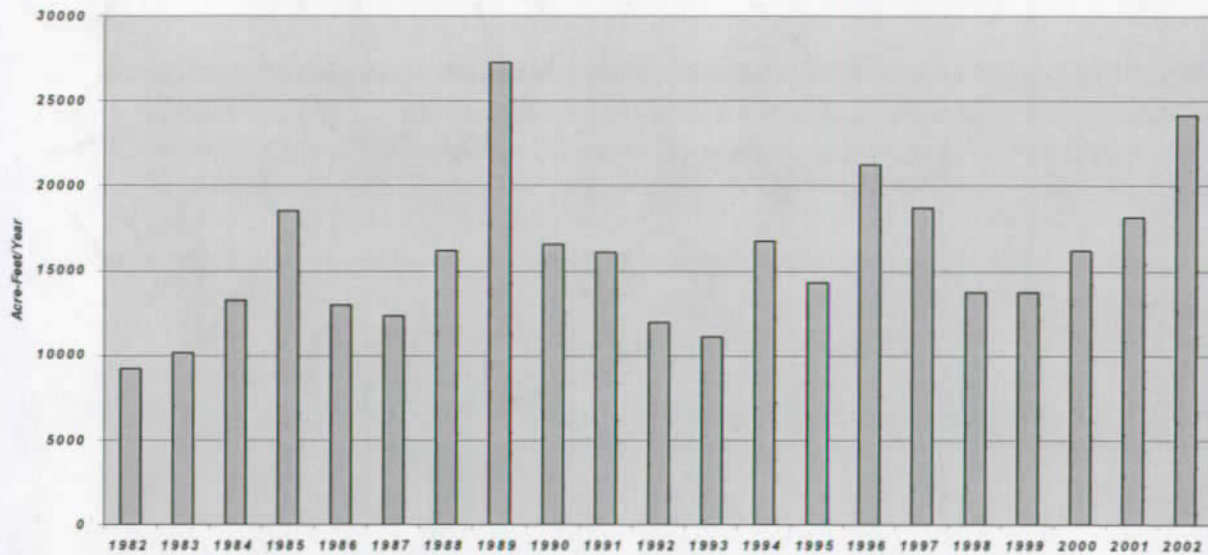


Figure 5. Irrigation usage from the Ogallala aquifer (Water Rights, 2002).

AFFECTS ON EXISTING RIGHTS:

Since the Ogallala Aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well. There are 11 irrigation permits/rights within three miles of 2521-2 (Water Rights, 2004b). They include:

PERMIT NO	LAST_NAME	CFS	ACRES
1001-2	JIMMIE O'NEILL	1.66	135.00
1002A-2	JIMMIE O'NEILL	2.30	176.00
1208-2	JIMMIE O'NEILL	1.66	135.00
1211-2	JAMES O'NEILL	2.00	264.00
1500-2	O'NEILL FARMS INC	1.89	132.00
1555-2	DEAN O'NEILL	2.00	264.00
1591-2	O'NEILL FARMS INC	1.56	132.00
1637-2	TONY & RICK O'NEILL	5.35	384.00
1638-2	DANIEL D O'NEILL	1.89	132.00
1782-2	O'NEILL FARMS INC	1.10	132.00
2509-2	BRAD & MARLENE PISHA	3.89	272.00

Table 1. Irrigation Water Rights/Permits within three miles of 2521-2

Well interference is not expected to be a problem in this area. Drawdown created by pumping is not significant except close to the individual production well. The hydrograph of Water Rights' Observation Well BT-76C, figure 1, is representative of the impacts of pumping on the aquifer. There are three irrigation Water Rights: 1001-2, 1208-2 and 1638-2 within one-half mile of the observation well, yet drawdown is not significant in the observation well.

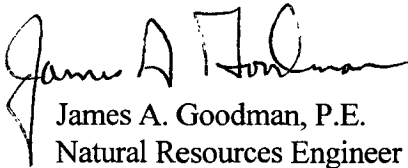
CONCLUSIONS:

1. This application proposes to irrigate acreage that is currently covered under existing Water Rights. If this application is approved, pursuant to SD Water Law, the total volume of water that can be applied to the acreage is limited to two acre-feet per acre at a rate not to exceed one cfs per seventy acres.
2. The Ogallala Aquifer is a viable aquifer in this area, and water is available for these appropriations.
3. Well interference should not be a problem in this area.



Ken Buhler
Natural Resources Engineer

approved by



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Allen, J.C., Iles, D.L., and Petres, A.K., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Task 3 and 4: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources,
- Gutentag, E.D., Heimes, F.J., Krothe, N.C., Luckey, R.R., Weeks, J.B. 1984, Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming: U.S. Geological Survey Professional Paper 1400-B, 63 p.
- Kolm, K.E., and Case III, H.L., 1983, A Two-Dimensional, Finite-Difference Model of the High Plains Aquifer in Southern South Dakota: U.S. Geological Survey Water-Resources Investigations Report 83-4175, 34 p.
- Water Rights Program, 2002, "Irrigation Use Summary": DENR-Water Rights Program
- Water Rights Program, 2004a, "Observation Well Files": DENR-Water Rights Program
- Water Rights Program, 2004b, "Water Permit Files": DENR-Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2521-2, O'Neill Farms, Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2521-2, O'Neill Farms, Inc., c/o Tony O'Neill, HC 77 Box 33A, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2521-2 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) it is in the public interest with the following qualifications:

1. The wells 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 wells authorized by Permit No. 2521-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. The diversion of water authorized by Water Right No. 1591-2 and Water Permit No. 2521-2, combined, shall not exceed the statutory limit of 1.0 cfs per 70 acres and 2 acre feet per acre annually.
4. The approval of Water Permit No. 2521-2 cancels Water Right No. 1782-2 based on forfeiture for nonuse.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year

See report on application for additional information.

Garland Erbele, Chief Engineer
May 18, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Bennett) SS

I, Mandy Scherer

certify that the attached printed Notice was taken

from the Bennett County
Booster II

printed and published in Martin

County of Bennett and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

May 19, 2004
May 26, 2004

Cost of Printing 44.53

M Juncapfherer
(Signature)

Office Manager
(Title)

May 26, 2004
(Date Signed)

Legal Notice

NOTICE OF APPLICATION NO. 2521-2 to Appropriate Water

Notice is given that O'Neill Farms Inc., c/o Tony O'Neill, HC 77 Box 33A, Cody NE 69211 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second (cfs) from two wells.

(Ogallala Formation) 240 feet deep located in the NE 1/4 NW 1/4 Section 29, T37N, R33W for irrigation. The application proposes to irrigate 130 acres located in the SW 1/4 Section 29, T37N, R33W and provide supplemental water to the center pivot located in the NW 1/4 Section 32, T37N, R33W. Water Right No. 1591-2 appropriates 1.56 cfs from the Ogallala Formation to irrigate the NW 1/4 of Section 32.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2521-2 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 Program, 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 7, 2004.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 2tc-5/26

RECEIVED

MAY 28 2004

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

May 18, 2004

O'Neill Farms Inc
% Tony O'Neill
HCR 77 Box 33A
Cody NE 69211

Dear Mr. O'Neill:

Water Permit Application No. 2521-2 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 (Ph # 605-685-6866). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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
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.

Instruction to Newspaper - Publish first Notice on May 19, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2521-2 to Appropriate Water

Notice is given that O'Neill Farms Inc, c/o Tony O'Neill, HC 77 Box 33A, Cody NE 69211 has filed an application for a water permit to appropriate 3.56 cubic feet of water per second (cfs) from two wells (Ogallala Formation) 240 feet deep located in the NE ¼ NW ¼ Section 29, T37N, R33W for irrigation. The application proposes to irrigate 130 acres located in the SW ¼ Section 29, T37N, R33W and provide supplemental water to the center pivot located in the NW ¼ Section 32, T37N, R33W. Water Right No. 1591-2 appropriates 1.56 cfs from the Ogallala Formation to irrigate the NW ¼ of Section 32.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2521-2 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 Program, 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 7, 2004.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 2004

Bennett Co Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2521-2 to Appropriate Water to be published twice. Please publish the first notice on May 19, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 O'Neill Farms Inc., %Tony O'Neill, HC 77 Box 33A, Cody NE 69211 (Ph # 605-685-1197).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2521-2

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

Date _____

We are in receipt of your letter of May 18, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 2521-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 14 2004

O'Neill Farms Inc
% Tony O'Neill
HCR 77 Box 33A
Cody NE 69211

Dear Mr. O'Neill:

Enclosed is Water Permit No. 2521-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

A handwritten signature in cursive script, reading 'Garland Erbele'.

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

2521-2

07-92

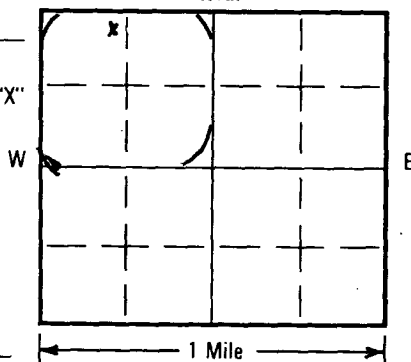
Location NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 29 Twp 37 Rg 33

County

Bennett

North

Please mark well location with an "X"



Well Completion Date

7-01-2004

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse RotaryCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>37</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>90</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	<u>12-16</u> lb./gal	<u>20</u> ft	<u>90</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure TremmieSCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 160 FEETMaterial SteelSlot Size .100 Set From 90 Feet to 250 FeetOther information GravelWAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? ConcreteDescribe packer(s) and location? 20' to surface

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: HTH

Laboratory sent to for water quality analysis

_____ NO, Why Not? _____

Well Owner: % Tony O'NeillBusiness Name: O'Neill Farms, Inc.Address: HC 77, Box 33ACody, NE 69211

WELL LOG:

DEPTH

FORMATION

FROM

TO

0	43	MEDIUM PEPPER SAND / SANDSTONE
43	51	LIMESTONE / LIMY CLAY
51	104	MEDIUM PEPPER SAND / SANDSTONE W/ FEW THIN CLAY LAYERS
104	134	MEDIUM PEPPER SAND / SANDSTONE
134	151	COARSE PEPPER SAND
151	189	FINE PEPPER SAND / SANDSTONE W/ THIN SILT LAYERS
189	212	COARSE PEPPER SAND
212	228	COARSE SAND / FINE GRAVEL
228	235	COARSE SAND / SANDSTONE
235	260	RED ROCK

STATIC WATER LEVEL 52' Feet

If flowing: closed in pressure _____ PSI

GPM flow 850 through 8 inch pipeControlled by ☐ Valve ☐ Reducers ☒ Other Sprinkler

Reduced Flowrate _____ System _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped

Describe: _____

☐ Bailed☐ Other

Pumping Level Below Land Surface

94 ft. After 1 Hrs. pumped 700 GPM137 ft. After 1 Hrs. pumped 1433 GPMIf pump installed, pump rate 850 GPM

REMARKS

RECEIVED

AUG 05 2004

WATER RIGHTS PROGRAM

This well was drilled under license # 273

And this report is true and accurate.

Drilling firm Sargent Irrigation Co.

Signature of License Representative:

Dale Schindler

Signature of Well Owner or Equitable Property Holder:

Tony O'Neill

Date:

Aug 1-04



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 22, 2010

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-2 & 1591-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1211-2, 1637-2 & 2521-2 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 10, 2010** 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) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<https://denr.sd.gov/iq/aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2010

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: 2009 irrigation questionnaires for Water Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 and
Water Permit No. 2521-2

Dear Mr. O'Neill:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010 "Notice" concerning reporting requirements for the above listed water permit and water rights.

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

If you have any questions, please contact me.

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-2 & 1591-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1211-2, 1637-2 & 2521-2 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) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2011

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2

Dear Mr. O'Neill:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



2521-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: TONY O'NEILL, HC 77 BOX 33A, CODY, NE 69211

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1500-2 & 1591-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1211-2, 1637-2 & 2521-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1211-2, 1637-2 & 2521-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1500-2 & 1591-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2012

Tony O'Neill
HC 77 Box 33A
Cody NE 69211

RE: Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2

Dear Mr. O'Neill:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1211-2, 1500-2, 1591-2, 1637-2 & 2521-2. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 2013

1500-2
1591-2
2521-2
2664-2

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

Dear Mr. O'Neill:

Thank you for the prompt return of your 2013 irrigation questionnaires. It is my understanding from the notations you made on the forms that you are ready to have the water permits or rights transferred to O'Neill Cattle Co Inc.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

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

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

enclosures

RECEIVED

DEC - 9 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2521-2

Date: _____

I/We request that Water Permit No. 2521-2

formerly owned by: O'Neill Farms Inc

be transferred to: (name & address)

O'Neill Cattle Co Inc.
24381 294th Street
Cody WY 82401 Telephone No. 605 685 1191

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

130 acres - SW 1/4 Section 29, T37N, R33W

I/We understand that the validity of Water Permit No. 2521-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Rich O'Neill, the new owner, certify that the above information is true and correct.

O'Neill Cattle Co Inc.

Rich O'Neill
(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 12/9, 20 13

RECEIVED OF Rick O'Neill 29381 294th St Cody NE 69211

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2521-2</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 06511

By James R. Loman
Chief Engineer

2521-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 26, 2013

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

RE: Water Permit or Right Nos. 1500-2, 1591-2, 2521-2 and 2664-2

Dear Mr. O'Neill:

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

The ownership changes have been completed. Water Permit or Right Nos. 1500-2, 1591-2, 2521-2 and 2664-2, formerly held by "O'Neill Farms Inc." are now listed in the name of "O'Neill Cattle Co Inc." % Rick O'Neill.

Enclosed for your records are Receipt Nos. 06509, 06510, 06511 and 06512 in the amounts of \$50 each which you paid for filing the ownership changes.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

OCT 19 2015

Rick O'Neill
O'Neill Cattle Co Inc
24381 294th St
Cody NE 69211

Dear Mr. O'Neill:

Enclosed is Water License No. 2710-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 2710-2, 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

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Note: Upon licensing, the applicable portions of Water Right Nos. 1500-2 & 1591-2 and Water Permit Nos. 2521-2 & 2709-2 were incorporated into Water License No. 2710-2.