

WATER PERMIT NO. 2679-2

Name of Applicant: Quigley Land Company



Address: PO Box 748, Valentine NE 69201

Phone: 402 376-3001

Amount of Water Claimed: 1.78 cfs

Total Acres: 140 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Todd

Type of Waste Disposal System:

Location: about 20 miles southwest of Mission

PRIORITY

Date Received: 1-25-12

Application/License Fee: \$ 1050.00

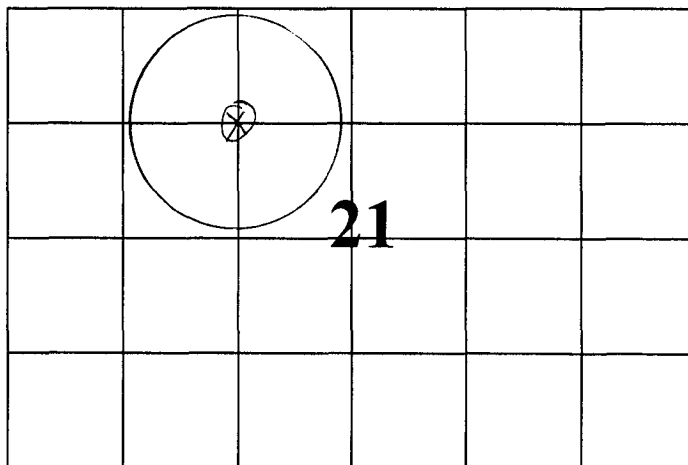
Corrected Application Received:

Period of Annual Use: May 1 – Sept 31

Remarks:

Diversion Point: center of NW ¼ Sec 21-T36N-
R29W

Land to be Irrigated: NW ¼ Sec 21-T36N-R29W



Depth of Well: 250 feet deep

Well Driller: Sargent Irrigation Co

Remarks:

Type of Map:

Prepared by: Justin Brick, CED

Reviewed and the Number Assigned on: 1-25-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>2679-2</u> (office use only) Hydrologic Unit <u>10150006</u>
	Basin <u>Nicholsan Tributary</u>
	Newspaper <u>Todd Co. Tribune</u> <u>mission</u>
	<u>605-856-4469</u> <u>57559</u>

RECEIVED
JAN 25 2012
WATER RIGHTS
PROGRAM

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 Quigley Land Company Phone 402 376 3001
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 24250 292nd Cody NE 69211
(Address) (City) (State) (Zip Code)
- Amount of water claimed 1.78*CFS or 700-800 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Ground
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Todd
1 well in NW 1/4 section 21 (approximate center)
T36N R29W
- County or counties where water will be used Todd
- Annual period during which water is to be used May-August 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 with Center Point</u>	<u>140</u>		
<u>Sec 21 T36N R29W</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

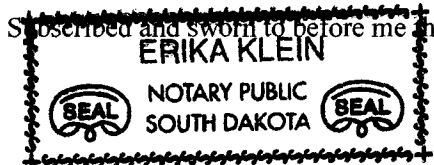
3 wells in center of 1/4 which will water approx 140 acres on each 1/4
- Center points that pump 900-1000 gal/min on each 1/4
- Approximate depth of wells is 250-350 ft.

STATE OF SOUTH DAKOTA)
County of TODD) SS

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

I, Quigley Land Co, 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 [Signature]



[Signature]
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 2679-2

Date of first receipt of application January 25, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2679-2 to Quigley Land Company, 24250 292nd St, 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. 2679-2 appropriates 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (250 feet deep) located in center of the NW 1/4 Section 21 for irrigation of 140 acres located in the NW1/4 Section 21; all in T36N-R29W.
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 – September 30.
3. The date from which applicant may claim right is January 25, 2012.
4. The date of approval of Permit No. 2679-2 is April 2, 2012.
5. One-fifth of the construction is to be completed on or before October 2, 2014.
6. All construction is to be completed on or before April 2, 2017.
7. Water is to be put to beneficial use on or before April 2, 2021.
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. The well authorized by Permit No. 2679-2 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. 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

JUL 16 2012
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28 in Depth 250-350
- b) Casing Type Steel Diameter 16 Thickness 1/4 .219
- c) Screen Type 1/2" slot Diameter 100 Thickness 1/4 .219
- d) Gravel Pack 1/4 in pebble Length of Gravel Pack 100 ft
- e) Depth to Top of Water Bearing Material 250-350 ft
- f) Depth to Water (ground surface to water level) 100 ft
- g) Distance to nearest existing domestic well:
- On applicant's 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

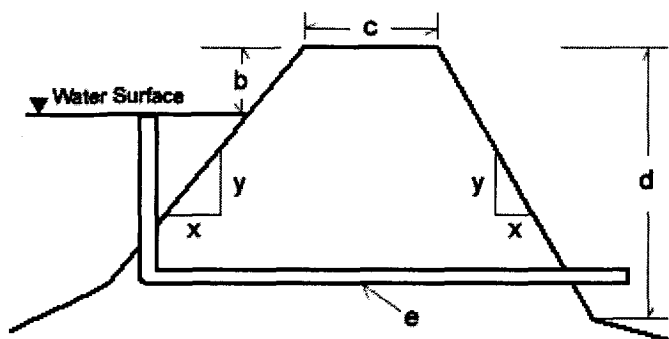
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

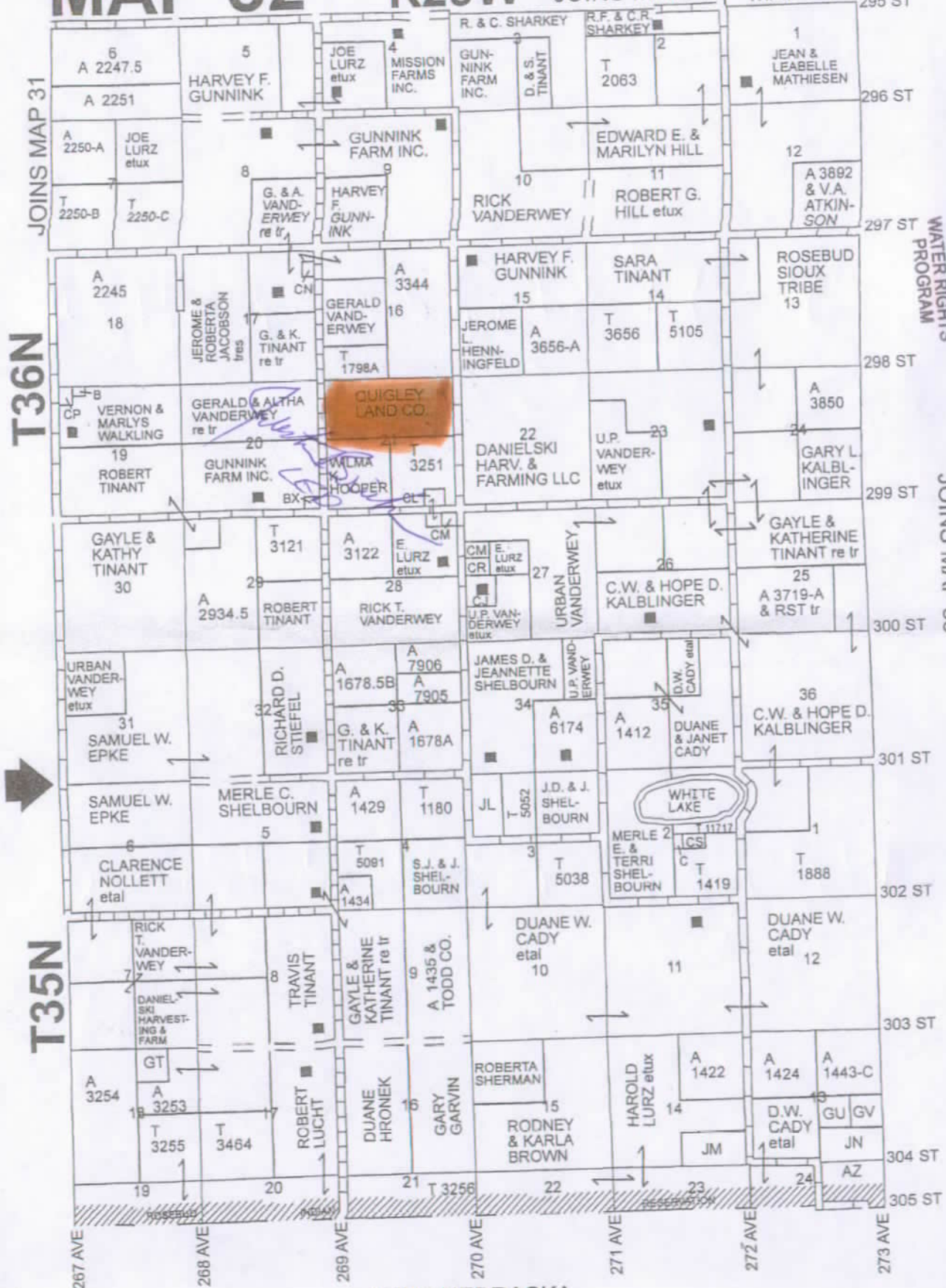


MAP 32

R29W

JOINS MAP 23

JOINS MAP 24



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JAN 25 2012

WATER RIGHTS PROGRAM

JOINS MAP 33

JOINS NEBRASKA

84797 Hwy. 14

PO Box 9

Test Hole Log

To: O'NEILL, TONY

Address: HC 77, Box 33A

Cody, NE 69211-0000

Date: 10/26/11

Test #: 11-204

Phone: 605-685-1061

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0 To 10 Sand
10 To 64 Sandstone
64 To 67 Limestone
67 To 75 White clay
75 To 80 Fine peppersand & sandstone
80 To 100 Fine sand & sandstone w/limestone ledges
100 To 115 Sandstone & limestone layers w/clay streaks
115 To 120 Sandstone
120 To 140 Sandstone (more cemented than east quarter was)
140 To 160 Sandstone
160 To 170 Sandstone w/clay streaks
170 To 180 Sharp peppersand w/few thin sandstone & clay streaks
180 To 200 Sharp peppersand w/little med peppersand
200 To 202 Fine peppersand
202 To 207 Clay & limestone
207 To 220 Red rock

Comments:

Common: TEST WELL #11-204 10/31/11

GPS: 2914

Latitude: 43.0000 5.0000 7.8000

Longitude: 100.0000 44.0000 33.2000

Legal Description:

Legal: NW

Section: 21

Township: 36

Range: 29

County: TODD

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

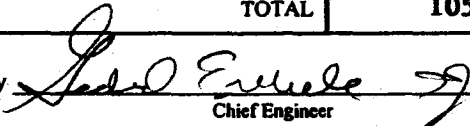
Date 1/25, 20 12

RECEIVED OF Quigley Land Co 25330 Yellow Eagle Rd White River SD 57579

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

Fee for Application for Permit No. <u>2679-2</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>2679-2</u>	200	00
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	1050 00

No. **05303**

By 
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application Nos. 2678-2 & 2679-2, Quigley Land Company

ADDRESS: 24250 292nd Street, Cody NE 69211 COUNTY: Todd County

DATE: January 25, 2012 TELEPHONE: 605 685-1061

RE: Specifying applicant and signature authority

I contacted Mr. O'Neill on whether he had signature authority for these two applications for Quigley Land Company. He indicated that Justin Edwards and he purchased this land in the fall of 2011 from Bill Quigley. They have maintained the Quigley Land Company name. So he does have signature authority and the proper address should be 24250 292nd Cody NE 69211 and phone number (605) 685-1061.

I also contacted Bill Quigley at 402 376-300. He confirmed that they sold Quigley Land Company to Mr. O'Neill and Mr. Edwards and he no longer has an interest in the property. It was his understanding that they have maintained the name in Quigley Land Company. He thought that Mr. O'Neill was President on the company.

NAME: Eric Stumbert



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2012

Syed Huq
Water Resources
Rosebud Sioux Tribe
PO Box 910
Rosebud SD 57570

Mr. Huq:

Please find enclosed the staff report, recommendation and publication notice for a water permit application filed by Quigley Land Company in Todd County. Public notice is to be published in the Todd County Tribune on March 7 and 14, 2012.

This information is being sent to you as part of the DENR's commitment to keep the Rosebud Sioux Tribe informed of water permitting issues in Todd County.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application Nos. 2678-2 and 2679-2, Quigley Land
Company

ADDRESS: COUNTY: Todd County

DATE: May 10, 2012 TELEPHONE:

RE: Ownership

According to Mr. Tony O'Neill the land covered for irrigation by Application Nos. 2678-2 and 2679-2 was sold at auction to the Rosebud Sioux Tribe just prior to the date for filing petitions in response to the public notice.

Based on the Tribe likely asserting its jurisdiction on tribal land and not recognizing the state of South Dakota's jurisdiction within the reservation boundaries, it is doubtful that the Tribe will transfer owner of either water permit or recognize the state water right permit.

NAME: Eric Hunsaker



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2679-2, Quigley Land Company**

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. 2679-2, Quigley Land Company, c/o Tony O'Neill, 24250 292nd Street, Cody NE 69211.

The Chief Engineer is recommending APPROVAL of Application No. 2679-2 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. The well authorized by Permit No. 2679-2 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. 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
February 27, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NOS. 2678-2 and 2679-2
QUIGLEY LAND COMPANY
FEBRUARY 6, 2012

Water Permit Application No. 2678-2 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala aquifer (approximately 250 feet deep) located in the center of the NE¼ of Section 21, T36N-R29W. The water is to be used to irrigate 140 acres located in the NE¼ Section 21, T36N-R29W.

Water Permit Application No. 2679-2 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala aquifer (250 feet deep) located in the center of the NW¼ of Section 21, T36N-R29W. The water is to be used to irrigate 140 acres located in the NE¼ Section 21, T36N-R29W.

The maps submitted with these applications may not meet a strict interpretation of Water Management Board Rule 74:02:01:07, however, they suffice for the purposes of evaluating these applications to develop a Chief Engineer's recommendation.

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 system extends from southern South Dakota to Texas, underlying approximately 4,750 square miles of South Dakota and containing 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 412,800 acres of Todd County and contains an estimated 12,384,000 acre-feet of recoverable water in storage in the county (Allen and others, 1984). The saturated thickness of the aquifer is estimated to be 100-400 feet in this area. (Kolm and Case, 1983). A test hole log submitted with Application No. 2678-2 describes Ogallala type material from 10-208 feet below grade overlain by 10 feet of sand. The log describes Arikaree Formation type material from 208-220 feet. This log corresponds well with the structure contour map for the top of the Arikaree Formation (Carter, 1998) which shows the Arikaree top (i.e. base of the Ogallala) around 220 feet below grade. The transmissivity of the Ogallala ranged from 800 to 9,200 square feet per day and averaged 2,800 square feet per day for 10 test holes along the boundary between Todd County and Nebraska, and the average specific capacity for wells completed into the Ogallala aquifer in Todd County was estimated to be 600 square feet per day (3.1167 gal/min/ft) (Carter, 1998). The aquifer is under unconfined conditions with the water table controlled locally by topography. In this area, the water movement is to the east and to the south. The water table is expected to be approximately 70 feet below grade in this area (Carter, 1998).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address water availability and existing rights issues only.

WATER AVAILABILITY:

Water Permit Application Nos. 2678-2 and 2679-2 propose to appropriate 560 acre-feet annually from the Ogallala aquifer. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Withdrawals:

Recharge:

Recharge to the Ogallala aquifer is primarily through infiltration of precipitation. Estimates for the average annual recharge to the Ogallala aquifer are shown in table 1.

ESTIMATED AVERAGE ANNUAL RECHARGE	METHOD	SOURCE
2.2-3.4 inches/year	Observation Well Data	Hedges and Burch, 1985
1.88 inches/year	Baseflow Recession Analysis	Hedges and Burch, 1985
1.3-1.8 inches/year	Digital Model	Kolm and Case, 1983

Table 1. Average annual recharge estimates for the Ogallala aquifer

Therefore, for Todd County alone, the average annual recharge would be in the neighborhood of 44,720-116,960 acre-feet annually.

Withdrawals:

Natural discharge from the Ogallala aquifer occurs to streams and springs, and directly to the atmosphere by evapotranspiration. Wells completed into the Ogallala aquifer supply water for institutional, municipal, domestic and irrigation purposes.

There are 152 permits/rights which appropriate water from the Ogallala aquifer in South Dakota. 63 permits/rights appropriate water from the Ogallala in Todd County (Water Rights, 2012b). 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*

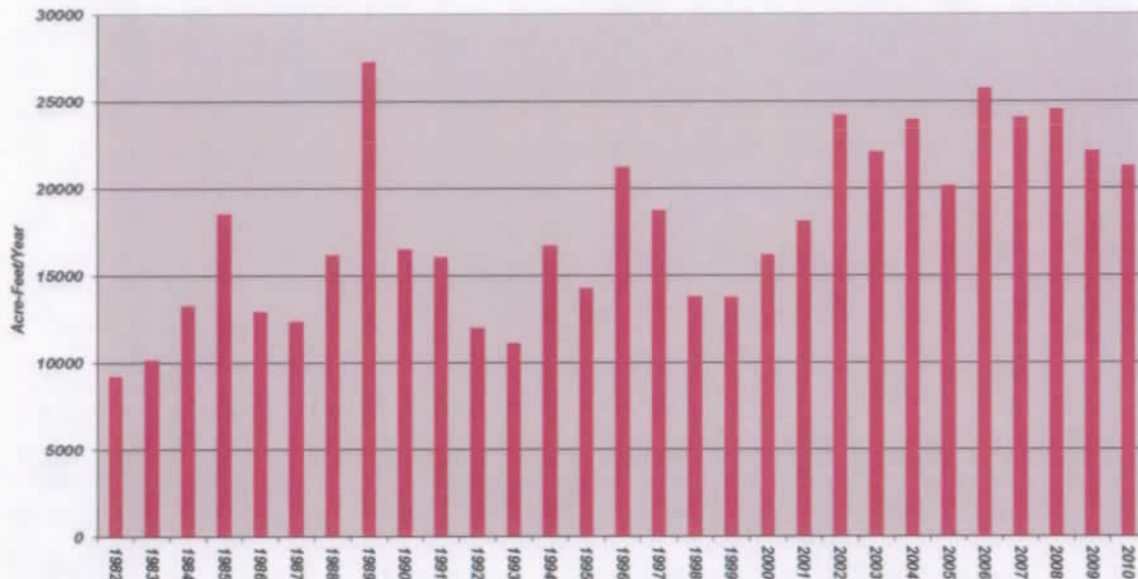


Figure 1. Irrigation Usage from the Ogallala aquifer in South Dakota (Water Rights, 1983-2011)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

Water Rights Program monitors 84 observation wells completed into the Ogallala Formation, of which 22 are located in Todd County. Water Rights’ Observation Wells TD-90A, TD-76F, TD-90B, TD-#08, TD-76E and TD-76C are all located within about three and one-half miles of the well sites proposed by Water Permit Application Nos. 2678-2 and 2679-2. The hydrographs for these wells are shown in figures 1-5.



Figure 1. Hydrograph of Water Rights’ observation well located approximately 1.25 miles northwest of the well sites proposed by Application Nos. 2678-2 & 2679-2

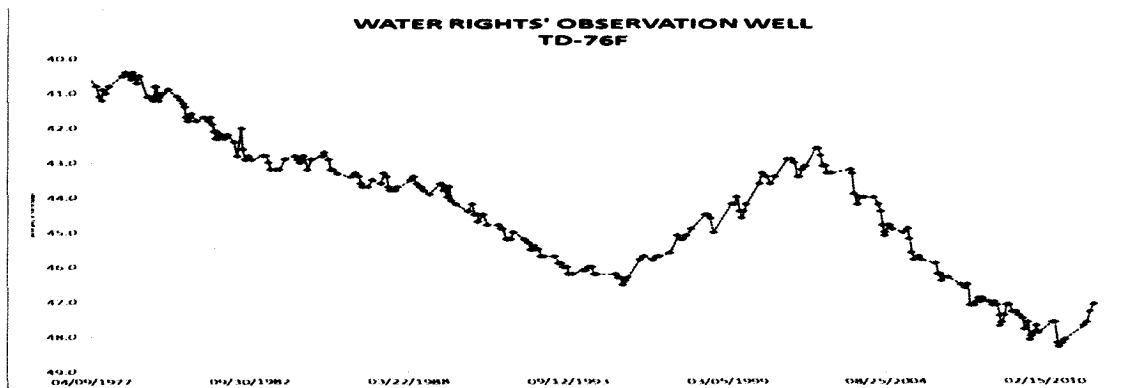


Figure 2. Hydrograph of Water Rights' observation well located approximately 1.25 miles north of the well sites proposed by Application Nos. 2678-2 & 2679-2

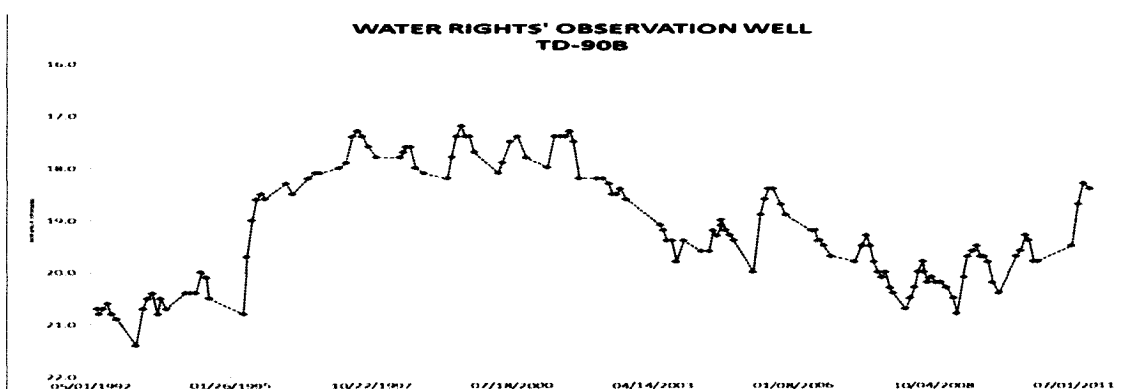


Figure 3. Hydrograph of Water Rights' observation well located approximately 3.25 miles south-southwest of the well sites proposed by Application Nos. 2678-2 & 2679-2

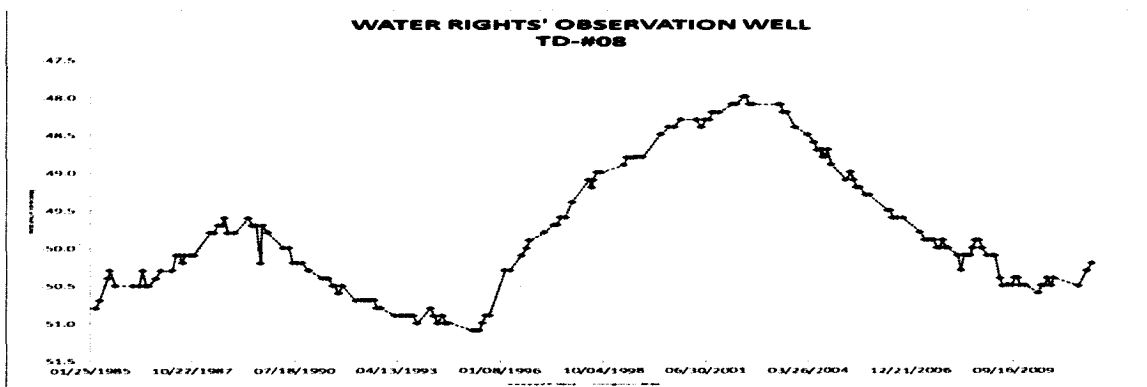


Figure 4. Hydrograph of Water Rights' observation well located approximately 3.5 miles southwest of the well sites proposed by Application Nos. 2678-2 & 2679-2

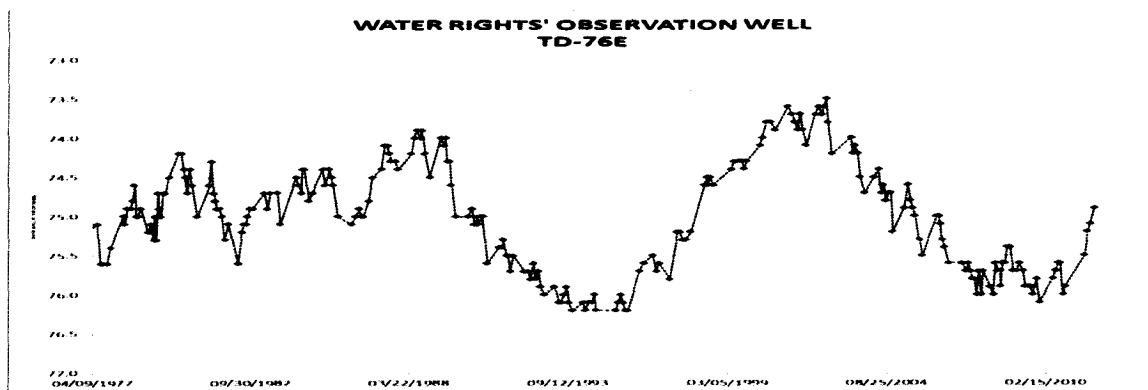


Figure 5. Hydrograph of Water Rights' observation well located approximately 3.5 miles west-northwest of the well sites proposed by Application Nos. 2678-2 & 2679-2

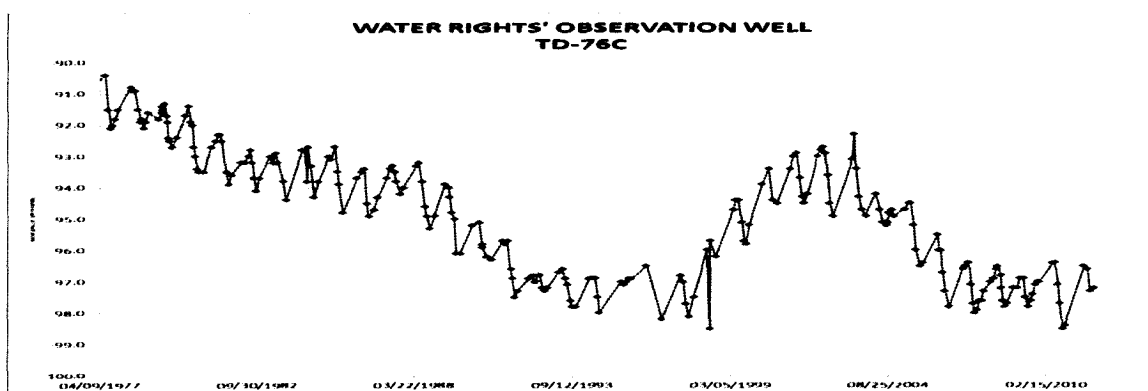


Figure 6. Hydrograph of Water Rights' observation well located approximately 3.25 miles north-northwest of the well sites proposed by Application Nos. 2678-2 & 2679-2

These observation wells are read monthly and show only slight fluctuations due to existing pumping and changes due to climatic conditions (Water Rights, 2012a). In general terms, the observation well data shows that the amount of water in storage in the aquifer in this area has not changed much over the periods of record for the wells.

However, as Carter (1998) points out:

"The Water-level decline in wells since 1990 does not correspond with below-normal precipitation; rather, the decline probably was caused by increased withdrawals of water for irrigation. In general, regional studies of the Ogallala aquifer indicate the water levels have not substantially declined in South Dakota due to irrigation development."

The gradually decline of water levels noted by Carter (1998) and documented in figures 1, 2 & 6 probably are indicative of drawdown in the aquifer from the gradually increased irrigation pumping. Since the irrigation pumping occurs from a fairly concentrated area, the water table in that area declined to allow more water into the area. Equilibrium will be established between the inflow to the area and pumping from the area with a stable, lower water table. This local area of drawdown, "drawdown cone" should not be interpreted as withdrawals from the aquifer exceeding recharge to the aquifer. Observation well data indicates that withdrawals from the Ogallala aquifer in Todd

County do not exceed the recharge to the aquifer and unappropriated water is available for these appropriations.

AFFECTS ON EXISTING RIGHTS:

There are 22 permits/rights appropriating water from the Ogallala aquifer within approximately three and one-half miles of the well sites proposed by Application Nos. 2678-2 and 2679-2 (Water Rights, 2012b). They are shown in table 1 and figure 7.

The Rosebud Sioux tribe operates a number of irrigation wells completed into the Ogallala aquifer in Todd County. Review of the 2010 aerial photography for the area and comparison to the DENR-Water Rights data base (Water Rights, 2012b), indicates the irrigated acreage in the immediate vicinity of the well sites proposed by these applications is all authorized through South Dakota water rights.

PERMIT NO	NAME	STATUS	USE	CFS	ACRE
1044-2	CONRAD SCHELHAAS	LC	IRR	1.93	135
1186-2	ROBERT TINANT	LC	IRR	1.45	140.7
1216A-2	GAYLE TINANT	LC	IRR	2	149.2
1220-2	ROBERT G HILL	LC	IRR	1.84	129
1224-2	MISSION FARMS	LC	IRR	14.3	1048
1272A-2	DANIELSKI HARVESTING & FARMING	LC	IRR	1.8	125
1289-2	EDWARD/MARILYN HILL	LC	IRR	3.68	268
1513-2	JERRY JACOBSEN	LC	IRR	3	259.9
1543A-2	DANIELSKI HARVESTING & FARMING	LC	IRR	2.7	257
1596A-2	DANIELSKI HARVESTING & FARMING	LC	IRR	1.56	128
1597A-2	DANIELSKI HARVESTING & FARMING	LC	IRR	1.56	127
1681-2	GUNNINK FARM INC	LC	IRR	1.78	128
1860-2	GUNNINK FARM INC	LC	IRR	3.1	228
2096-2	MISSION FARMS INC	LC	IRR	1.78	132
2381-2	EDWARD HILL	LC	IRR	1.56	132
2382-2	EDWARD HILL	LC	IRR	1.56	132
2407-2	GAYLE TINANT	LC	IRR	1.67	130
2505-2	LAKEVIEW CHRISTIAN REFORM	LC	INS	0.033	0
2624-2	EDWARD HILL	LC	IRR	1.78	136
2660-2	MISSION FARMS INC	PE	IRR	1.89	140
2661-2	MLT INVESTMENTS	PE	IRR	1.89	140

LC= Water Right, PE= Water Permit, IRR= Irrigation, INS= Institutional

Table 1. Water Rights/Permits appropriating water from the Ogallala aquifer within approximately 3.5 miles of the well sites proposed by Application Nos. 2678-2 and 2679-2

Since the Ogallala aquifer is under unconfined conditions, drawdown from pumping an individual well is not expected be significant very far from the well. A number of Water Rights' observation wells completed into the Ogallala aquifer in Todd County (e.g. TD-76D, TD-76H, TD-80C and TD-76C) are located within ½ mile of a high capacity irrigation well or wells. Hydrographs for these observation wells (for example, see figure 6) document that drawdown created by pumping is not significant even within a short distance of the production well. Therefore, well interference that would result from pumping the wells proposed by these applications is not expected to be adverse.

CONCLUSIONS:

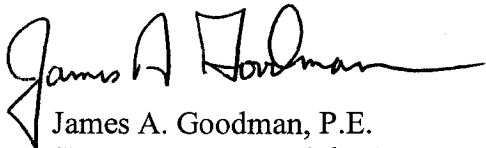
1. The maps submitted with these applications may not meet a strict interpretation of ARSD 74:02:01:07 but are sufficient to evaluate the applications.
2. Water Permit Application No. 2678-2 proposes to appropriate 280 acre-feet annually at a maximum diversion rate of 1.78 cubic feet of water per second from the Ogallala aquifer.
3. Water Permit Application No. 2679-2 proposes to appropriate 280 acre-feet annually at a maximum diversion rate of 1.78 cubic feet of water per second from the Ogallala aquifer.
4. The Ogallala aquifer is a viable aquifer and there is a reasonable probability that unappropriated water is available for these appropriations.
5. There is a reasonable probability that the diversions proposed by these applications can be made without adversely affecting existing water users.



Ken Buhler

SD DENR-Water Rights Program

Approved by



James A. Goodman, P.E.

SD DENR-Water Rights Program

REFERENCES:

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Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.

Affidavit of Publication

State of South Dakota

County of Todd

RECEIVED

MAR 27 2012

WATER RIGHTS
PROGRAM

Jill Potter, being, first duly sworn, on oath, says: That he/she is an employee of Huether Brothers Publishing, Inc., and that the Todd County Tribune is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Todd and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

March 14, 2012

March 21, 2012

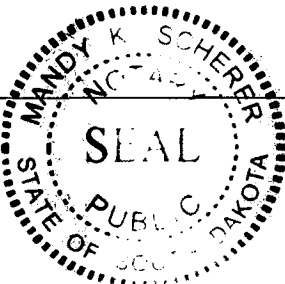
That the full amount of the fee charged for the publication of the attached public notice, **61.50** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

Subscribed and sworn to before me this 21st day of March, 2012.

Notary Public

My Commission Expires
December 9, 2015



Legal Notices

Notice of Vacancy on School Board Todd County School District 66-1

The following school board positions will become vacant due to the expiration of the present terms of office of the following school board members:

Two (2) 3 year term for board member
residing anywhere within the district
Lavern Lanz

Steve Her Many Horses

Circulation of nominating petitions may begin on April 10, 2012 and petitions may be filed in the office of the business manager located at the Business Office of the Todd County School District between the hours of 8:00 a.m. and 5:00 p.m. central daylight savings time not later than 11th day of May, 2012, at 5:00 p.m. (CDT) or mailed by registered mail not later than the 11th day of May, 2012, at 5:00 p.m. (CDT).

Chad M. Blotzky, Business Manager

Published twice at the total approximate cost of \$78.29
Published: March 14 and 21, 2012

Lease Advertisement

Tribal Land Enterprise is accepting **SEALED BIDS** for Farm/Pasture Lease on the former Ring Neck Ranch located in Mellette County, South Dakota. Sealed bids will be accepted until 5:00 p.m., Central Standard Time on April 6, 2012, copies of the sealed bid can be picked up at the Tribal Land Enterprise (TLE) Office or call Tribal Land Enterprise to mail the advertisement to you. The **SEALED BIDS** will be opened by the TLE Board of Directors during a TLE Board of Directors meeting on April 10, 2012 in Rosebud. The lease will begin March 1, 2012.

The lease included in this advertisement is located on the former Ring Neck Ranch, Mellette County, in Township 41 North and Range 25 West, South Dakota containing approximately 1,360.00 grazing acres and 480 acres of land.

The TLE Leasing Staff will be able to show the former Ring Neck Ranch to applicants.

The lease will be for a term of one (1) year(s) from March 1, 2012 to February 28, 2013. Tribal Members Indian Preference will apply. A Stocking Rate will apply. Fencing and improvements are the responsibility of the lessee. An agreement will be made with the successful bidder as to the arrangement of such improvements. A lease contract will be written and must be signed by Tribal Land Enterprise and the lessee prior to any use of these lands.

This lease contract will be issued directly through TLE and is subject to regulations in accordance with 25 Code of Federal Regulations (CFR), Part 162, Leasing and Permitting. A 100 percent deposit is required and must be included with all sealed bids. This deposit will be returned to unsuccessful applicants. The successful applicant's deposit will be applied toward the lease contract.

An Agricultural Resource Management Plan will be required and must be submitted prior to signing a lease contract.

The Tribal Land Enterprise Board of Directors reserves the right to refuse any and all bids. No bids will be honored if the successful bidder has any delinquencies to the Rosebud Sioux Tribe, Tribal Land Enterprise, and/or the Bureau of Indian Affairs. All bidders will be notified, in writing, of the outcome of the bid opening.

Fully complete the attached bid sheet and the address form, including your full address and zip code. Include your enrollment number and documentation if claiming Indian Preference. Place the bid sheet and address form in an envelope clearly marked **"SEALED BID Ring Neck Ranch"** and submit to Tribal Land Enterprise, P.O. Box 159, Rosebud, South Dakota 57570-0159. **"SEALED BID Ring Neck Ranch"** needs to be marked on the envelope to avoid being opened as mail is received at the TLE Office.

If you have questions, please contact Ernest Blacksmith Jr., TLE Lease Manager, at 747-2371 or stop in at Tribal Land Enterprise.

Published four times at the total approximate cost of \$116.50
Published: March 14, 21, 28, and April 4, 2012

Summons

STATE OF SOUTH DAKOTA
COUNTY OF TODD

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

SUMMONS FOR PUBLICATION:

File No Cw. 12-07

ROSEBUD SIOUX TRIBE, a federally
recognized Indian Tribe,

Plaintiff,

vs.

Stella Peterson Shaw, the unknown heirs, devisees, legatees, personal representatives, executors, administrators, and creditors of Stella Peterson Shaw, Todd County, South Dakota; and all persons unknown who have or claim to have any interest or estate in or lien or encumbrance upon the premises described in the complaint,

Defendants.

THE STATE OF SOUTH DAKOTA TO THE FOLLOWING NAMED DEFENDANTS: Stella Peterson Shaw, the unknown heirs, devisees, legatees, personal representatives, executors, administrators, and creditors of Stella Peterson Shaw; and all persons unknown who have or claim to have any interest or estate in or lien or encumbrance upon the premises described in the complaint.

You are hereby summoned and required to answer the Plaintiff's complaint, which was filed in the office of the clerk of this court, at Winner, Trip County, South Dakota, on the 16th day of February, 2012, and which prays for a judgment quieting the title to and the determination of all adverse claims against the premises described in the complaint, (or which prays for a judgment determining all interests in and liens against the premises described in the complaint as the case may be), situated in Todd County, South Dakota, to wit: Undivided 1/72 interest in the Southeast Quarter (SE1/4) and the West Half of the Southeast Quarter (W1/2SE1/4) Section Twenty-five (25) Township Thirty-six (36) North, Range Twenty-nine (29) North, Township Thirty-seven (37) North, Range Twenty-nine (29) North, Township Thirty-eight (38) North, Range Twenty-nine (29) North, Township Thirty-nine (39) North, Range Twenty-nine (29) North, Township Forty (40) North, Range Twenty-nine (29) North, Township 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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2012

Todd County Tribune
PO Box 229
Mission SD 57559

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 2678-2 & 2679-2 to Appropriate Water to be published twice. Please publish the first notice on March 7, 2012 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 Quigley Land Co., c/o Tony O'Neill 24250 292nd, Cody NE 57559 (Ph # 605-685-1061).

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-----

Nos. 26782 & 2679-2

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

Date _____

We are in receipt of your letter of February 28, 2012 enclosing Notice to Appropriate Water by Application Nos. 2678-2 & 2679-2 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
denr.sd.gov

March 8, 2012

Justin Edward
HC 78 Box 23
White River SD 57579

Dear Mr. Edward:

Enclosed is the Notice of Application Nos. 2678-2 and 2679-2 to Appropriate Water for Quigley Land Company. The Todd County Tribune was emailed the notice today with instructions to print the Notice on March 14 and 21, 2012. The date to file petitions has changed to April 2, 2012.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

cc: Tony O'Neill



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

February 28, 2012

Quigley Land Co
Tony O'Neill
2420 292nd
Cody NE 69211

Dear Mr. O'Neill:

Water Permit Application Nos. 2678-2 & 2679-2 for irrigation use have 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 Todd County Tribune printed at Mission SD (Ph # 605-856-4469). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports 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 Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on March 7, 2012 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 2678-2 and 2679-2 to Appropriate Water

Notice is given that Quigley Land Company, c/o Tony O'Neill, 24250 292nd, Cody NE 69211 has filed the following applications for a water permit.

Application No. 2678-2 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (250 feet deep) located in center of the NE ¼ Section 21 for irrigation of 140 acres located in the NE ¼ Section 21; all in T36N-R29W.

Application No. 2679-2 proposes to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (250 feet deep) located in center of the NW ¼ Section 21 for irrigation of 140 acres located in the NW ¼ Section 21; all in T36N-R29W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2678-2 and 2679-2 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 March 26, 2012.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications.

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

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 16 2012

Quigley Land Co
Tony O'Neill
24250 292nd St
Cody NE 69211

Dear Mr. O'Neill:

Enclosed are Water Permit Nos. 2678-2 & 2679-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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 black ink, appearing to read "Garland Erbele".

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

enclosures