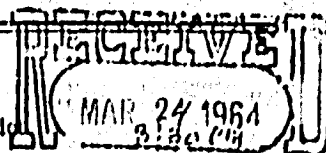


1088.4

1. Considered 5-6, 19 29.
2. Name of Applicant Jessie McTearney
3. Post Office Address Shore Lake
4. Amount of Water Claimed 1.20
5. Source of water supply Ground Water
6. Water to be used for Irrigation
 Acres to be irrigated 125.2
7. Water to be diverted and used in Union County about
2N 5W Miles of Elk Point
8. Proof of Publication Received 1st
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 1088-3Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be filled by the Engineer for the W. P. C.)STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE—Draw a line through the words not applicable.)

1. Name of applicant Jessica McInerney (residence—210 W. 27th, Sioux Falls, S. D.)
Postoffice address Big Point, County Union, State South Dakota

- I. If a corporation
- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Direct labor and/or employment of others
- (b) Cash on hand, \$ adequate
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Jessica McInerney Irrigation Project No. 1
3. Amount of water claimed 1.3 cubic feet per second
4. Source of water supply Irrigation Well
5. Location of point of diversion SW 1/4 Sec. 5-91-50 NW 1/4 Sec. 5-91-50
on bank County.
6. Annual period or periods during which water is to be used April through October
7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

(a) Number of acres to be irrigated 125.3 acres.

(b) Legal subdivisions to be irrigated Point 1 under remarks

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use
Name any of the above uses claimed
- (b) Amount of power to be generated horse power.
Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

Map No 722-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Well, Rock, \$.....

(e) Other structures: Levelling..... \$50/acre

Total, \$1,000.00

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....

(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet, height.....feet; Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....Blk Point Leader Courier

STATE OF SOUTH DAKOTA

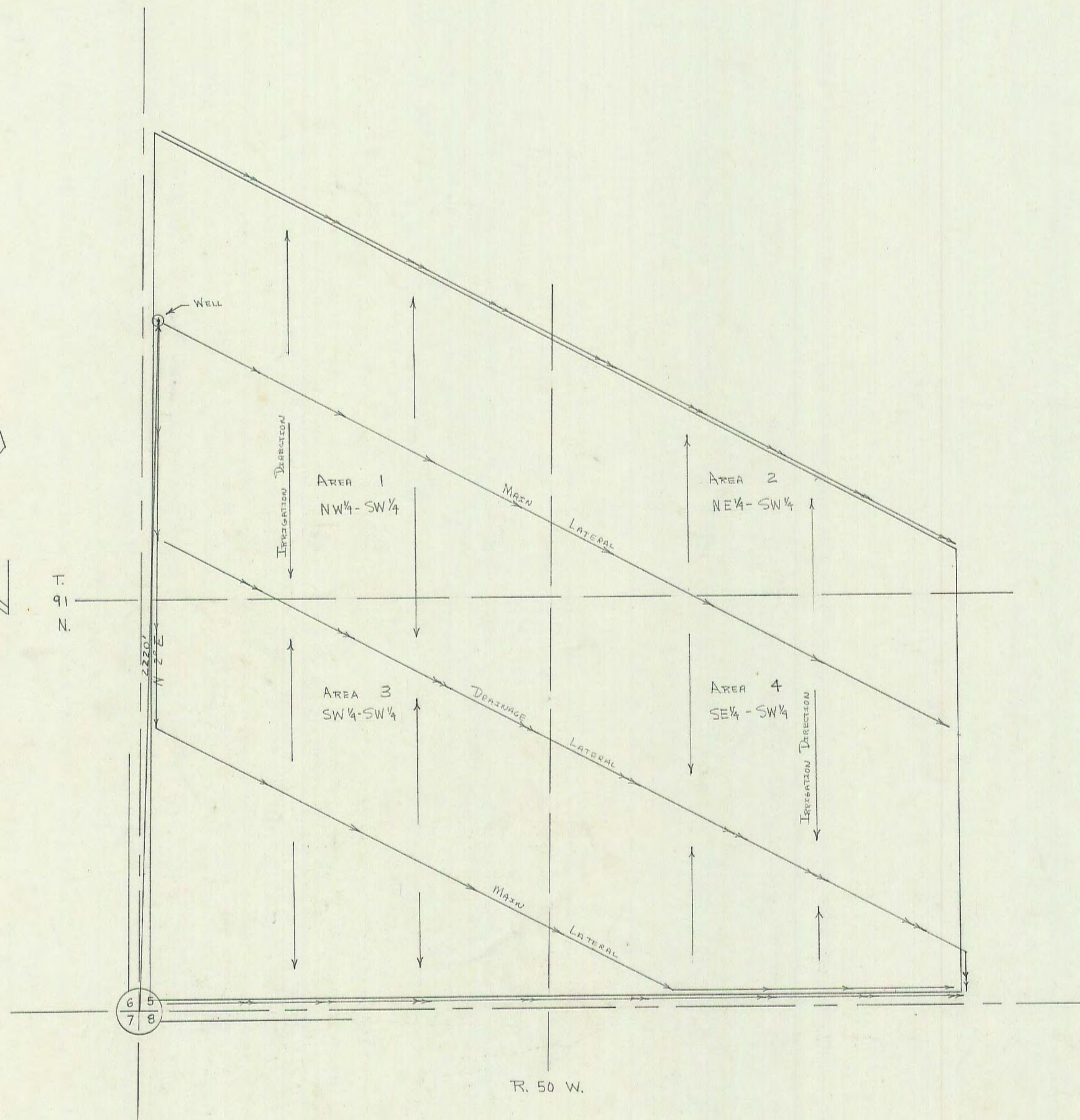
County of Minnehaha ss.

I, Jessica McInerney, being first duly sworn, on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Jessica McInerney
Subscribed and sworn to before me this 23rd day of March 1906

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 - SW 1/4	5	ELK POINT	R. 50 W.	34.2
2	NE 1/4 - SW 1/4	5	ELK POINT	R. 50 W.	14.5
3	SW 1/4 - SW 1/4	5	ELK POINT	R. 50 W.	37.8
4	SE 1/4 - SW 1/4	5	ELK POINT	R. 50 W.	38.8
TOTAL ACRES = 125.3					
LAND OWNED BY JESSICA MCINERNEY					

JESSICA MCINERNEY IRRIGATION PROJECT No. 1

SCALE: 1" = 200'

Map No 722-3
Appl No 1088-3

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JUNE 2, 1965

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

P m. upon the 24TH day of MARCH, 1964

State Water Resources Commission

By:

Durston Jones
for Chief Engineer, Executive Officer

Number of permit 1088-3

Date of first receipt of application MARCH 24, 1964

Date of return to applicant for correction, amendment or changes required as follows: MAY 8, 1964

Date of receipt of corrected application MAY 27, 1965

Date from which applicant may claim right MAY 27, 1965

Approved MAY 6, 1964, Recorded in Book 9 Page 14

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

NOVEMBER 6, 1966

2nd. The whole of said work is to be completed on or before MAY 6, 1969

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 6, 1969

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 18 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 6, 1969; said water to be used during the following described annual period:

APRIL THRU OCTOBER
Witness my hand this 2ND day of JUNE, 1965

State Water Resources Commission

By:

Spencer Jones
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 25, 1970

Water License issued NOVEMBER 25, 1970

Remarks by the Applicant:

1. Legal subdivisions to be irrigated

NW 1/4-SW 1/4	5-91-50	34.2 acres
NE 1/4-SW 1/4	5-91-50	14.5 acres
SE 1/4-SW 1/4	5-91-50	37.3 acres
SW 1/4-SW 1/4	5-91-50	38.8 acres

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36" , Depth 100'
Type of casing Concrete or galvanized steel
(wood, concrete, steel, etc.)
Size of casing 18" , Thickness of casing 10 gage or 2 1/2"
Length of casing 100' If collection gallery, length, size and depth of
gallery
.....

(b) Screens

Type of perforated screen Concrete or galvanized steel
Size of perforated screen 18" , 10'
(diameter) (length)
Thickness of gravel pack 6-9" , length of gravel pack 20'
.....

(c) Water Bearing Materials

Distance to water 13' Character of water bearing materials
..... 67-93' gravel, medium-coarse
.....
.....
.....
Thickness of water bearing material 26'
.....

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump , size
Kind of motor Tractor (gasoline)
(gasoline, electric, diesel, etc.)
Horsepower 25 , Name of Motor
.....

(e) Complete well

Capacity 1.8 cfs at drawdown of Estimated cost \$1700.00
.....

(f) Owner of land upon which well is located Jessica McInerney
Name
..... 210 E. 27th, Sioux Falls, South Dakota
Address
.....

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 120 rods

Form 15.

Permit No. 1088-3

Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Jessica McNerny

_____ the holder _____ of
Permit No. 1088-3, issued upon Application No. 1088-3, bearing date of priority of May 27, 1965
_____ authorizing the diversion of 1.8 cu. ft. per second of the waters of _____
ground water County of Union, State of South Dakota at _____
a point North 2° East, 2220 feet from the SW Corner, Section 5, T91N, R50W
_____, for irrigation

purposes, has g complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.05 cu. ft. per second of water.

Date November 25, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1088-3

(1) WHEREAS, On the 24th day of March A. D. 19 64
Jessica McInerney

made Writ Right Application No. 1088-3 for a permit to use 1.8 cubic feet per second of the waters
of ground water

County of Union, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 2nd day of June A. D. 19 65

Permit No. 1088-3, with a date of priority of May 27, 1965

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 6th day of May A. D. 19 69 and for the
application to beneficial use of said water on or before the 6th day of May A. D. 19 69

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.8 cubic feet
per second of water for beneficial use and.

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 5, T91N, 10W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 34.2 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 14.5 Acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 37.8 Acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.8 Acres

Total 125.3 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Jessica Mc Inerny

_____ of Sioux Falls, S.D.

the holder _____ and owner _____ of said permit No. 1088-3 a water right, dating from May 27, 1965

_____ to use of 1.8 cubic feet per second of the waters

of ground water

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point North 2⁰ E., 2220 feet from the SW Corner

Section 5, T91N, R50W

and conduct to and upon a portion of the SW $\frac{1}{4}$, Section 5, T91N, R50W, described on the face of
this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1088-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 25th day of November A. D.

Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer , J.W. GRIMES

on or before
(First Publication April 8, 1964.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 25, 1964

Notice is hereby given that Jessica Mc Inerney whose postoffice address is Sioux Falls S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from the ground water through the McInerney Irrigation Project #1, the point of diversion of which is to be located on the NW 1/4 of the SW 1/4 of Section 5 in the T91N Range R50W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 5, T91N, R50W

~~and for~~

~~the purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 19 64, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: Byron Helgeson—Publisher
Leader Courier
Elk Point, S.D.

By:

BURTON F. JONES
Water Right Specialist

AFFIDAVIT OF PUBLICATION.

The Leader-Courier, Elk Point, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF UNION, ss.

BYRON HELGERSON, of Said County and State, being first duly sworn on his oath says: That the Leader-Courier is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and has been such legal newspaper during the time hereinafter mentioned, and that I, BYRON HELGERSON, the undersigned, am the publisher of the said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit and that the advertising headed

Appropriation of Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for 4 successive weeks, to-wit: The first publication being

made on Thursday, the 2nd day of April 1964 and

the last publication on Thursday, the 23 day of April 1964

that the full amount of the fees charged for publishing the same, to-wit, the sum of \$ insures solely to the benefit of the publisher of the Leader-Courier; that no agreement or understanding for any division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Byron Helgeson

Subscribed and sworn to before me this 27 day of May 1965

Edwin Helgeson

Notary Public

REC'D 5-27-65 pfj

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., March 25, 1964.

Notice is hereby given that Jessica McInerney whose post-office address is Sioux Falls, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from ground water through the McInerney Irrigation Project No. 1, the point of diversion of which is to be located in the NW 1/4 of the SW 1/4 of Section 5 Twp. 91N Range 50W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 5, T91N, R 50W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: BURTON F. JONES,
Water Rights Specialist
(Pub. Apr. 2, 9, 16, 23)

2475-3
2474-3
1291-3
1088-3

623 East Capitol
Pierre, South Dakota 57501 WATER RIGHTS DIVISION

(605) 773-3352

November 29, 1982

Marimac Incorporated
210 E. 27th Street
Sioux Falls, South Dakota 57105

Dear Sirs:

This letter is in reference to Water Right Nos. 1088-3, 1291-3, 2474-3 and 2475-3 listed in the name of Jessica McInerny. Enclosed are copies of each of these water rights.

On November 24, 1982 Mrs. Darmon Staum of Elk Point was contacted concerning an irrigation questionnaire they had returned for Mrs. McInerny. Mrs. Staum indicated that Mrs. McInerny had deceased and that the land was now owned by Marimac Incorporated.

In order to keep our records up-to-date, it will be necessary for you to file a Notice of Transfer for each of the water rights. Enclosed please find partially completed transfer forms which should be checked over, dated, signed and notarized before returning them to this office with a \$2.50 filing fee for each, (total of \$10.00). The water rights can then be transferred to Marimac Incorporated.

If you have operators for each of the farms, and would like our yearly irrigation questionnaire sent directly to each of the operators, please include their name and addresses with the transfer forms. This information can be written on the bottom of the transfer form pertaining to the appropriate water right, or written on separate sheets.

If you have any questions, please advise.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

December 7, 1982

1088-3
1291-3
2474-3
2475-3

Marimac, Inc.
210 E 27 St
Sioux Falls SD 57105

Dear Sir:

Enclosed are receipts No. 4 9050 thru 4 9053 in the amounts of \$2.50 each which you paid for the transfer of Water Right Nos. 1088-3, 1291-3, 2474-3 and 2475-3.

Our records now show you as the owner of these Water Rights. The irrigation questionnaires will be sent to the people indicated on each transfer form.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosures

No. 1088-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-2-82

This is to notify you that the title to the lands described as follows:

125.3 acres- SW $\frac{1}{4}$ Section 5, T91N, R50W

formerly owned by Jessica McInerny

has been transferred to Marimac, Inc., 210 E 27th St., Sioux Falls, SD 57105

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1088-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of HUNTER) ss.

1. Mama In Agnes K. K. K. being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Maximac Inc by me: Gooden Sr.
(Signed) J

Subscribed and sworn to before me this 2nd Day of December, 1987

Robert E. Hume
(Notary Public)

My commission expires on
October 2, 1988



RECEIPT

WATER RIGHTS COMMISSION

No 4 9050

State of South Dakota

PIERRE, December 3, 1962

RECEIVED OF Marimac, Inc., 210E 27th Street, Sioux Falls, SD 57105

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw. No.		
Fee for filing Transfer WR#1068-3	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ES

1088-3



GREAT FACES. GREAT PLACES.

February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

LAWRENCE MCINERNEY-OPERATOR
BOX 878
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1088-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1088-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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 received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

cc: Marimac Inc., 210 E 27th Street, Sioux Falls SD 57105

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

1088-3

February 25, 1991

5014-3
(1088-3)

Marty McInerney
RR #2 Box 41
Elk Point, SD 57025

Dear Mr. McInerney:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1088-3 and 5014-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire (originally sent to Lawrence McInerney). With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division