

WATER PERMIT NO. 2627-2

Name of Applicant: **Daniel O'Neill**

Address: **29252 243rd Ave, Tuthill SD 57574**

Phone: **605 685-6919**

Amount of Water Claimed: **211 cfs**

Total Acres: **144 acres**

Source of Water Supply: **groundwater (1 existing well)**

Water to be used for: **irrigation**

County: **Bennett**

Type of Waste Disposal System:

Location: **25 miles east of Martin**

PRIORITY

Date Received: **2-19-08**

Application/License Fee: **\$300**

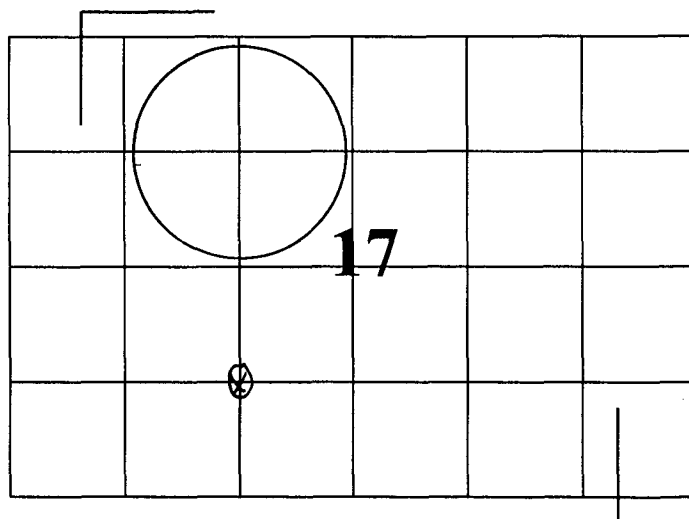
Corrected Application Received: **2-25-08**

Period of Annual Use: **May 1 – Sept 30**

Remarks: **using same well as Water Right 1638-2**

Diversion Point: **center of SW ¼ Sec 17-T37N-R33W**

Land to be Irrigated: **NW ¼ Sec 17-T37N-R33W**



Depth of Well: **300 feet deep**

Well Driller: : **Sargent Irrigation Company**

Remarks:

Type of Map: **aerial**

Prepared by: **Bennett-Shannon Co. FSA**

Reviewed and the Number Assigned on: **2-25-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>2627-2</u>	Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II PBox 610</u> <u>605-685-6866</u> <u>Martin 57551</u>	

RECEIVED
FEB 19 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 16-38-2
(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 Daniel O'Neill Phone 605-685-6919
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 29252 243RD AVE Tutkell State So Dak 57574
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.33*CFS or 150**GPM ***AF Total Acreage 136 1/4
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply existing well sw 1/4 - 17-37-33
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bennett
well sw 1/4 17-37N-33W (approximate center)
- County or counties where water will be used Bennett
- Annual period during which water is to be used May 1 through Sept Oct. 31
- 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
<u>NW 1/4 of NW 1/4 of 17-37-33</u>	<u>36</u>		
<u>SW 1/4 of NW 1/4 of 17-37-33</u>	<u>36</u>		
<u>NE 1/4 of NW 1/4 of 17-37-33</u>	<u>36</u>		
<u>SE 1/4 of NW 1/4 of 17-37-33</u>	<u>36</u>		

- Give a description of the project. (Attach sheet if more space is needed)
water being piped from an existing well on the sw 1/4
to the nw 1/4 of 17-37-33w

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, Daniel O'Neill, 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 Daniel O'Neill

Subscribed and sworn to before me this 18th day of January 20 08

Notary Public signature

8-12-08

**SOUTH DAKOTA
WATER PERMIT NO. 2627-2**

Date of first receipt of application February 19, 2008.

Date of return to applicant for corrections, amendments or changes February 20, 2008.

Date of receipt of corrected application February 25, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2627-2 to Daniel O'Neill, 29252 243rd Ave, Tuthill SD 57574 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. 2627-2 appropriates an additional 0.33 cubic feet of water per second (cfs) from an existing well authorized by Water Right No. 1638-2 to irrigate 144 acres located in the NW $\frac{1}{4}$ Section 17; all in T37N-R33W. Water Right No. 1638-2 currently appropriates 1.89 cfs from this well completed into the Ogallala Aquifer (265 feet deep) and located in the approximate center of the SW $\frac{1}{4}$ Section 17 to irrigate 132 acres in the SW $\frac{1}{4}$ Section 17, T37N, R33W. Approval of this permit brings the total diversion rate to 2.22 cfs from the well to irrigate 276 acres.
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 1 – October 31.
3. The date from which applicant may claim right is February 19, 2008.
4. The date of approval of Permit No. 2627-2 is May 5, 2008.
5. One-fifth of the construction is to be completed on or before November 5, 2010.
6. All construction is to be completed on or before May 5, 2013.
7. Water is to be put to beneficial use on or before May 5, 2017.
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 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. 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 16 2008

date





USDA U.S. Dept. of Agriculture
Farm Service Agency

South Dakota

Bennett County

17-37N-33W

Legend

- Wetlands
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- /// Rangeland

the existing well is located
at the X on the photo above
SW 1/4 to the X above
on the NW 1/4 17-37-33

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data 'as is' and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

September 06, 2006

Bennett

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: SE 1/4 NW 1/4 17 Section 37 Township 33 Range S.D.
 Well owner: Daniel O'Neill Vetal, South Dakota
 (Name) (Address)
 Date well drilling completed 5-4-78 Purpose of well Irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	
0-20	sand	82	ft.
20-40	sand-sandstone	47	ft.
40-60	sand		
60-100	med. coarse sand		
100-120	med. sand		
120-156	med. coarse sand		
156-157	clay		
157-164	med. coarse sand		
164-166	clay		
166-180	med. sand		
180-220	med. coarse sand		
220-265	med. sand		
265-300	red rock		

Depth to static water level 47 ft.
 Name of producing aquifer (if known) _____
 Total depth of drill hole 265 ft.
 Depth to bottom of casing 265 ft.
 Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
 Casing is 16 inch .219 wall steel
 Length of perforated casing 183'
 Length of plain casing 82'

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
 Perforated casing has 40 mill slots per foot. Slots are .150 x 3 inches.

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Sargent Irrigation Company
 Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump 8" Sargent Pipe HP 100
 Type of pump turbine Capacity of installed pump 900 G.P.M.
 Depth of pump placement 130 ft., Date of pump installation 5-22-78

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



Sargent Irrigation Company
 Name of Pump Installation Contractor

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 19, 20 08

RECEIVED OF Daniel O'Neill, 29252 243 Ave, Tuthill SD 57574

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2627-2</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

No.

03551

By Harland Erbelev
Chief Engineer (KS)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/25, 2008

RECEIVED OF Daniel O'Niell 29252 243rd Ave Tuthill SD 57574

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

Fee for Application for Permit No. <u>2627-2</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	250 00

No.

03543

By

Samuel Erbe

Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2008

Daniel O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

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

- We have received your check for \$50.00. The application/license filing fee based on the 144 acres to be irrigated will be \$300.00. Please submit an additional \$250.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



**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. 2627-2, Daniel O'Neill**

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. 2627-2, Daniel O'Neill, 29252 243rd Avenue, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2627-2 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 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. 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
April 9, 2008

Report on Application for Permit No. 2627-2
Daniel O'Neill
Of
Tuthill, SD. 57574

Application for Water Permit No. 2627-2 seeks to appropriate an additional 0.33 cfs of water from one existing well and to irrigate 144 additional acres of land located in the NW ¼ Sec -17-T37N-R33W. This application seeks to add acreage and increase the diversion rate for existing Water Right No. 1638-2 held by the same owner and licensed to divert 1.89 cfs for irrigating 132 acres in the SW ¼ Sec-17-T37N-R33W. The existing well is located at the approximate center of Section 17-T37N-R33W, about 25 miles east of Martin, SD in Bennett County. If this application is approved it will bring the total diversion rate to 2.22 cfs to irrigate 276 acres which is well below the statutory limit of diverting 1 cfs per 70 acres irrigated.

Aquifer - Ogallala (OGLL), High Plains

The Ogallala Aquifer is part of the Northern High Plains Aquifer. The High Plains Aquifer is a massive aquifer that underlies 8 states from South Dakota to Texas. This aquifer is an important source of ground water for irrigation, commercial and domestic uses. The Ogallala Aquifer consists primarily of fine to medium, poorly graded sandstone with some inter-bedded clay and siltstone (Carter, 1998). The Ogallala Aquifer underlies 280,960 acres of Bennett County and has approximately 2.8 million acre-feet of recoverable water in storage (Allen, 1985). The Ogallala aquifer is primarily under water table conditions but may have local areas that are under artesian conditions.

Water Availability

The Water Rights Program maintains 73 observation wells completed to the Ogallala aquifer. Observation well BT-76C is closest to the proposed site; its hydrograph is shown in figure 1. Water level fluctuations have been about 6 feet in this observation well. This well appears to be responding to climatic conditions, having relatively high water levels during wet years and lower water levels during dryer years. The hydrograph of BT-76C shows a pronounced increase in the recorded water level during the early to mid 1990s coinciding with years of above average rainfall as seen in figure 1. The hydrograph for observation well BT-76B shows the same overall trend as BT-76C; an increase in water levels during very wet years and then a decline during years that experience less rain. BT-76B in figure 2 appears to show the effect of nearby pumping by having pronounced spikes and dips that occur over short periods of time. The trend seen in this hydrograph is likely caused by Water Right No. 2111-2 which is located less than 1000 feet west of the observation well and is licensed to divert 1.78 cfs. This observation well does show that the aquifer recovers quickly when pumping ceases. Observation well BT-80E is located about 2 ½ miles south west of the proposed site. The hydrograph for BT-80E in figure 3 shows a slight increase in the water level throughout the study period. Water Right No. 1591-2 which appropriates 1.56 cfs is located less than 1000 feet south east of BT-80E but there is no apparent impact to this observation well. In fact water levels in this observation well have increased slightly throughout the approximate 27 year study period.

The three hydrographs in figures 1, 2 and 3 are good indicators that the aquifer is responding to climatic conditions and they show that there is a possibility that draw down may or may not be seen in a well due to nearby pumping. Furthermore, the water level data for BT-76B shows good recovery of the aquifer after pumping.

Recharge to the Ogallala aquifer is primarily by infiltration of rain fall. Estimated recharge rates for the Northern High Plains aquifer vary from 1.1 inches for the Arikaree aquifer to approximately 3.8 inches for parts of the Ogallala aquifer. A report published by the USGS in cooperation with the Rosebud Sioux Tribe to model ground water flow in the Arikaree and Ogallala aquifers cites 3.3 inches per year of recharge to the Ogallala aquifer (Long, et al 2003). Applying 3.3 inches of recharge per year to the aerial extent of 280,960 acres that the Ogallala aquifer underlies in Bennett County gives an estimated annual recharge of 70,240 acre feet.

The Water Rights Program data base of Irrigation Questionnaires lists 108 irrigation permits in 2005 appropriating 52,537.8 ac-ft of water from the Ogallala aquifer. For the year 2005 there was reported usage of 20,131.34 ac-ft, or approximately 38% of the appropriated amount. There was a small increase in water permits for the Ogallala aquifer during 2006 bringing the number of active water rights to 111 permits appropriating 52,935.7 ac-ft. Actual pumpage for 2006 was reported at 25,733.32 ac-ft or approximately 47% of the amount of water appropriated.

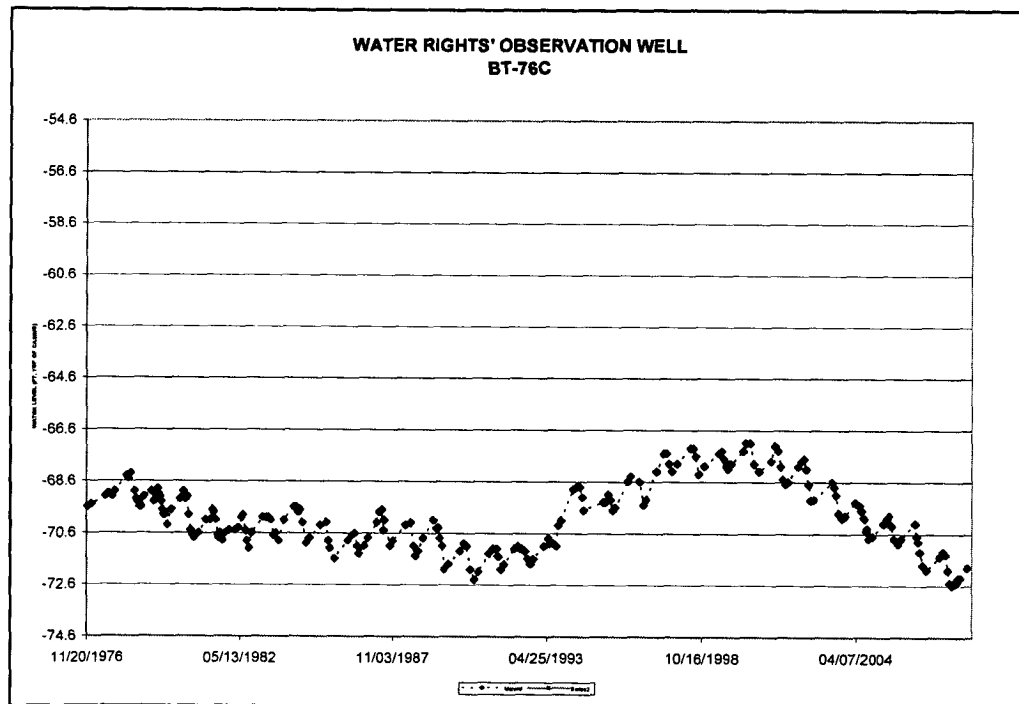


Figure 1: Observation Well

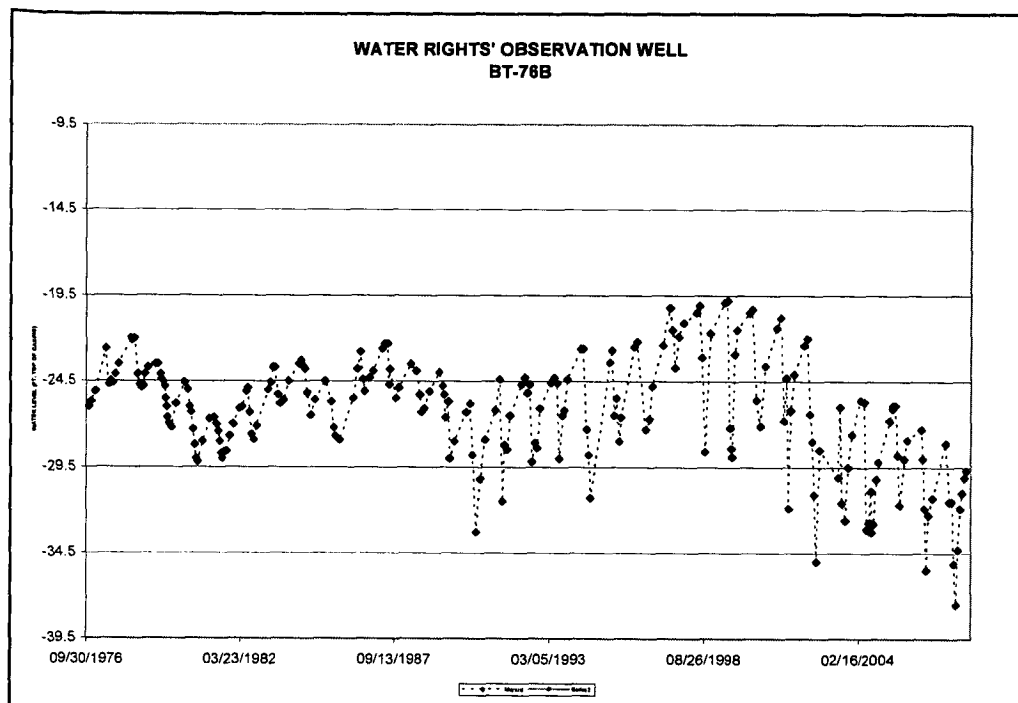


Figure 2: Observation Well

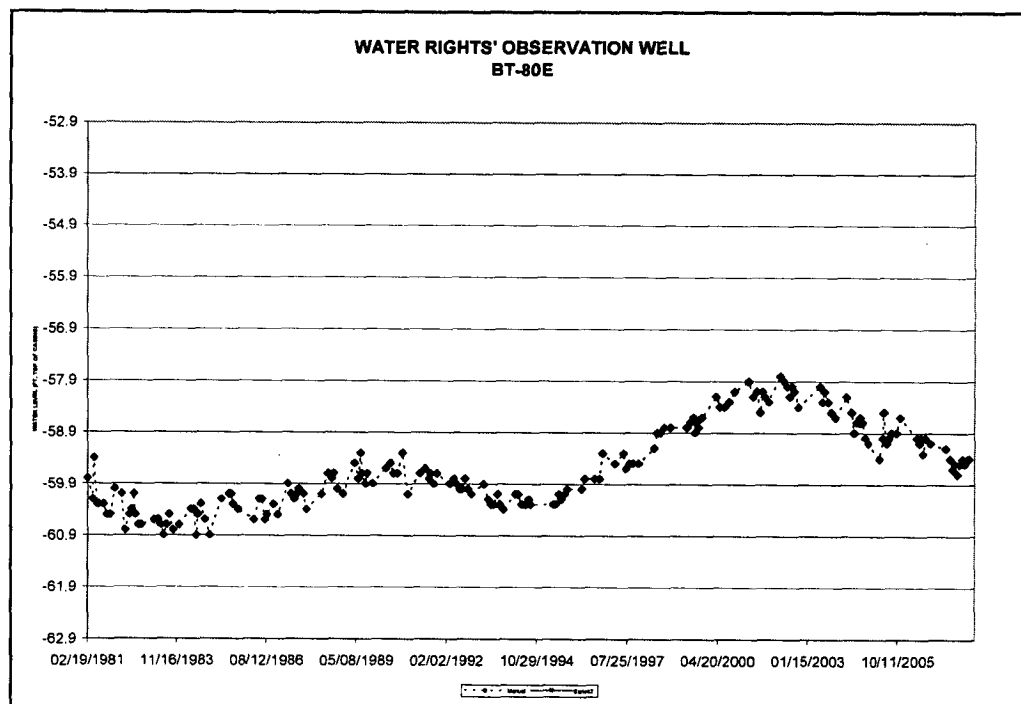


Figure 3: Observation Well

Existing Water Rights

Within a 3 mile radius of the proposed diversion there are 15 existing water rights. Nine of the fifteen permits in this area are owned by the applicant, J. O'Neill, T. O'Neill, or O'Neill Farms. Two other owners hold water rights within three miles of the proposed diversion.

Table 1: Water Rights

Permit No.	Owner	Amount (cfs)	Permit No.	Owner	Amount (cfs)
1674-2	Johnson	2.45	1638-2	O'Neill, D	1.89
2599-2	Johnson	3.00	1001-2	O'Neill, J	1.66
1381-2	Johnson, W	2.66	1208-2	O'Neill, J	1.66
1697-2	Johnson, W	2.30	1002A-2	O'Neill, J.	2.30
2398--2	Johnson, J	2.22	1555-2	O'Neill, D	2.00
1637-2	O'Niell, T	5.35	2521-2	O'Neill Farms	3.56
2509-2	Pisha, B	3.89	1591-2	O'Neill Farms	1.56
1211-2	O'Neill, J	2.00			

Conclusions

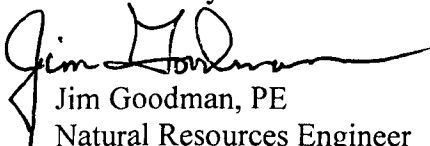
1. This application seeks to add acreage and increase the diversion rate already appropriated in Water Right No. 1638-2.
2. The requested diversion rate does not exceed the rate of 1.0 cfs per 70 acres irrigated.
3. The Ogallala aquifer in this area is confined and under artesian conditions.
4. There is unappropriated water available in the Ogallala aquifer.
5. Draw down from pumping a well in this aquifer may extend for a considerable distance. Draw down may be seen in wells near this diversion although it is not likely that there will be an adverse impact to an adequately constructed well if this water right is granted.
6. The well that this diversion is being sought from is an existing well and it has been constructed in accordance with South Dakota Well Construction Standards.

Submitted by:



Mark Costello
Natural Resources Engineer
DENR, Water rights

Reviewed by:



Jim Goodman, PE
Natural Resources Engineer
DENR, Water Rights

Bibliography

Allen, J.C., D. Iles, A. Petres, Analysis of Ground Water and Stream Flow Data, Western Dakotas Region of South Dakota, Task 3 & 4; Ground Water Inventory. US Army Corps of Engineers Contract DAWC 45-82-C015, SD DENR, Div. of Geological Survey, Vermillion, SD.

Carter, J.M., Water Resources of Mellette and Todd Counties, South Dakota, Water Resources Investigation Report 98-4146. US Geological Survey, Rapid City, South Dakota 1998.

Long, A.J., Putnam, L.D., Carter, J.M., Simulated Ground-Water Flow in the Ogallala and Arikaree Aquifers, Rosebud Indian Reservation Area, South Dakota Water Resource Investigation Report No. 03-4043. USGS. Rapid City, SD. 57702

Affidavit of Publication

State of South Dakota }
County of Bennett } ss.

Mandy K. Scherer

being duly sworn, says: the Bennett County Booster II is, and during all the times herinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was

published in said newspaper for 2 successive issues, bearing the following dates:

April 10, 2008

April 23, 2008

_____, 20____

_____, 20____

_____, 20____

_____, 20____

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$ 47.12, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

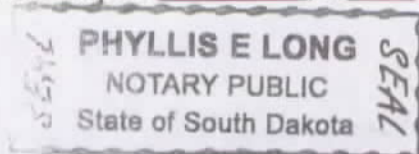
Mandy K. Scherer

Subscribed and sworn to before me this 23rd day of April, 2008.

Phyllis E. Long

Notary Public
County of Bennett, South Dakota

My commission expires _____, 20____.



My Commission Expires
August 30, 2012

RECEIVED

MAY - 9 2008

WATER RIGHTS
PROGRAM

Notice of Application

No. 2627-2 to Appropriate Water

Notice is given that Daniel O'Neill, 29252 243rd Ave., Tuthill, SD 57574 has filed an application for a water permit to appropriate an additional 0.33 cubic feet of water per second (cfs) from an existing well authorized by Water Right No. 1638-2 to irrigate 144 acres located in the NW1/4 Section 17; all in T37N-R33W. Water Right No. 1638-2 currently appropriates 1.89 cfs from this well completed in the Ogallala Aquifer (265 feet deep) and located in the approximate center of the SW1/4 Section 17 to irrigate 132 acres in the SW1/4 Section 17, T37N, R33W. Approval of this application will bring the total diversion rate to 2.22 cfs from the well to irrigate 276 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2627-2 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 this 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 this 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 May 5, 2008.

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-4/23



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 9, 2008

Bennett County Booster II
PO Box 610
Martin SD 57551

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2627-2 to Appropriate Water to be published twice. Please publish the first notice on April 16, 2008 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 Daniel O'Neill, 29252 243rd Ave, Tuthill SD 57574. (Ph # 605-685-6919).

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 /ISS

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2627-2

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

Date _____

We are in receipt of your letter of April 9, 2008 enclosing Notice to Appropriate Water by Application No. 2627-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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.

April 9, 2008

Daniel O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

Water Permit Application No. 2627-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Bennett County 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 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 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 Grönlund /ks

Eric Grönlund
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 April 16, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2627-2 to Appropriate Water

Notice is given that Daniel O'Neill, 29252 243rd Ave, Tuthill SD 57574 has filed an application for a water permit to appropriate an additional 0.33 cubic feet of water per second (cfs) from an existing well authorized by Water Right No. 1638-2 to irrigate 144 acres located in the NW ¼ Section 17; all in T37N-R33W. Water Right No. 1638-2 currently appropriates 1.89 cfs from this well completed into the Ogallala Aquifer (265 feet deep) and located in the approximate center of the SW ¼ Section 17 to irrigate 132 acres in the SW ¼ Section 17, T37N, R33W. Approval of this application will bring the total diversion rate to 2.22 cfs from the well to irrigate 276 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2627-2 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 this 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 this 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 May 5, 2008.

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

JUN 16 2008

Daniel O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

Enclosed is Water Permit No. 2627-2 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,

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

enclosures

2627-2
RECEIVED**JUN 23 2008****WATER RIGHTS
PROGRAM****NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 06-18-08TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Daniel D. O'Neill
(name)29252 243rd Ave.
(address)Tuthill SD 57574
(city, state, zip)605-685-6919
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2627-2 states that the water use system is to be constructed byMay 5, 2013, and water is to be put to beneficial use by May 5, 2017.
(date) (date)The water use system was completed on June 18, 2008.
(date)Applying the water to beneficial use was completed on June 18, 2008.
(date)

You may schedule an investigation so that the water license may be issued.

Daniel D. O'Neill
(signature)

Permit No. 2627-2
Little White River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, 8/22/2011, made a thorough examination of the water use system constructed by Daniel O'Neill of 29252 243rd Avenue, Tuthill, SD 57574 holder of Permit No. 2627-2, bearing the priority of 02/19/2008 authorizing the diversion of 0.33 cu. ft. per second of the waters of the Ogallala aquifer for irrigation purposes, in Bennett County.

Inspection contact & relationship to permit holder, if applicable: **Daniel O'Neill—Permit Holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sargent Irrigation
- 2) No. of Wells 1
- 3) Depth(s) 265 feet
- 4) Well log is available yes—see file
- 5) Comment: Same well as License 1638-2.

Casing:

- 1) Diameter 16 inches
- 2) Length 82 feet
- 3) Type Steel

Screen:

- 1) Type Steel
- 2) Length 183 feet
- 3) Static water level 47 feet

Pump:

- 1) Make Sargent
- 2) Model Serial # 0897S
- 3) Size 100 hp
- 4) Capacity 900 GPM

Motor:

- 1) Make US Motors
- 2) Model No. R-998I-01 R 2113107
- 3) Horsepower rating 100 hp

B. Works used to transport water to place of use:

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~2,700 feet

C. Works used to apply water to beneficial use:**Center pivot:**

- 1) Make Valley 8000
- 2) Overall length 1,428 feet
- 3) Number of towers 8
- 4) Distance between towers ~180 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 900 GPM

Chemigation Equipment:

- 1) Does chemigate Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 1,315 feet east and 1,400 feet north of the SW corner of Section 17, Township 37 North, Range 33 West, lat/long N 43.17517 W -101.25165. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water of the Ogallala aquifer which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

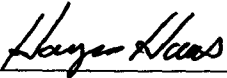
NW ¼ NW ¼ 35 acres Section 17, T37N, R33W
 NE ¼ NW ¼ 3 acres Section 17, T37N, R33W
 SE ¼ NW ¼ 29 acres Section 17, T37N, R33W
 SW ¼ NW ¼ 26 acres Section 17, T37N, R33W
 SW ¼ SW ¼ 11 acres Section 8, T 37N, R33W

License No. 1638-2 authorizes 1.89 cfs to irrigate 132 acres located in the SW ¼ of Section 17, T37N, R33W.

comprising a total of 104 acres of land and the license should be issued for 0.11 cfs.

All structures, wells and lands on map Yes

Comments or other permit(s) associated with the project: **This permit, along with License No. 1638-2 authorize a total of 2.0 cfs to irrigate 236 acres.**



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 9/26/2011

Licensing of Acreage Outside of Permitted Area

NAME: Daniel O'Neill

ADDRESS: 29252 243rd Avenue, Tuthill, SD 57574

DATE: September 23, 2011 **COUNTY:** Bennett **TELEPHONE:** 605 685-6919

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is **104** acres as compared to **144** acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

EXPLANATION:

The map submitted with the original application showed the center pivot being primarily located in the NW ¼ Section 17, T37N, R33W. The permit inspection determined that the acreage irrigated included 11 acres in the SW ¼ SW ¼ of Section 8, T37N, R33W. This occurred due to the local topography. The area where water is applied by the pivot is the NW ¼ NW ¼, SW ¼ NW ¼, SE ¼ NW ¼, of Section 17 and a small portion (~10 acres) of the SW ¼ SW ¼ of Section 8, all in T37N, R33W.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes – the acreage is all contiguous to the irrigation project as initially intended

- **Owned by Same Property Owner**

Yes – the land is owned by Mr. O'Neill as indicated via telephone conversation between Hayes Haas and Daniel O'Neill on September 26, 2011.

- **Developed Prior to Expiration of Construction Period**

Yes – the period to complete construction is May 5, 2013. Mr. O'Neill filed the notice of completion of works on June 18, 2008. The licensing investigation was conducted on August 22, 2011.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the acreage as developed be included in the water license.



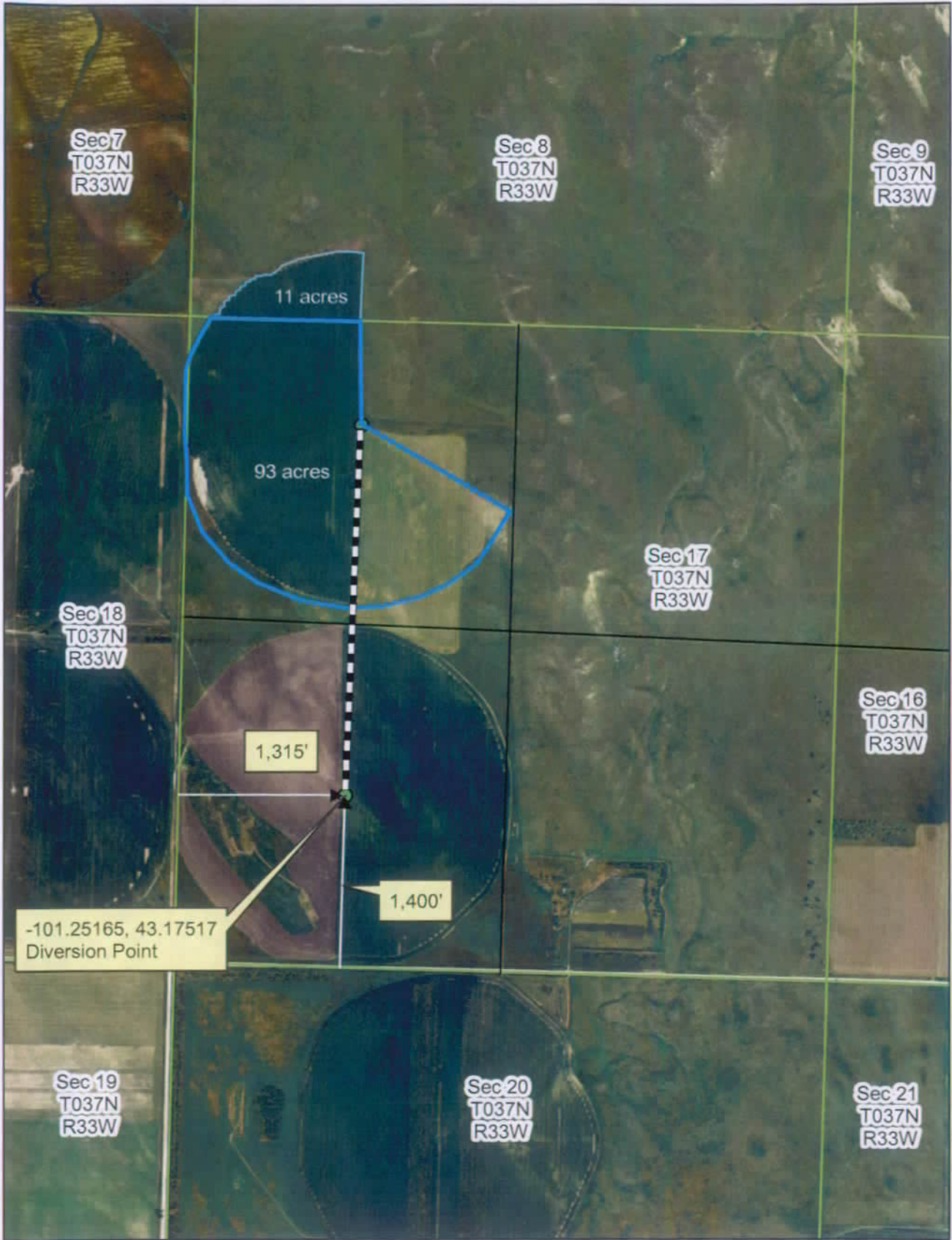
Hayes Haas
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

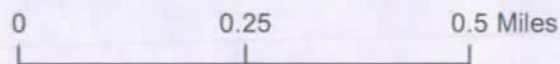
This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



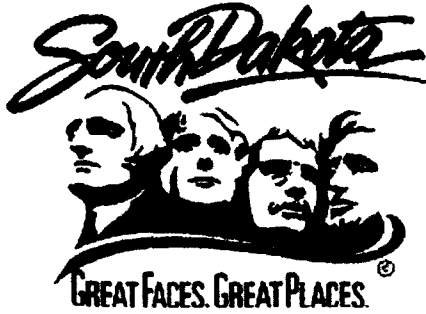
-101.25165, 43.17517
Diversion Point



Hayes Haas



South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JAN 12 2012

1638-2
2627-2

Daniel O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

Enclosed is Water License No. 2627-2. 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. 2627-2, 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.

The applicable portions of Water Right No. 1638-2 were incorporated into Water License No. 2627-2. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2627-2**

(1) Daniel O'Neill, 29252 243rd Ave., Tuthill SD 57574 made Application No. 2627-2, February 19, 2008 for a water permit to divert 0.33 cubic feet of water per second (cfs) from ground water (one existing well – Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2627-2, with a priority date of February 19, 2008 was approved May 5, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 5, 2013 and the application to beneficial use of water on or before May 5, 2017. The Permit holder submitted a *"Notice of Completion of Works and Application of Water to Beneficial Use"* on June 23, 2008. The *"Notice"* stated the water use system was completed and water placed to beneficial use of June 18, 2008.

Water Permit No. 1638-2, with a priority date of March 17, 1978, authorizes diversion of 1.89 cfs to irrigate 132 acres. No. 2627-2 was obtained to add 0.33 cfs diversion authority and 144 acres to the existing system bringing the total authorized to 2.22 cfs from the existing well to irrigate 276 acres.

An investigation conducted for licensing purposes found acreage developed for irrigation outside of the area described in the permit. Pursuant to SDCL 46-5-30.5, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project as developed is consistent with the original application.

The system as developed has a capacity of 2.00 cfs for irrigation of 236 acres. The applicable portions of Water Right No. 1638-2 are incorporated into Water License No. 2627-2.

(2) It is certified that the permit holder 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 2.00 cubic feet of water per second for beneficial use.

The location of the diversion point is 1,315 feet east and 1,400 feet north of the SW corner of Section 17, T37N, R33W (NW ¼ SW ¼).

(3) The permit holder 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 17, T37N, R33W Priority: March 17, 1978 Established by No. 1638-2	Section 17, T37N, R33W Priority: February 19, 2008 Established by No. 2627-2	Section 8, T37N, R33W Priority: February 19, 2008 Established by No. 2627-2
NW ¼ SW ¼ 33 acres	NW ¼ NW ¼ 35 acres	SW ¼ SW ¼ 11 acres
NE ¼ SW ¼ 33 acres	NE ¼ NW ¼ 3 acres	
SW ¼ SW ¼ 33 acres	SE ¼ NW ¼ 29 acres	(subtotal 104 acres)
SE ¼ SW ¼ 33 acres	SW ¼ NW ¼ 26 acres	
(subtotal 132 acres)		Total irrigated: 236 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel O'Neill, 29252 243rd Ave., Tuthill SD 57574 the holder and/or owner of Incorporated Water Right No. 2627-2 is issued a license to appropriate water, the right to use 2.00 cubic feet of water per second from ground water (one well –Ogallala Aquifer) with priority dates of March 17, 1978 (1.89 cfs) and February 19, 2008 (0.11 cfs) from the location specified in (2) of this license for irrigation purposes.

Page 2

Water License No. 2627-2

Daniel O'Neill

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 2627-2 and subject to the following qualifications:

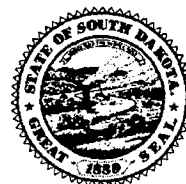
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

JAN 12 2012

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 19, 2024

NOTICE

TO: DANIEL D O'NEILL, 29252 243RD AVE, TUTHILL, SD 57574

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1208-2 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) 1002A-2, 2627-2, 2866-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 1002A-2, 2627-2, 2866-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1208-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 13, 2024

1002A-2, 1208-2,
2627-2 & 2866-2

Dan & David O'Neill
29252 243rd Ave
Tuthill SD 57574

Dear Sirs:

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

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 2627-2, 1208-2, 1002A-2 & 2866-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit numbers have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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