

WATER PERMIT NO. 2725-2

Name of Applicant: James William O'Neill

Address: 29250 243rd Ave, Tuthill SD 57574

Phone: 605 899-0023

Amount of Water Claimed: 1.78 cfs

Total Acres: 130 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Bennett

Type of Waste Disposal System:

Location: 13 miles east of Tuthill

PRIORITY

Date Received: 3-21-14

Application/License Fee: \$ 950

Corrected Application Received: 3-31-14

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: approximate center of SW 1/4

Sec 16-T37N-R33W

Land to be Irrigated: SW 1/4 Sec 16, E 1/2 SE 1/4

Sec 17; all in T37N-R33W

Depth of Well: 320 feet deep

Well Driller:

Remarks:

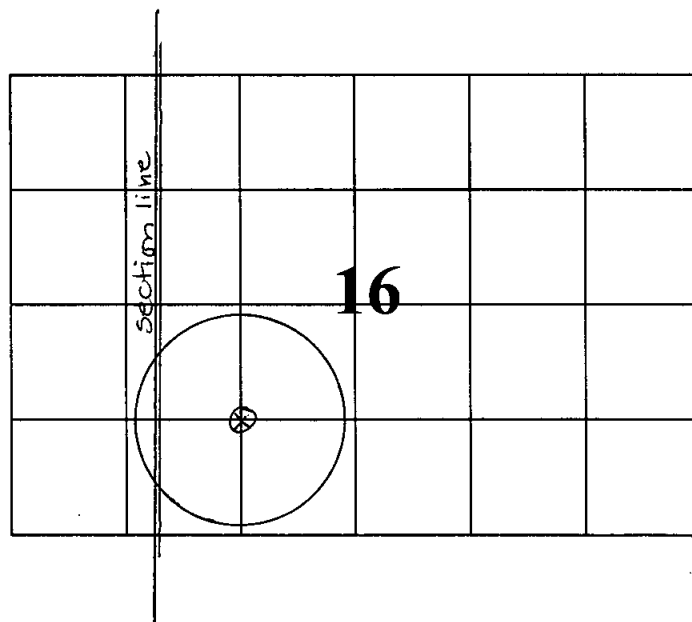
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-31-14

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>2725-2</u> (office use only) Hydrologic Unit <u>10140203</u>
	Basin <u>White River</u> <u>605-685-6866</u>
	Newspaper <u>Bennett Co. Booster II Box 610 Martin</u> <u>57551</u>
	<u>Capital Journal Box 878 Pine 57501 605-224-7301</u>

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MAR 21 2014
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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.)
propose to develop a new center-pivot irrigation

1. Name to Appear on Irrigation Permit James William O'Neill
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)
- Mailing Address 29250 243rd AVE Tuthill SD 57574
(Address) (City) (State) (Zip Code)
- Home Phone 605-685-6085 Cell 605-899-0023 Email Skinney_7@yahoo.com
2. Amount of water claimed 1.78 *CFS or 900 **GPM ***AF Total Acreage 120 acres
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground Water
4. Location of point of diversion one well in SW 1/4 section 16 T37N R33W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
(approximate center) County BENNETT
5. County or counties where water will be used BENNETT COUNTY
6. Annual period during which water is to be used MAY 1- SEPT. 30
7. 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>SW 1/4 Sec 16</u>	<u>126</u>
		<u>E 1/2 SE 1/4 Sec 17</u>	<u>4</u>
		<u>all in T37N-R33W</u>	

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

Propose to develop a new center pivot irrigation.

I, James O'Neill, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 2725-2

Date of first receipt of application March 21, 2014.

Date of return to applicant for corrections, amendments or changes March 25, 2014.

Date of receipt of corrected application March 31, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2725-2 to James William and Abby Ann O'Neill, 29250 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. 2725-2 appropriates 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (320 feet deep) located in the approximate center of the SW 1/4 Section 16 for irrigation of 130 acres located in the SW 1/4 Section 16 and E 1/2 SE 1/4 Section 17; all in T37N-R33W.
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 March 21, 2014.
4. The date of approval of Permit No. 2725-2 is June 23, 2014.
5. One-fifth of the construction is to be completed on or before December 23, 2016.
6. All construction is to be completed on or before June 23, 2019.
7. Water is to be put to beneficial use on or before June 23, 2023.
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. 2725-2 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: _____

Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 07 2014

date





United States Department of Agriculture
Farm Service Agency

PLSS: 16_37_33
Farm: 2383

Todd County, SD
1:8,669

August 12, 2011



Wetland Determination Identifiers
 ● Restricted Use
 ▼ Limited Restrictions
 ■ Exempt from Conservation Compliance Provisions

Common Land Units
 Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area.

Refer to your original demination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

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2010 Ortho-Photography - Not to Scale

Sec 8
T037N
R33W

Sec 9
T037N
R33W

Sec 10
T037N
R33W

Sec 17
T037N
R33W

Sec 16
T037N
R33W

Sec 15
T037N
R33W

Sec 20
T037N
R33W

Sec 21
T037N
R33W

Sec 22
T037N
R33W



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

- a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)
- b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____
- c) Well Depth 320 ft Depth to Top of Water Bearing Material 40 ft Depth to Water from Surface _____
- d) Distance to nearest existing domestic well:
- On applicant's property _____ On property owned by others 1/2 mile east

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

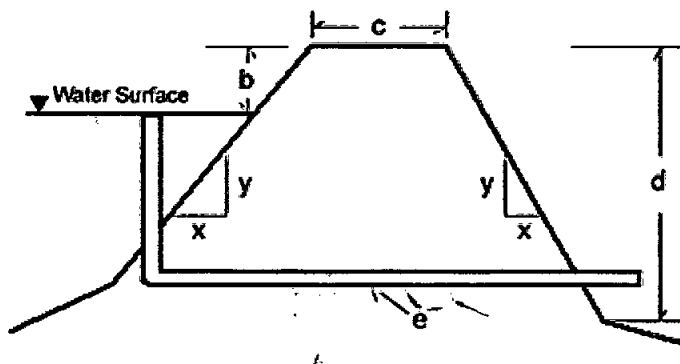
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 24, 20 14

James O'Neill, 29250 243rd Ave, Tuthill SD 57574

RECEIVED OF _____

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

Fee for Application for Permit No. <u>2725-2</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>2725-2</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	950.00

No. **06795**

By Julianne Goodman
Chief Engineer
KS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/31, 20 14

RECEIVED OF James O'Neill 29250 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>2725-2</u> to Appropriate Water, to construct and to put water to beneficial use	100	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	-100 00

No. **06808**

By James Goodman
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



March 25, 2014

James William O'Neill
29250 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:

- Enclosed is an aerial photo map which duplicates the map you submitted. The area in blue represents 120 acres as outlined on your map. It appears that approximately 4 acres to be irrigated will be located in the E 1/2 SE 1/4 Section 17-T37N-R33W. Do you agree?
- Regarding item No. 2, Amount of water claimed, the application states 900 gallons per minute (gpm). Is this the correct amount of water needed to operate your proposed system? State Statutes limit diversions to 1 cubic foot of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.71 cfs or 770 gpm to irrigate the total 120 acres. Please clarify the amount of water you are claiming. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

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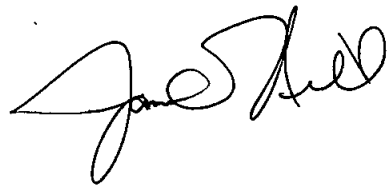
To Whom it may concern,

Please ammend my application from 120 acres to 130 acres, because im including the 2.5 acres per corner the end zone hits.

Also please ammend the application from 770 gpm to 800 gpm because of the additional acreage.

In addition, the land in the East $\frac{1}{2}$ of Section 17 is my dad's.

thank you.



Enclosed is 100.00 for the added acreage.

Eric,

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JUN - 2 2014

WATER RIGHTS
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I am writing to ask permission
in drilling a test well, before the
initial production well.

The well drilling crew "Sergeant"
will be in our local area drilling
for another customer during this time
period, they told me it would be
easier to do it while they are here,
then to wait and come back later.

Thank you

James O'Hill



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



June 3, 2014

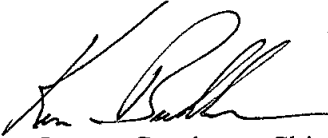
James William O'Neill
29250 243rd Ave
Tuthill, SD 57574

Dear Mr. O'Neill:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Sargent Irrigation Company is authorized to construct a test well for you, which will be constructed into the Ogallala aquifer, prior to approval of a water permit. The test well is to be located in the SW ¼ Sec. 16, T37N-R33W in Bennett County. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Sincerely,


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

cc:
Sargent Irrigation Company, Inc.
PO Box 9
Neligh, NE 68756



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2725-2, James William 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. 2725-2, James William O'Neill, 29250 243rd Avenue, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2725-2 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. 2725-2 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.

Jeanne Goodman, Chief Engineer
May 30, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 2725-2
JAMES WILLIAM O'NEILL
MAY 27, 2014

Water Permit Application No. 2725-2 proposes to appropriate water from the Ogallala aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well approximately 320 feet deep. The well is to be located in the approximate center of the SW¼ of Section 16, T37N-R33W. This application proposes to use the water to irrigate 130 acres located in the SW¼ of Section 16, T37N-R33W and the E½ SE¼ of Section 17, T37N-R33W

AQUIFER: Ogallala aquifer (OGLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The High Plains aquifer system underlies 174,000 square miles of the United States, extending from southern South Dakota to Texas (Gutentag and others, 1984). The High Plains aquifer is generally considered to be composed of upper sandstone units of the Arikaree Formation, the overlying Ogallala and Sand Hills Formations, and any terrace or alluvial deposits, all of which are hydraulically connected (Kolm and Case, 1983). In South Dakota, the High Plains aquifer is considered to include the Arikaree Group, Batesland Formation, Ogallala Group, and overlying alluvial and eolian deposits (Filipovic, 2011). The High Plains aquifer underlies approximately three million acres of South Dakota including all of Bennett County (Filipovic, 2011; Gutentag and others, 1984). For water management purposes, the South Dakota Department of Environment and Natural Resources Water Rights Program, and the South Dakota Water Management Board have historically considered appropriations from the High Plains aquifer either from the Ogallala aquifer or from the Arikaree aquifer. The Ogallala aquifer is considered the source for this proposed appropriation.

The Ogallala Formation consists of clays, silts, sands, and surface gravel deposits, and is the most productive part of the High Plains aquifer (Filipovic, 2011; Gutentag and others, 1984). The Ogallala aquifer is estimated to underlie 1,140,360 acres and contains 19,929,600 ac-ft of recoverable water in South Dakota (Allen and others, 1985). The Ogallala aquifer is estimated to underlie 280,960 acres and contain 2,809,600 ac-ft of recoverable water in Bennett County (Allen and others, 1985). In the area of the well site proposed by this application, the Ogallala Formation is overlain by approximately 70 feet of Eolian deposits and dune sands and is expected to be approximately 100 feet thick (Filipovic, 2011). The aquifer is under unconfined conditions, and the water table is expected to be approximately 70 feet below grade at the proposed well site (Filipovic, 2011).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 the availability of unappropriated water from the aquifer and the potential for impairment of existing rights.

WATER AVAILABILITY:

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 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.” If the source of the water is older or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the greenhorn formation. Therefore the withdrawal/recharge issue must be considered.

Hydrologic Budget:

Recharge:

Recharge to the Ogallala aquifer occurs mainly through infiltration of precipitation (Filipovic 2011). 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	Base flow 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, recharge to the Ogallala aquifer in South Dakota is estimated to range from 124,000 to 323,000 ac-ft/yr. Recharge to the Ogallala aquifer in Bennett County is estimated to range from 30,400 to 79,600 ac-ft/yr.

Discharge:

Discharge from the Ogallala aquifer occurs through evapotranspiration, seepage through springs and to streams and rivers such as the Niobrara and the Little White, and well withdrawals (Filipovic, 2011). There are currently 168 water rights/permits appropriating water and three future use permits reserving water from the Ogallala aquifer in South Dakota, with 54 water rights/permits in Bennett County alone (Water Rights, 2014b). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Ogallala aquifer; however, the annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer (Water Rights, 2014c). The Pine Ridge and Rosebud Indian Reservations operate a number of irrigation wells completed into the Ogallala aquifer. When investigating 2010 aerial photography for the area, most of the irrigation is authorized by SD DENR-Water Rights Program and the Water Management Board (Buhler, 2012).

The irrigation development of the aquifer has remained relatively constant over the period of record, 1979 to 2013. Pumpage fluctuates, which is probably dependent on yearly seasonal climatic conditions. The average pumpage reported for the Ogallala is 18,218.53 ac-ft/yr in South Dakota and 7,131.04 ac-ft/yr in Bennett County alone (Water Rights, 1980-2013). There were 10 water permits appropriating water from the Ogallala approved in 2012 and 10 Ogallala

water permits approved in 2013, therefore the average use will likely increase (Water Rights, 2014b).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming: water rights/permits limited by an annual volume will pump the entire volume appropriated, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and future use permits can be fully developed. Therefore, withdrawal due to non-irrigation use water rights/permits and future use permits is expected to be less than 12,815 ac-ft/yr in South Dakota and 29 ac-ft/yr in Bennett County alone (Water Rights, 2014b).

Water Balance:

Currently, discharge from the Ogallala aquifer well withdrawal is estimated to be 31,033 ac-ft/yr for South Dakota, and 7,160 ac-ft/yr for Bennett County. These are both much lower than the recharge estimates, indicating that unappropriated water is available from the Ogallala aquifer for these proposed appropriations.

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 of the aquifer.”

The DENR-Water Rights Program monitors 78 observation wells completed into the Ogallala aquifer, with 18 of these in Bennett County (Water Rights, 2014a). Hydrographs for three of the nearest observation wells to the well site proposed by this application are shown in Figures 1-3.

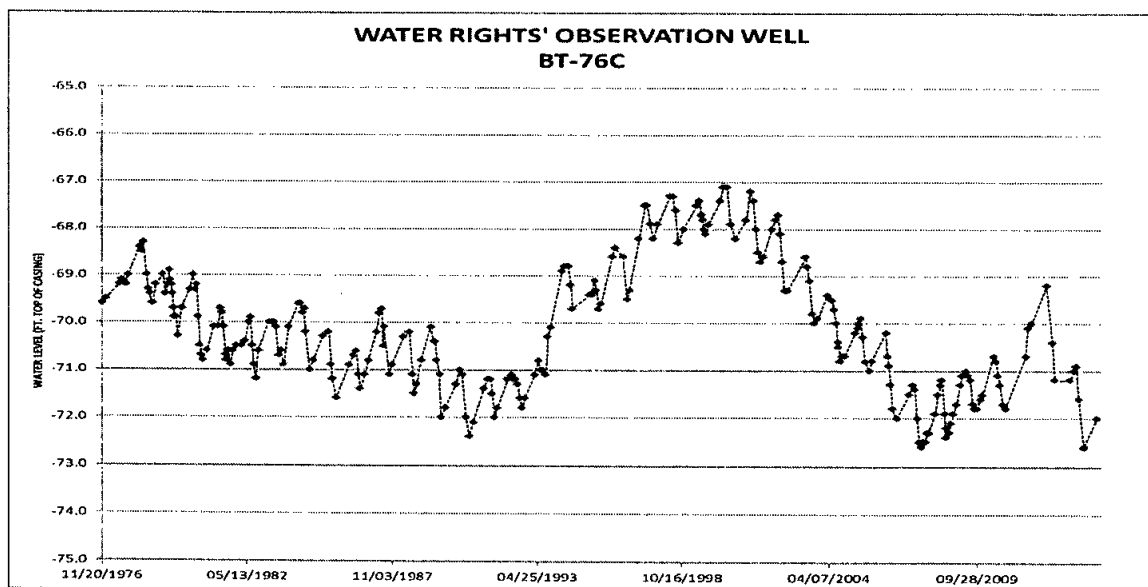


Figure 1. Hydrograph for DENR-Water Rights' observation well BT-76C located approximately 1.25 miles west of the well site proposed by Water Permit Application No. 2725-2 (Water Rights, 2012a).

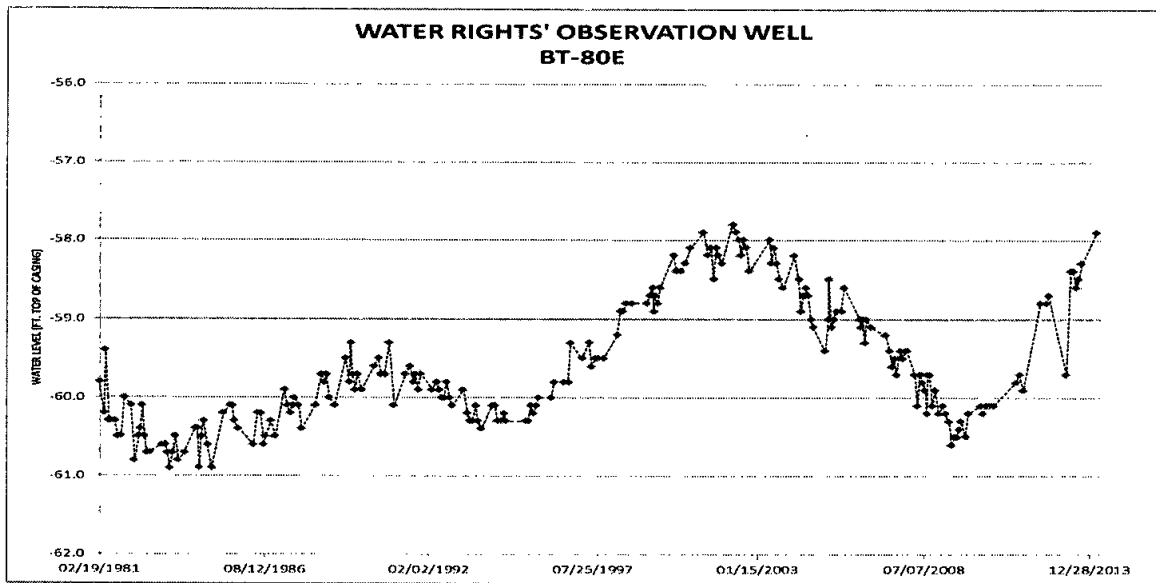


Figure 2. Hydrograph for DENR-Water Rights' observation well BT-80E located approximately 2.5 miles southwest of the well site proposed by Water Permit Application No. 2725-2 (Water Rights, 2012a).

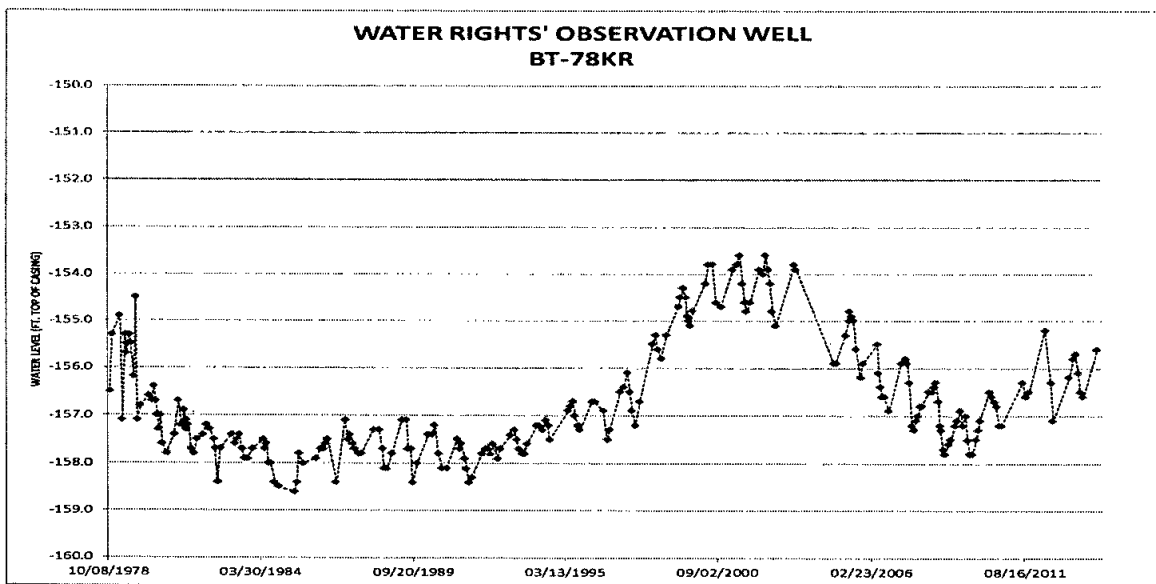


Figure 2. Hydrograph for DENR-Water Rights' observation well BT-78KR located approximately 3.5 miles northwest of the well site proposed by Water Permit Application No. 2725-2 (Water Rights, 2012a).

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The hydrographs show some effects of nearby pumping on the aquifer. However, observation well data indicates that at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the Ogallala aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Ogallala aquifer to support the proposed appropriation.

EXISTING WATER RIGHTS:

Water rights/permits appropriating water from the Ogallala aquifer within approximately four miles of the well site proposed by this application are shown in table 2.

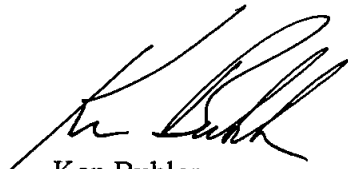
PERMIT NO	NAME	PRIORITY DATE	CFS	ACRES
1001-2	JIMMIE O'NEILL	09/29/1969	1.66	135
1002A-2	JIMMIE O'NEILL	04/29/1985	2.3	176
1208-2	JIMMIE O'NEILL	08/28/1974	1.66	135
1211-2	JAMES A (TONY) O'NEILL	09/10/1974	2	264
1500-2	O'NEILL CATTLE CO INC	10/25/1976	1.89	132
1555-2	DEAN O'NEILL	02/22/1977	2	264
1591-2	O'NEILL CATTLE CO INC	05/13/1977	1.56	132
1637-2	TONY & RICK O'NEILL	03/17/1978	5.35	384
1674-2	WAYNE JOHNSON	07/26/1976	2.45	180
2354-2	WAYNE JOHNSON	02/06/1996	2.56	232
2509-2	BRAD & MARLENE PISHA	08/27/2003	2	270
2521-2	O'NEILL CATTLE CO INC	03/16/2004	3.56	130
2599-2	JEFF JOHNSON	04/09/1976	4.34	291
2609-2	JEFF JOHNSON	11/26/2002	2	188
2627-2	DANIEL D O'NEILL	03/17/1978	2	236
2664-2	O'NEILL CATTLE CO INC	02/16/2011	2.22	260
2693-2	BRAD & MARLENE PISHA	09/27/2012	1.93	150
2696-2	JEFFERY JOHNSON	09/04/2012	2	151
2709-2	O'NEILL CATTLE CO INC	03/11/2013	0	142
2710-2	O'NEILL CATTLE CO INC	03/11/2013	0	64

Table 2. Water rights/permits appropriating water from the Ogallala aquifer within approximately four miles of the well site proposed by Application No. 2725-2

The predominate water table conditions of the aquifer in this area dictate that drawdown due to pumping will not be significant far from the proposed well site. Observation well data (see Figures 1-3) documents minimal drawdown from withdrawals of fairly concentrated irrigation wells. The Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. However, reasonable domestic use must be assured before irrigation use is allowed. At the distances involved, a nearby adequate well defined by ARSD 74:02:20(7) is not expected to be adversely or unlawfully impaired.

CONCLUSIONS:

1. Water Permit Application No. 2725-2 proposes to divert water at a maximum diversion rate of 1.78 cfs to irrigate 130 acres.
2. There is a reasonable probability that unappropriated water is available from the Ogallala aquifer.
3. There is a reasonable probability that this appropriation can be made without adversely impacting existing water rights or nearby wells.



Ken Buhler
SD DENR-Water Rights Program

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- Water Rights. 2014b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

JUN 16 2014

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

County of Bennett

Jill Potter, being, first duly sworn, on oath, says: That he/she is an employee of Huether Publishing, Inc., and that the **Bennett County Booster** 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 Bennett and State of South Dakota, for at least one year 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 1 successive week(s) to wit:

June 11, 2014

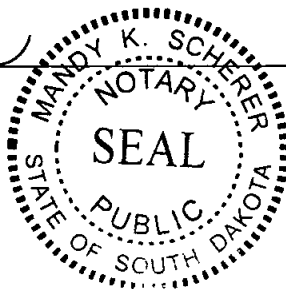
That the full amount of the fee charged for the publication of the attached public notice, **\$27.88** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: Jill Potter

Subscribed and sworn to before me this 11th day of June, 2014.

Mandy K. Scherer
Notary Public

My Commission Expires
December 9, 2015





Garage Sailing?

Photo by Marj Oleske

The city-wide garage sale held on Friday, June 6, was challenged by the rain and stormy weather. This boat being offered for sale might be put to good use with all the recent rain in the area.

Legal Notices

Notice of Conservation District Supervisor Vacancy

Bennett County Conservation District

As of December 31, 2014, there will be vacancies on the Bennett County Conservation District Board of Supervisors due to the expiration of the current terms of office of David Hauck, Raymond Kover and Gayle Kover. All parties interested in election to the board please contact Patty Beck, District Manager. NOTE: All petitions must be signed and filed on or before July 1, 2014. Please note these vacancies are for Rural Landowner or Occupier or Urban Member. If you have any questions, please contact the Bennett County Conservation District, 706 US Highway 18, Martin, SD 57551, (605)685-1243. Published twice at the total approximate cost of \$23.37. Published: June 11 and 18, 2014.

Notice of Conservation District Supervisor Vacancy

Shannon County Conservation District

As of December 31, 2014, there will be vacancies on the Shannon County Conservation District Board of Supervisors due to the expiration of the current terms of office of Larry Kohn, Marion Schultz, Virgil Rust, Sam Smith and Wm. Hanneman. All parties interested in election to the board please contact Patty Beck, District Clerk. NOTE: All petitions must be signed and filed on or before July 1, 2014. Please note these vacancies are for Rural Landowner or Occupier, Taxpayer of Real Property or Urban Member. If you have any questions, please contact the Shannon County Conservation District, 706 US Highway 18, Martin, SD 57551, (605)685-1243. Published twice at the total approximate cost of \$24.60. Published: June 11 and 18, 2014.

Notice of Public Hearing on Application for Sale of Alcoholic Beverages for 2013-2014

NOTICE IS HEREBY GIVEN THAT: The Board of County Commissioners in and for the County of Bennett in the City of Martin, South Dakota, on the 24th day of June, 2014, at the hour of 4:00 p.m., at the County Courthouse, will meet to consider the following application for Alcoholic Beverage Licenses to operate outside of a municipality for the 2013-2014 licensing period, January 1, 2014 to December 31, 2014, for Liquor License and July 1, 2013 to June 30, 2014, for Malt Beverage License.

Type of License: Retail (on-sale) Liquor and Retail (On-Off Sale) Malt Beverage.

Location: Marvin Grass, Horseshoe Bar, E 1/2 NE 1/4 SW 1/4, E 1/2 W 1/2 NE 1/4 SW 1/4, E 1/2 E 1/2 NW 1/4 NW 1/4, E 1/2 W 1/2 E 1/2 NW 1/4 NW 1/4, Sec 21 T37 R37 Less ROW, Bennett County, South Dakota.

NOTICE IS FURTHER GIVEN THAT: Any person, persons or their attorney may appear and be heard at the said scheduled Public Hearing who are interested in the approval or rejection of any such applications.

Dated this 3rd day of June, 2014 at Martin, South Dakota
Susan Williams
Bennett County Auditor
Published once at the total approximate cost of \$20.40
Published: June 11, 2014

Notice Of Application No. 2725-2 to Appropriate Water

Notice is given that James William and Abby Ann O'Neill, 29250 243rd Ave, Tuhill SD 57574 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (200 feet deep) located in the approximate center of the SW 1/4 Section 16 for irrigation of 130 acres located in the SW 1/4 Section 16 and E 1/2 SE 1/4 Section 17, all in T37N-R33W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2725-2 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 set 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 SDOTRS 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, P.O. Box 523, E Capital, Pierre SD 57501 (605) 773-3359 and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 23, 2014.

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. Pinner, Secretary, Department of Environment and Natural Resources.
Published once at the total approximate cost of \$27.86
Published: June 11, 2014

Oglala Lakota College Celebrates 41st Graduation Ceremony June 22

Oglala Lakota College announces its 41st Annual Graduation Ceremony on June 22, beginning at 10 a.m. with the Lakota Flag Song by the Porcupine Singers. 150 graduates will be receiving Masters, Bachelors, Associate degrees, and Certificates at OLC's administrative campus seven miles southwest of Kyle.

"We are proud of the graduates of 2014 for staying on course to reach their goal of a college degree, overcoming many obstacles along the way," stated Thomas Shortbull, OLC's President. "We have faced some difficult times at OLC with sequestration and the federal budget cuts and it is the unwavering dedication of the students that inspires me to continue to meet these financial challenges head on to ensure these hardworking students reach their goal of a college degree," added Shortbull.

This year's keynote speaker is David L. Chicoine, President of South Dakota State University. Prior to his appointment as president, he served the University of Illinois for more than 30 years. He currently serves on the Board of Directors of Growth Partnership Ltd. and on the Board of Managers of South Dakota Innovation Partners, LLC, and is serving a four-year term on the NCAA Presidential Advisory Group.

Chicoine is the recipient of numerous awards and honors, including the USDA Superior Service Award. Other distinguished speakers to address the graduating class are Thomas Shortbull, OLC President, Bryan Brewer, OST President, and Newton Cummings, President OLC Board of Trustees. The weekend activities will take place June 20-22. The Graduation Powwow and Contest will run June 20-22 with registration beginning 5 p.m. on Friday, June 20 and closing on Saturday, June 21 at noon.

Eyapaha for the powwow is Chris Eagle Hawk and Arena Director Charlie White Buffalo. The 10K/5K Run/Walk will take place on June 21 at 10 a.m. and the Awarding of Degrees on June 22 at 10 a.m.

For information on the Awarding of Degrees, contact Bessie LeBeau at 605-455-6033. For more information on the powwow, contact Theresa Lone Hill at 605-455-6085 or Maria Albers at 455-6016. All activities will take place at OLC's Pava Wiconi Powwow grounds, seven miles southwest of Kyle, SD.

OLC welcomes family, friends and guests to all activities.



Rayhill named to President's List

Kaitlyn Rayhill, of Martin, has been named to the current President's List at Lake Area Technical Institute, in Watertown. The President's List is limited to full-time students who have achieved a semester grade point average of 3.5 to 4.0.

Being there only a few days, the students were on the go at all times with little time for rest. Three days later, in Paris, the overall idea was the same. The students would have three days to soak in as much as possible.

Here they toured the Notre Dame Cathedral, Eiffel Tower, had a boat ride along the Seine River, night tour of Paris, Versailles, Arc de Triomphe, Pigronard Perfume museum, and the Louvre.

The last city on the agenda was Barcelona. With the city being primarily closed down for Easter break, the students had a much more relaxing time. Though sightseeing in Barcelona was still done, such as Park Guell, Sagrada Família, Olympic Park, Magic Fountain, and a Flamenco performance, the overall atmosphere was calmer than in the previous cities.

Each student had their favorite part of the trip. Hannah Jones was thrilled by the Jack the Ripper tour in the dark of London alleys. Cody Trump was blown away by the Wicked performance. Grace Ford wants to move to the city of London, and Katie Compton thought the Magic Fountain was... well, magical. It was a trip of a lifetime and all would hop on a plane and go back in a heartbeat!

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In London, sites such as Covent Garden, Trafalgar Square, the Tower of London, St. Paul's Cathedral, the changing of the guards at Buckingham Palace, the London Eye, Stonehenge, Roman Baths, a Jack the Ripper tour, and a viewing of the musical Wicked were all enjoyed.

Each student had their favorite part of the trip. Hannah Jones was thrilled by the Jack the Ripper tour in the dark of London alleys. Cody Trump was blown away by the Wicked performance. Grace Ford wants to move to the city of London, and Katie Compton thought the Magic Fountain was... well, magical. It was a trip of a lifetime and all would hop on a plane and go back in a heartbeat!

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RECEIVED

JUN 16 2014

WATER RIGHTS
PROGRAM

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

June 12, 2014

Cost of Printing \$29.32

Marylin Baker
(Signature)

Bookkeeper
(Title)

6-12-14
(Date Signed)

SNAXLP 13818
10/15/12

NOTICE OF
APPLICATION
NO. 2725-2 to
Appropriate
Water

Notice is given
that James Wil-
liam and Abby
Ann O'Neill, 29250
243rd Ave, Tuthill
SD 57574 has
filed an application
for a water permit
to appropriate
1.78 cubic feet of
water per second
from one well to
be completed into
the Ogallala Aquif-
er (320 feet deep)
located in the ap-
proximate center
of the SW 1/4
Section 18 for irri-
gation of 130
acres located in
the SW 1/4 Sec-
tion 18 and E 1/2
SE 1/4 Section 17;
all in T37N-R33W.

Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 2725-2
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accordance
with SDCL

46-2A-23, the
Chief Engineer will
act on this appli-
cation, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.

If a petition op-
posing the applica-
tion or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice of
the hearing will be
given to the appli-
cant and any per-
son filing a peti-
tion.

Any person inter-
ested in opposing
or supporting this
application or rec-
ommendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief En-
gineer's recommen-
dation. The Chief
Engineer's ad-
dress 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 ei-
ther an interested
person or the ap-
plicant must be
filed by June 23,
2014.

The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel, if le-
gal counsel is ob-
tained. Contact
Eric Gronlund at
the above Water
Rights Program
address to request
copies of informa-
tion pertaining to
this application.
Steven M. Pimer,
Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

Published once at
the total approxi-
mate cost of
\$29.32.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 2, 2014

Bennett County Booster II
PO Box 610
Martin SD 57751

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2725-2 to Appropriate Water. Please publish the notice once on June 11, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James William O'Neill, 29250 243rd Ave, Tuthill SD 57574 (Ph # 605-899-0023).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



June 2, 2014

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2725-2 to Appropriate Water. Please publish the notice once on June 11, 2014. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James William O'Neill, 29250 243rd Ave, Tuthill SD 57574 (Ph # 605-899-0023).

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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(S) RIGHT AWAY.**

June 2, 2014

James William O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. O'Neill:

Water Permit Application No. 2725-2 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 Bennett County Booster II printed at Martin SD (Ph # 605-685-6866) and the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

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

Instruction to Newspaper - Publish the Notice on June 11, 2014. 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 NO. 2725-2 to Appropriate Water

Notice is given that James William and Abby Ann O'Neill, 29250 243rd Ave, Tuthill SD 57574 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Ogallala Aquifer (320 feet deep) located in the approximate center of the SW 1/4 Section 16 for irrigation of 130 acres located in the SW 1/4 Section 16 and E 1/2 SE 1/4 Section 17; all in T37N-R33W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2725-2 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 June 23, 2014.

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.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



JUL 07 2014

James William & Abby Ann O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

Enclosed is Water Permit No. 2725-2 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,

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

enclosures

RECEIVED

AUG 25 2014

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7/14/14TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: James & Abby O'Neill
(name)
29250 243rd Ave
(address)
Tvtnill SD 57574 6056856085
(city, state, zip) (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.

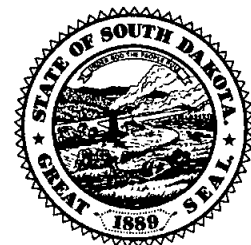
Water Permit No. 2725-2 states that the water use system is to be constructed by June 23, 2019, and water is to be put to beneficial use by June 23, 2023.
(date) (date)

The water use system was completed on July 3, 2014.
(date)

Applying the water to beneficial use was completed on JULY 7, 2014.
(date)

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

[Signature]
(signature)





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



August 25, 2014

2725-2

James & Abby O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between completion of the project and the staff inspection has no bearing on the water permit.

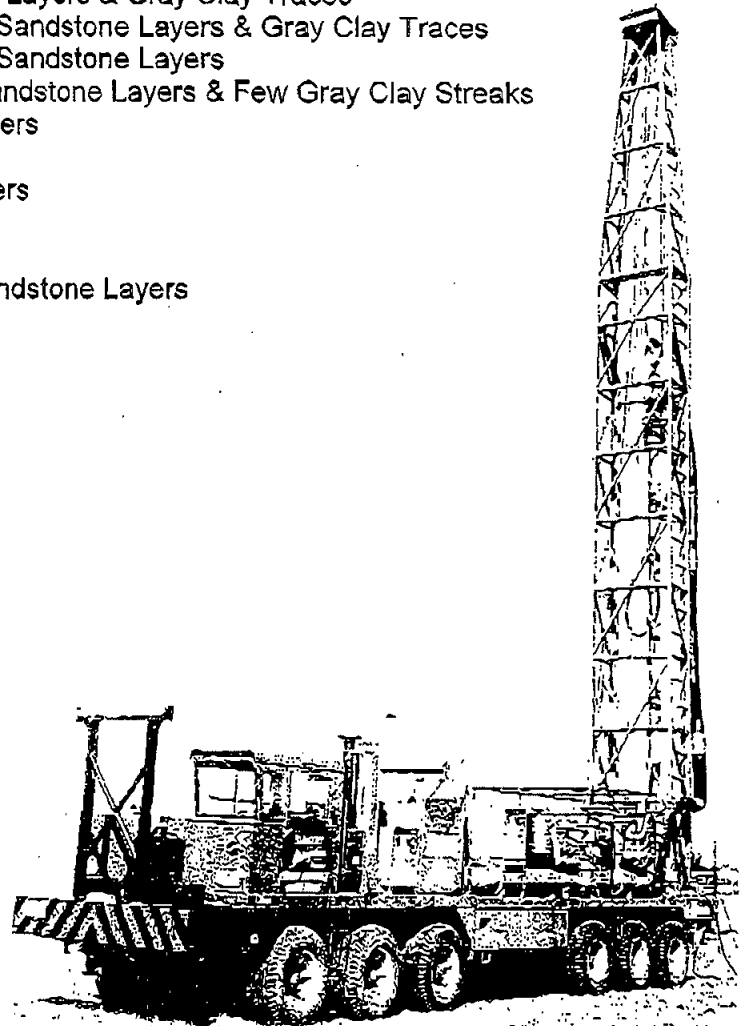
Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Sargent Irrigation Company**IRRIGATION ENGINEERING
TEST HOLES AND IRRIGATION WELLS
PUMPS & SERVICE**Box 627
South Highway 21Broken Bow, Nebraska
68822Phone 308-872-6451
FAX 308-872-6912James O'Neill
N43° 10' 29.2" W101° 13' 59.9"
Elev: 3023

0	1 Top Soil
1	12 Fine Sand w/ Clay Traces
12	20 Fine Sand w/ Clay Traces and Few Hard Sandstone & Siltstone Layers
20	40 Fine Sand w/ Stiff Sandstone Layers
40	60 Fine Sand w/ Few Stiff Sandstone Layers
60	80 Fine Sand w/ Few Stiff Sandstone Layers
80	91 Fine Sand w/ Few Stiff Sandstone Layers
91	100 Fine Sand w/ Stiff Sandstone Layers & Few Limestone Stringers
100	120 Fine Sand w/ Few Stiff Sandstone Layers
120	140 Fine Sand w/ Stiff Sandstone Layers & Limestone Stringers
140	160 Fine Sand w/ few Stiff Sandstone Layers & Gray Clay Traces
160	180 Fine Sand w/ Brown & Gray Stiff Sandstone Layers & Gray Clay Traces
180	200 Fine Sand w/ Stiff & Hard Brown Sandstone Layers
200	220 Fine Sand w/ Stiff & Few Hard Sandstone Layers & Few Gray Clay Streaks
220	226 Fine Sand w/ Stiff Sandstone Layers
226	234 Fine Sand
234	240 Fine Sand & Stiff Sandstone Layers
240	256 Fine Sand
256	260 Stiff Brown Sandstone
260	280 Fine Sand w/ Few Stiff Brown Sandstone Layers
280	300 Fine Sand



Permit No. 2725-2
Bennett County

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, November 23, 2015 made a thorough examination of the water system used by James William O'Neill, 29250 243rd St., Tuthill, SD 57574, holder of Water Permit No. 2725-2, bearing the priority date of March 21, 2014. Water Permit No. 2725-2 authorizes the diversion of 1.78 cubic feet per second (cfs) or 800 gallons per minute (gpm) from one well completed into the Ogallala aquifer for the purpose of irrigating 130 acres in Bennett County as follows: 126 acres in the SW $\frac{1}{4}$ of Section 16 and 4 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 17, both in T37N-R33W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
One submersible pump, manufactured by Sargent.
- 2) Works used to transport water to a place of use:
Above ground pipes, 8 inch diameter.
- 3) Works used to apply water to beneficial use:
One Valley Pivot.

The system is in the following condition: well maintained. The well associated with Water Permit No. 2725-2 is located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 16, T37N-R33W. The exact location of the well is as follows:

- 1) **1,300 feet north and 900 feet east of the southwest corner of Section 16, T37N-R33W. Lat 43.17501N Lon 101.23351W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) 35 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T37N-R33W.
- 2) 27 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T37N-R33W.
- 3) 27 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T37N-R33W.
- 4) 35 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T37N-R33W.
- 5) 3 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T37N-R33W.
- 6) 3 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T37N-R33W.

For a total of 130 acres.

License should be issued for the developed diversion rates of: **1.78 cfs or 800 gpm.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **December 8, 2015**


Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2725-2

DATE OF INVESTIGATION:	November 23, 2015
NAME & ADDRESS OF PERMIT HOLDER	James William O'Neill 29250 243rd St. Tuthill, SD 57574
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	James William O'Neill
DIVERSION POINT LEGAL LOCATIONS	1,300 feet north and 900 feet east of the southwest corner of Section 16, T37N-R33W. Lat 43.17501N Lon 101.23351W.

WELL INFORMATION:

- 1) Well Drilling Firm:
Sargent Irrigation Co.
- 2) Number of Wells: **1**
- 3) Depth: **300 feet**
- 4) Well Log Available: **Yes**
- 5) Comment:

Pumps

- 1) Make: **Sargent**
- 2) Model:
- 3) Size:
- 4) Capacity: **800 gpm (1.78 cfs)**

Casing

- 1) Diameter: **16 inches**
- 2) Length: **100 feet**
- 3) Type: **Plastic**

Screen

- 1) Type: **Perforated Pipe**
- 2) Length: **200 feet**
- 3) Static Water Level: **89 feet**

Motor

- 1) Make:
- 2) Model No: **BF-64A**
- 3) Power: **75 hp**

System Type

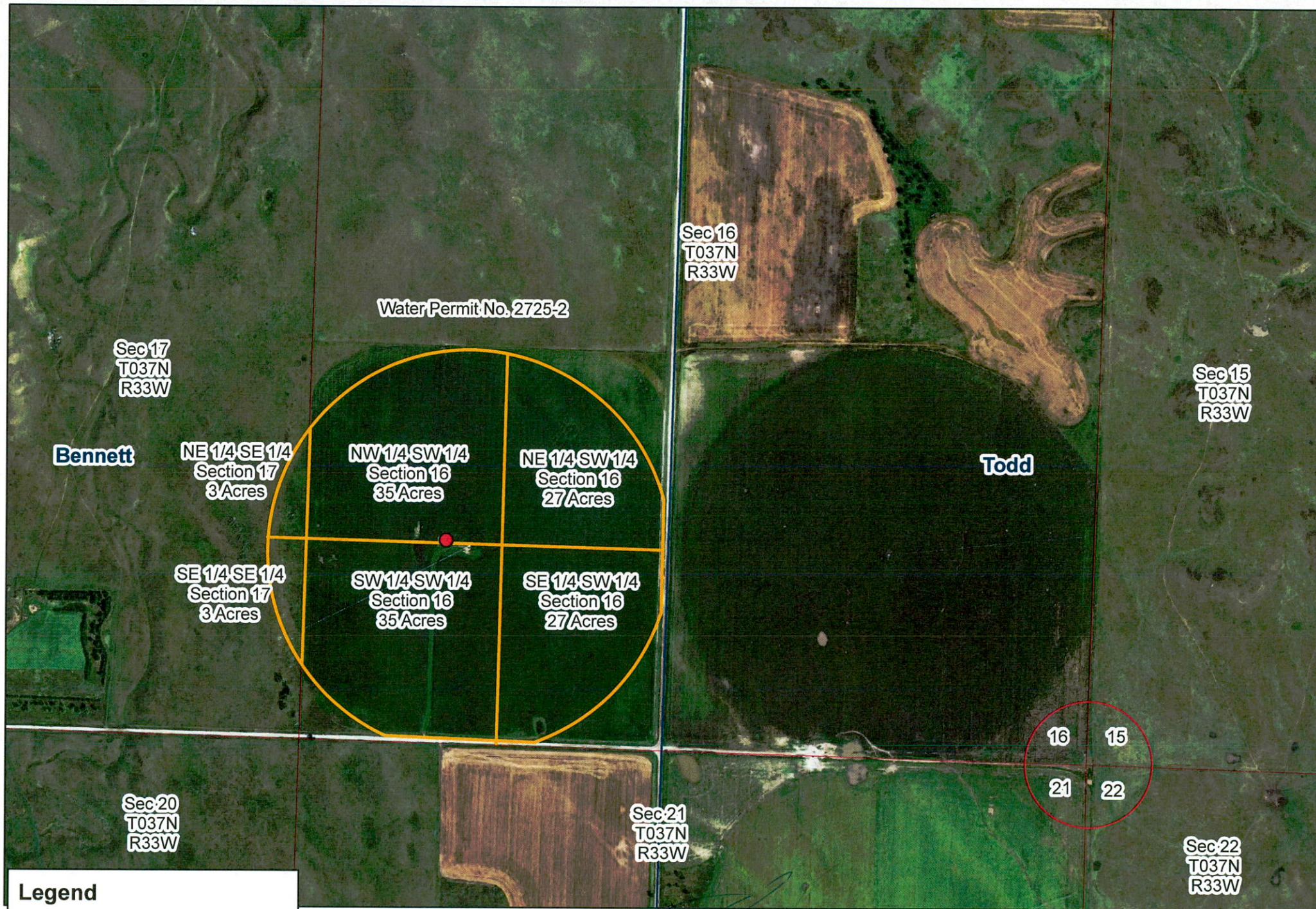
- 1) Make: **Valley Pivot**
- 2) Overall length: **1,300 feet**
- 3) Number of Towers: **8 towers**
- 4) Distance Between Towers:
- 5) End Gun: **Yes**
- 6) Pressure:
- 7) Capacity: **800 gpm**

CHEMIGATION EQUIPMENT: **Yes**

- 1) Mainline Check Valve: **Yes**
- 2) Low Pressure Drain: **Yes**
- 3) Inspection Port/Air Relief: **Yes**
- 4) Discharge 20 Feet Away: **No**
- 5) Injection Line Check Valve or Positive
Displacement Pump: **Injection line
check valve**
- 6) Injection Check Valve: **Yes**
- 7) Properly Installed: **Yes**

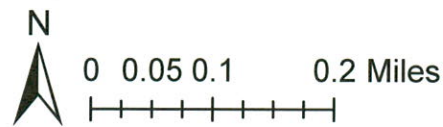
PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of
construction period: **Yes, irrigated from 2014 to present.**



Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Well Location



Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

2725-2

FEB 01 2016

James & Abby O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

Enclosed is Water License No. 2725-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the 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. 2725-2, 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.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation system, the staff engineer found the system did not have a hose to allow for discharge at least 20 feet from the water source. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program at 605 773-3352.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2725-2

(1) James William and Abby Ann O'Neill, 29250 243rd Ave, Tuthill SD 57574 made Application No. 2725-2, March 21, 2014 for a water permit to divert 1.78 cubic feet of water per second from one well (Ogallala Aquifer), Bennett County, South Dakota for irrigation purposes. Permit No. 2725-2, with a priority date of March 21, 2014 was approved June 23, 2014 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 23, 2019 and for the application to beneficial use of water on or before June 23, 2023.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on August 25, 2014. The *Notice* stated the diversion system was completed on July 3, 2014 and the water placed to beneficial use on July 7, 2014.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holders and/or owners of Water Right No. 2725-2 are issued a license, bearing a priority date of March 21, 2014 to appropriate 1.78 cubic feet of water per second from one well (Ogallala Aquifer) to irrigate 130 acres.

The diversion point is located: approximately 1,300 feet north and 900 feet east of the SW corner of Section 16-T37N-R33W (W 1/2 SW 1/4). The acres authorized for irrigation are as follows:

Section 16	NW 1/4 SW 1/4	35 acres	Section 17	NE 1/4 SE 1/4	3 acres
	NE 1/4 SW 1/4	27 acres		SE 1/4 SE 1/4	3 acres
	SE 1/4 SW 1/4	27 acres			
	SW 1/4 SW 1/4	35 acres			
				Total 130 acres	

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2725-2 including 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.
- The well authorized by Permit No. 2725-2 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.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 01 2016

date





2725-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: JAMES & ABBY O'NEILL, 29250 243RD AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2725-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2725-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2725-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

2725-2

James & Abby O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 2725-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: JAMES & ABBY O'NEILL, 29250 243RD AVE, TUTHILL, SD 57574

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2725-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2725-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 2725-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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and NATURAL RESOURCES**

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

February 7, 2018

1001-2
1002A-2
1208-2
2725-2

James & Abby O'Neill
29250 243rd Ave
Tuthill SD 57574

Dear Mr. & Mrs. O'Neill:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 1001-2, 1002A-2, 1208-2 and 2725-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

During our recent phone conversation you indicated the water rights listed in Jimmie H O'Neill need to be changed. I am enclosing a set of partially completed "Transfer of Ownership" forms for filing an ownership change. I am not sure if you now own the land or if other family members do. The forms will need to be completed and signed by the new owner(s) and returned to our office with a required filing fee of \$50 each (total of \$150).

If you have any questions, please contact me.

Sincerely,

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

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