

1316 3

1. Considered Nov 9, 1966
2. Name of Applicant Daniel Cronin
3. Post Office Address Gettysburg
4. Amount of water claimed 6.75
5. Source of water supply Missouri River
6. Water to be used for Irrigation
Acres to be irrigated 472.5
7. Water to be diverted and used in Potter County
about 40 & 150 miles of Gettysburg.
8. Proof of Publication
Received _____
Not Received L
9. Application
Approved _____
L Subject to Proof of Publication
Not Approved _____
Action deferred _____
10. Remarks:

No. 1316-2Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)**APPLICATION FOR PERMIT
To Appropriato Water within the State of South Dakota**

(NOTE--Draw a line through items not applicable.)

1. Name of applicant DANIEL CROWN
Postoffice address GETTYSBURG, County POTTER, State S. DAK

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)

CONTRACT & DIRECT LABOR(b) Cash on hand, \$ ADEQUATE

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work CROWN IRRIGATION PROJECT3. Amount of water claimed 6.75 cubic feet per second4. Source of water supply MISSOURI RIVER5. Location of point of diversion SEE ATTACHMENTon LEFT bank POTTER County.6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION(a) Number of acres to be irrigated 472.5 acres.(b) Legal subdivisions to be irrigated SEE ATTACHMENT

(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 # 929-23

POINTS OF DIVERSION:

#1 - 850' N & 1350' W OF THE SE CORNER,
SW^{1/4} SECTION 6, T118N, R78W

#2 - 1330' S & 300' E OF THE NW CORNER,
SW^{1/4} NW^{1/4} SECTION 8, T118N, R78W

#3 - 2650' E & 1500' N OF THE SE CORNER,
E^{1/2} SECTION 8, T118N, R76W

LANDS TO BE IRRIGATED:

ALL IN T118N, R78W

SECTION 5	NW ^{1/4} SE ^{1/4}	40.0 ACRES
	SW ^{1/4} SE ^{1/4}	20.0 ACRES
	SW ^{1/4}	160.0 ACRES
SECTION 6	NE ^{1/4} SE ^{1/4}	37.5 ACRES
	NW ^{1/4} SE ^{1/4}	5.0 ACRES
	SE ^{1/4} SE ^{1/4}	10.0 ACRES
SECTION 8	NW ^{1/4} NW ^{1/4}	27.5 ACRES
	NE ^{1/4} NW ^{1/4}	40.0 ACRES
	SW ^{1/4} NW ^{1/4}	10.0 ACRES
	NW ^{1/4} NE ^{1/4}	35.0 ACRES
	NE ^{1/4} NE ^{1/4}	15.0 ACRES
	SW ^{1/4} NE ^{1/4}	30.0 ACRES
	SE ^{1/4} NE ^{1/4}	22.5 ACRES
	NE ^{1/4} SE ^{1/4}	20.0 ACRES
TOTAL		472.5 ACRES

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Plumbing, \$----- (d) Canal-earth, \$----- Book, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, sluice, pumping plant, etc.)

PUMPING PLANT, GATED PIPE & POSSIBLE SPRINKLER SYSTEM

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 ----- 4 ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
POTTER COUNTY NEWS, GETTYSBURG, S. DAK.

STATE OF SOUTH DAKOTA
 County of HUGHES } ss.

I, DANIEL CRONIN, 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 Daniel Cronin

Subscribed and sworn to before me this 10TH day of OCTOBER 1916

Notary Public (or other qualified officer.)

MT 1834

5-118-78

(F-4)

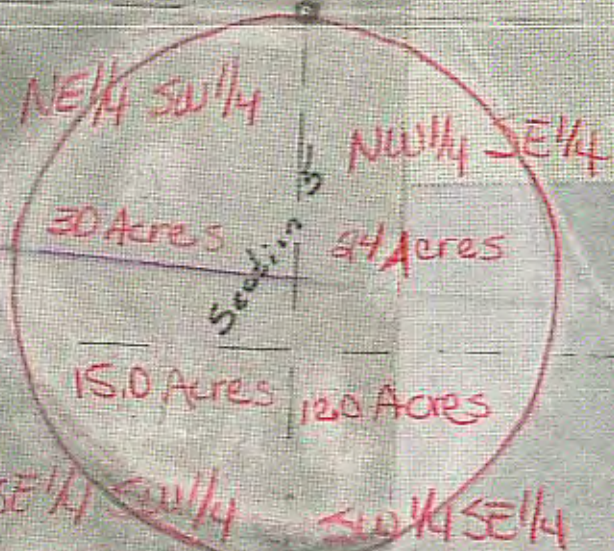
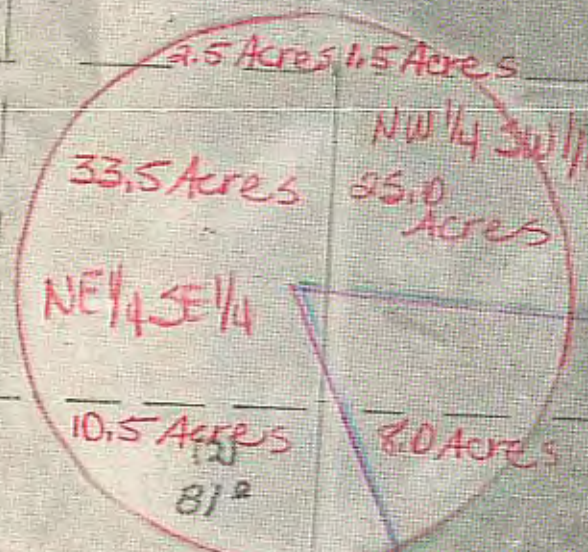
1617

See 6-118-78

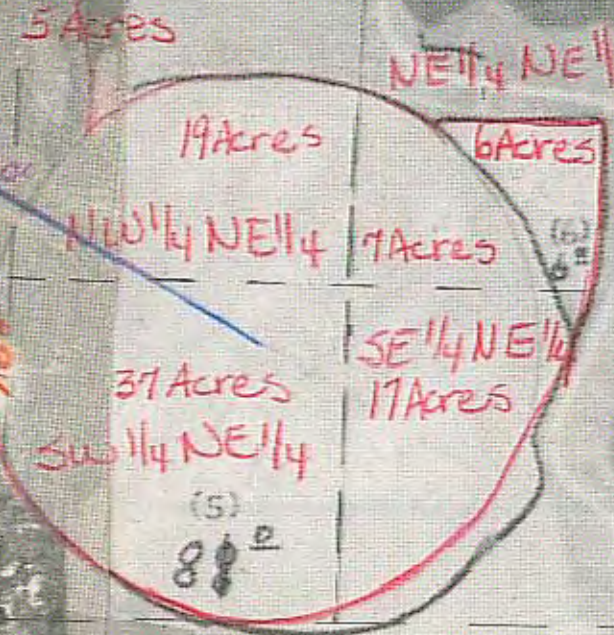
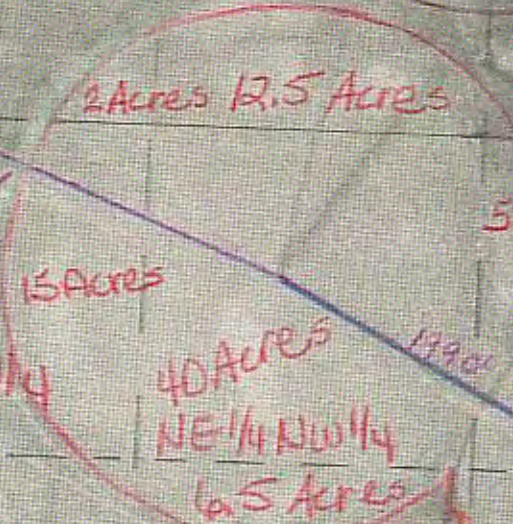
1316-3

MT 1834

SE 1/4 NE 1/4 SW 1/4 NW 1/4



SE 1/4 SE 1/4 SW 1/4 SW 1/4 SE 1/4 SW 1/4 SE 1/4



Approximate scale
765'/inch

Map prepared by
Norma C. Toth
Natural Resources Eng.
Division of Water Rights
10/16/1992

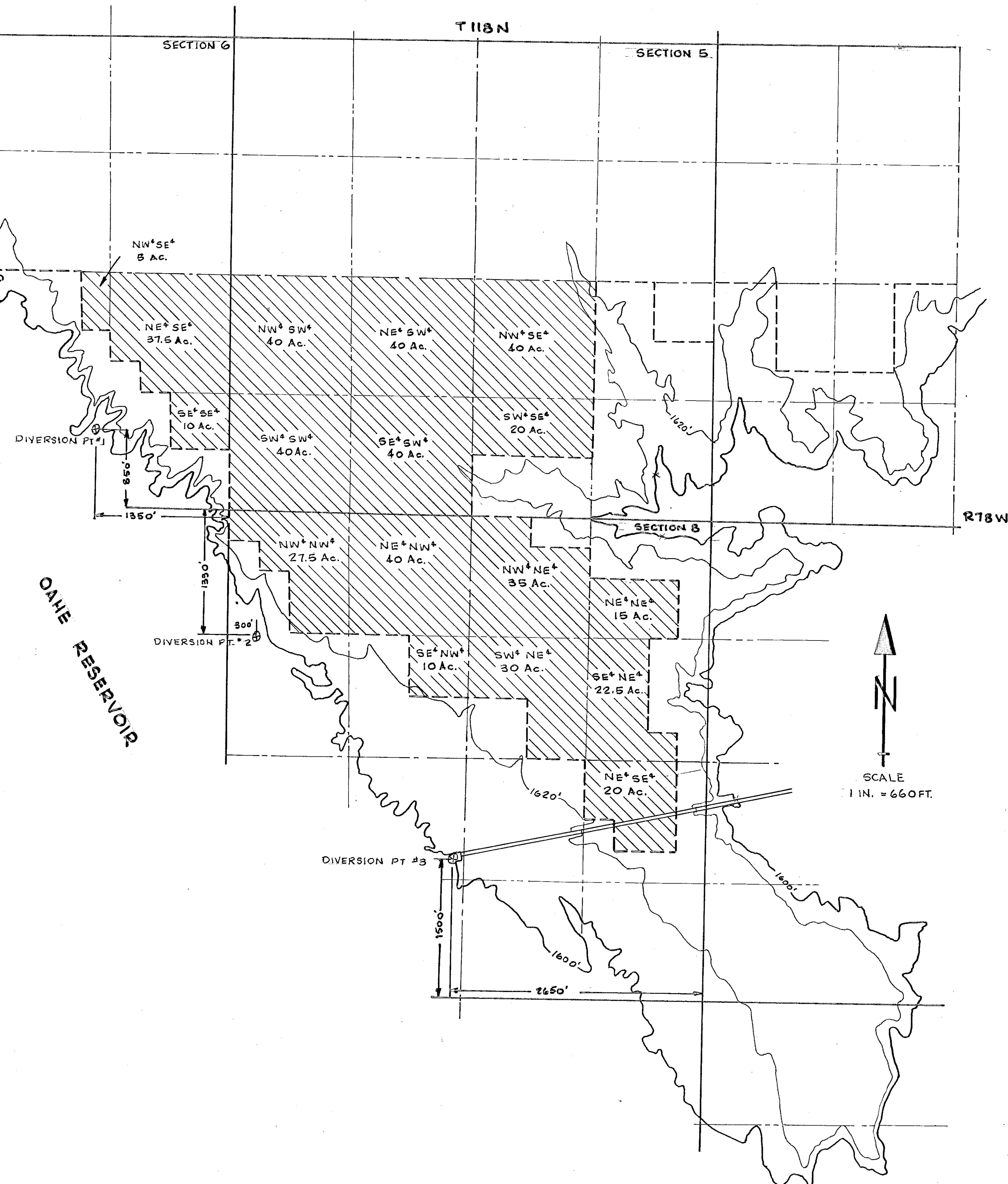
W 1/2 8-118-78

F3

E 1/2 8-118-78

F4

ALL LANDS OWNED BY DANIEL CRONIN		
T118N R78W		
LOCATION	SECTION	ACREAGE
NW ¹ SE ⁴	5	40.0
SW ¹ SE ⁴	5	20.0
SW ¹	5	160.0
NE ⁴ SE ⁴	6	37.5
NW ⁴ SE ⁴	6	5.0
SE ⁴ SE ⁴	6	10.0
NW ⁴ NW ⁴	8	27.5
NE ⁴ NW ⁴	8	40.0
SW ⁴ NW ⁴	8	10.0
NW ⁴ NE ⁴	8	35.0
NE ⁴ NE ⁴	8	15.0
SW ⁴ NE ⁴	8	30.0
SE ⁴ NE ⁴	8	22.5
NE ⁴ SE ⁴	8	20.0
TOTAL		472.5



I, J.W. GRIMES DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LANDS PROPOSED FOR IRRIGATION UNDER THE DANIEL CRONIN IRRIGATION PROJECT

SIGNED: J.W. Grimes
TITLE: _____

DAN CRONIN
IRRIGATION PROJECT
POTTER COUNTY
MAP NO 929-3 (APPL NO 1316-3)

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 15, 1966

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock P.m. upon the 10th day of October, 1966.

State Water Resources Commission

By: Richard D. Schroyer
for Chief Engineer, Executive Officer

Number of permit 1316-3

Date of first receipt of application October 10, 1966

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right October 10, 1966

Approved November 9, 1966, Recorded in Book 9 Page 186

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 MAY 9, 1969

2nd. The whole of said work is to be completed on or before November 9, 1971

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 9, 1975

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 6.75 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 November 9, 1975; said water to be used during the following described annual period:

April through October
Witness my hand this 15th day of November, 1966.

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

(First Publication ~~October 4~~ 13, 19~~66~~)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., ~~October 10~~, 19~~66~~

Notice is hereby given that ~~-----~~ **Daniel Cronin** ~~-----~~ whose postoffice address is ~~-----~~ **Gettysburg** ~~-----~~ 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 ~~-----~~ **6.75** ~~-----~~ cubic feet of water per second of time from the ~~-----~~ **Missouri River** ~~-----~~ through the ~~-----~~ **Cronin Irrigation Project** ~~-----~~, the point of diversion of which is to be located on the ~~-----~~ **left** ~~-----~~ bank of said stream in the ~~-----~~ **at points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, and** ~~-----~~ **SW** ~~-----~~ $\frac{1}{4}$ of the ~~-----~~ **SE** ~~-----~~ $\frac{1}{4}$ of Section ~~-----~~ **6** ~~-----~~ portions of Twp. ~~-----~~ **118N** ~~-----~~ Range ~~-----~~ **78W** ~~-----~~. Said water to be used for the purpose of providing irrigation on the following described land:

~~-----~~ **SE $\frac{1}{4}$, Section 6; SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5; W $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8,** ~~-----~~
~~-----~~ **T118N, R78W** ~~-----~~

~~-----~~ **main** ~~-----~~ **main** ~~-----~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the ~~-----~~ **9th** ~~-----~~ day of ~~-----~~ **November** ~~-----~~, 19~~-----~~ **66** ~~-----~~, at ~~-----~~ **2:00** ~~-----~~ 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:

CC: William R. Owens, Publisher
 Potter County News
 Gettysburg, S. Dak.

~~-----~~
Furton F. Jones
 Water Right Specialist

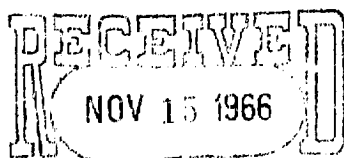
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Potter } ss.

William R. Owens being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
Potter County News a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____
city of Gettysburg County of _____
Potter and State of South Dakota; that the said notice was published in said newspaper on the following dates:
Oct. 13, 1966
Oct. 20, 1966
Oct. 27, 1966
Nov. 3, 1966
in each and every issue of the full number thereof, the first publication being made on the 13 day of October 1966 and the last publication on the 3rd day of November 1966, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

William R. Owens

Subscribed and sworn to before me this 10 day of November A. D. 1966



STATE WATER RESOURCES COMM.

PUBLIC NOTICE

Luz B. Owens
Notary Public Potter County, S. D.

No. 1316-3
(First Publication Oct. 13, 1966)
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak., October 10,
1966

Notice is hereby given that Daniel Cronin whose postoffice address is Gettysburg, 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 6.75 cubic feet of water per second of time from the Missouri River through the Cronin Irrigation Project, the point of diversion of which is to be located on the left bank of said stream at points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, and in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6 Twp. 118N Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SE $\frac{1}{4}$, Section 6; SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5; W $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T118N, R78W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of November, 1966, 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 Right Specialist
(Oct. 13, 20, 27, Nov. 3)

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON OMAHA DAM AND RESERVOIR PROJECT, SOUTH DAKOTA

NO. DACW45-2-67-5176

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

Daniel Grenin
of Gettysburg, South Dakota

coextensive with State Water Permit,

hereinafter designated as the grantee, for a period ~~not exceeding~~

~~ten years, or so long as necessary~~, an easement for a right of way for installation, maintenance and use of a portable irrigation pipeline and a portable irrigation pump,

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit A, Real Estate Map "Omaha Reservoir, Segment I" attached hereto and made a part hereof, and described as follows:

A strip of land 50 feet in width situated in the NW $\frac{1}{4}$ of Section 8, Township 118 North, Range 78 West of the Fifth Principal Meridian, Potter County, South Dakota, more particularly described as follows, lying 25 feet on each side of the following described line; beginning at the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8, thence South 45° 00' West to the shoreline of the Omaha Dam and Reservoir, containing 0.60 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of
Fifty and no/100 Dollars - - - - - (\$ 50.00)
for the term , payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to District Engineer, Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse, Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That it is understood that the Government shall not be held responsible for possible damage to any of the grantee's equipment due to erosion, wind and wave action.

16. That this easement and rights of way for water pipeline and pumping units are granted for the exercise of established water rights. It is understood and agreed that no right to use water from the Reservoir is created by this grant.

17. That the grantee shall not discharge waste or effluent from the right of way in such a manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

That Conditions Nos. 15, 16 and 17 were added prior to execution of this easement.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 19th
day of April 19 67

/s/ Dale Kent

DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers

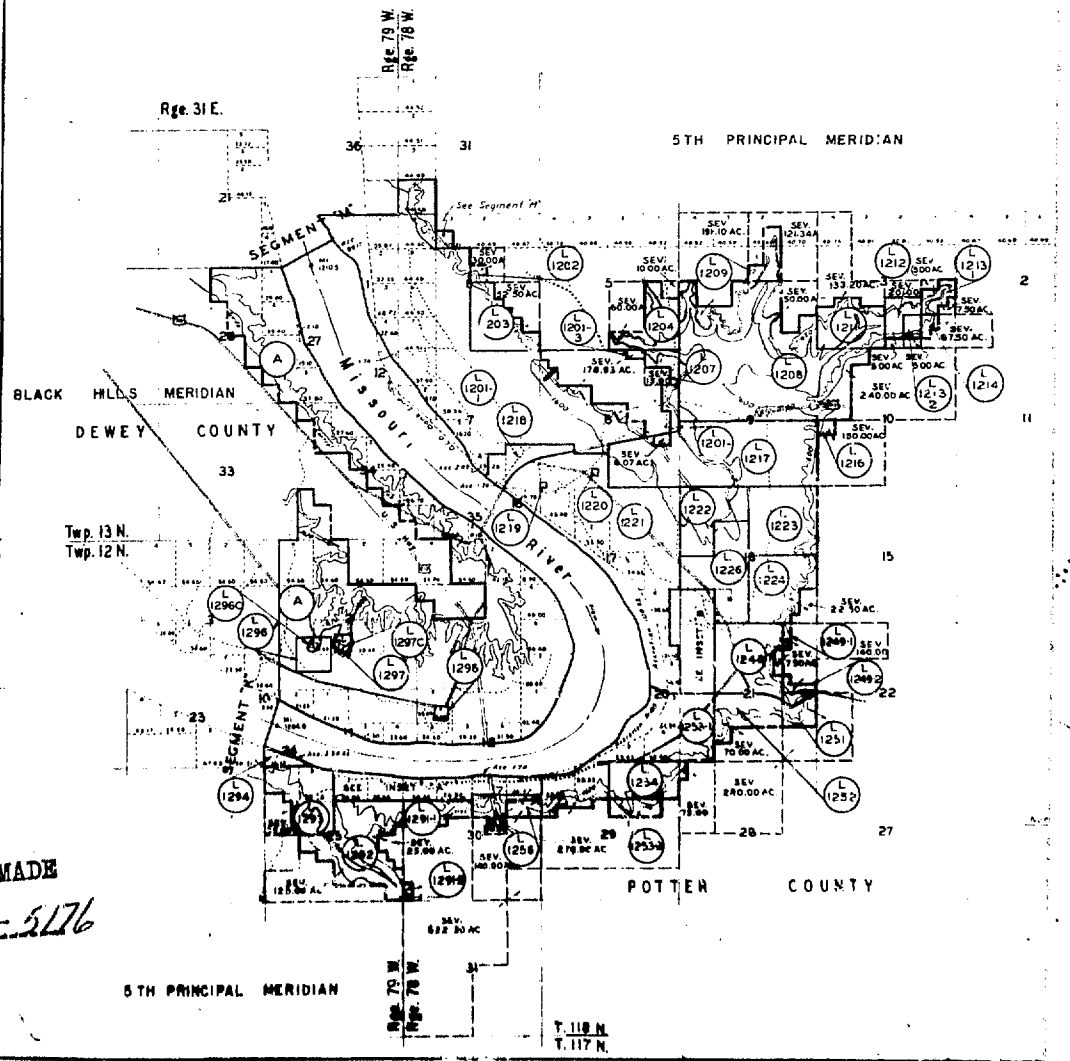
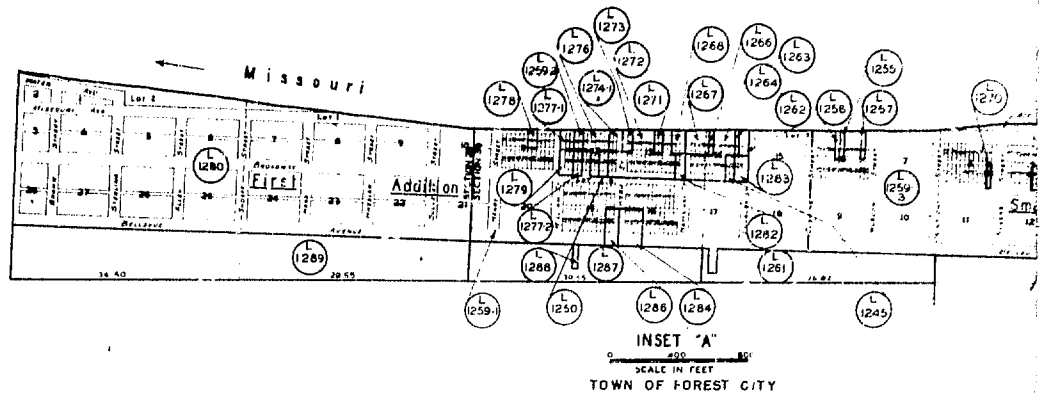


EXHIBIT A ATTACHED TO AND MADE
A PART OF DACW45-2-67-5176

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON OAHIE DAM, LAKE OAHIE, SOUTH DAKOTA

NO. DAC-25-2-73-425

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

DANIEL CROWEN
GETTISBURG, SOUTH DAKOTA

hereinafter designated as the grantee, for a period not exceeding coextensive with South Dakota State Water Permit No. 1316-S, held by grantee from the date hereof, an easement for a right-of-way for installation, operation and maintenance of a portable irrigation water pipeline and portable pumping system, hereinafter referred to as "said line", over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof, and described as follows:

A strip of land 50 feet in width, situated in Section 5, T-118-N, R-76-W of the 5th Principal Meridian, Potter County, South Dakota, said strip lying 25 feet on each side of the following described line:

Commencing at the Southwest corner of the NE $\frac{1}{4}$ of said Section 5, thence South along the West line of the SE $\frac{1}{4}$ for a distance of 300 feet to the point of beginning; thence East parallel to the North line of said SE $\frac{1}{4}$ to the shoreline of Lake Oahe, South Dakota, said strip containing 0.57 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of Fifty Dollars and No/100 (\$50.00) for the term, payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to District Engineer, Omaha District, Corps of Engineers, 7410 U. S. Post Office & Court House, Omaha, Nebraska 68102

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

Condition Nos. 15, 16, 17, 18, 19, and 20 are continued on page 3a, attached hereto, and by this reference made a part hereof.

Prior to the execution of this instrument, Condition Nos. 15, 16, 17, 18, 19, and 20 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand ~~and~~ by authority of the
~~day of~~ Secretary of the Army this 12th day of August 1972.

/s/ Joe B. Graham, Jr.

JOE B. GRAHAM, Jr.
Chief, Real Estate Division
Omaha District, Corps of Engineers

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

15. That the grantee shall comply promptly with any regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency and/or a State Water Pollution Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or prescribed by the Environmental Protection Agency or State Agency are hereby made a condition of this grant.

16. That this easement and rights of way for water pipelines and pumping plants is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

17. That the grantee shall not install erosion control devices around the intake of the irrigation systems without the approval by said officer in charge.

18. That any fuel storage tanks and/or liquid fertilizer tanks located above ground shall be so located or protected by dikes, curbs, sumps or other suitable means as to prevent the spread of liquids in case of leakage of tank or piping therefrom causing or contributing to the pollution of any watercourse. The holding area shall have a capacity at least equal in volume to that of the largest tank in use, plus ten percent of all other tanks inclosed.

19. The right is hereby reserved to the United States to flood the premises whenever necessary in connection with river and flood control work, and the grantee shall have no claim for damages of any character on account thereof against the United States.

20. That the installation of the "said line" shall not interfere with or obstruct public access to and exit from the Government-owned shoreline for fishing, boating, and other recreational purposes.



Department of Water & Natural Resources

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

March 23, 1987

DANIEL CRONIN
SR 3 BOX 64
GETTYSBURG, SD 57442

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

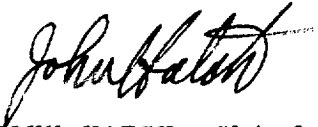
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2865-3, 1316-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, 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). 2865-3, 1316-3 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.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

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

April 24, 1987

1316-3
2865-3

Daniel Cronin
SR 3 Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1316-3 and 2865-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



Department of Water & Natural Resources

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

February 8, 1989

DANIEL CRONIN
SR 3 BOX 64
GETTYSBURG, SD 57442

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2865-3, 1316-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

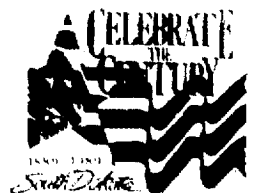
1. Amend Permit No(s). 2865-3, 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





Department of Water & Natural Resources

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

HJ 316 13
2865-3

February 17, 1989

Daniel Cronin
SR 3, Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

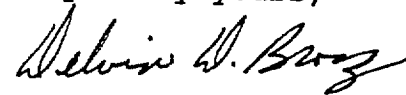


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota
Department of
Water & Natural Resources

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

February 24, 1989

1316-3
2865-3

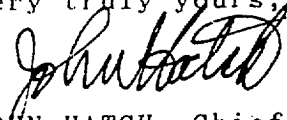
Daniel Cronin
SR 3 Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

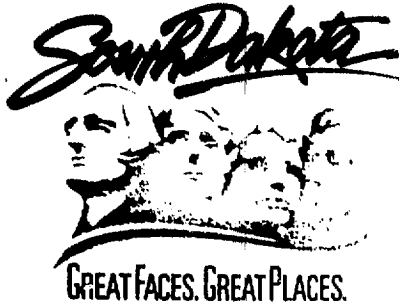
I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1316-3 and 2865-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire(s) your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



1516-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

DANIEL CRONIN
SR 3 BOX 64
GETTYSBURG SD 57442

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) 1316-3, 2865-3. 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) 1316-3, 2865-3 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

South Dakota



GREAT FACES. GREAT PLACES.
February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

1316-3

DANIEL CRONIN
ST RT 3 BOX 64
GETTYSBURG SD 57442

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 1316-3 & 2865-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 1316-3; & 2865-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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. Suspend Permit No(s). 1316-3; & 2865-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one 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.

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: DANIEL CRONIN SR 3 BOX 64 GETTYSBURG SD 57442	4. Article Number P 694 057 333 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature - Addressee X <i>Daniel Cronin</i> 6. Signature - Agent X 7. Date of Delivery 2-2-91	Always obtain signature of addressee or agent and DATE DELIVERED. 8. Addressee's Address (MAIL if requested and fee paid)



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 19, 1991

1316-3

(1316-3)
2865-3

Daniel Cronin
%Cronin Farms
701 Sunset Drive
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application data for Water Permit Nos. 1316-3 and 2865-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and Notice of failure to report chemical use. 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



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DANIEL CRONIN
701 SUNSET DR
GETTYSBURG SD 57442

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3 & 2865-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DANIEL CRONIN
CRONIN FARMS
701 SUNSET DRIVE
GETTYSBURG SD 57442

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 1316-3; & 2865-3

The first notice to file chemigation report(s) for Permit No(s) 1316-3; & 2865-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 1316-3; & 2865-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

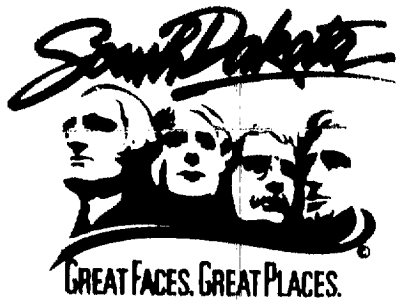
1. Suspend or cancel Permit No(s). 1316-3; & 2865-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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.

Very truly yours,

RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 26, 1992

1316-3
2865-3

Daniel Cronin
Cronin Farms
701 Sunset Drive
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 1316-3 and 2865-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 25, 1992

DANIEL CRONIN
CRONIN FARMS
701 SUNSET DRIVE
GETTYSBURG SD 57442

Dear Mr. CRONIN:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No (s). 1316-3; & 2865-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report(s), your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DANIEL CRONIN
701 SUNSET DR
GETTYSBURG, SD 57442

4a. Article Number

P906 557 631

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-4-92

5. Signature (Addressee)

Daniel Cronin

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



1316-3

January 29, 1993

NOTICE

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

TO: DANIEL CRONIN
HCR 3 BOX 64
GETTYSBURG SD 57442

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 1316-3 & 2865-3, 5619-3 and 1992 Irrigation
Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3 & 2865-3, 5619-3. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1316-3 & 2865-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5619-3 qualification:

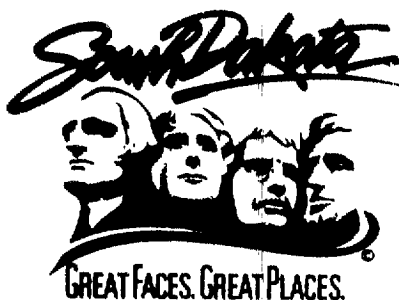
"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 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) 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: DANIEL CRONIN
CRONIN FARMS
701 SUNSET DRIVE
GETTYSBURG, SD 57442

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 1316-3; & 2865-3

The first notice to file chemigation report(s) for Permit No(s) 1316-3; & 2865-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 1316-3; & 2865-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1316-3; & 2865-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 1, 1993

1316-3
2865-3
5619-3

Daniel Cronin
701 Sunset Drive
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt the 1992 irrigation questionnaires for Water Permit Nos. 1316-3, 2865-3 and 5619-3. You may disregard the January 29, 1993, **Notices of Violation of Water Permits, the Requirement to Submit the 1992 Irrigation Questionnaire and Failure to Report Chemical Use.**

The questionnaires were received 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
Natural Resources Analyst
Water Rights Division
(605) 773-3352

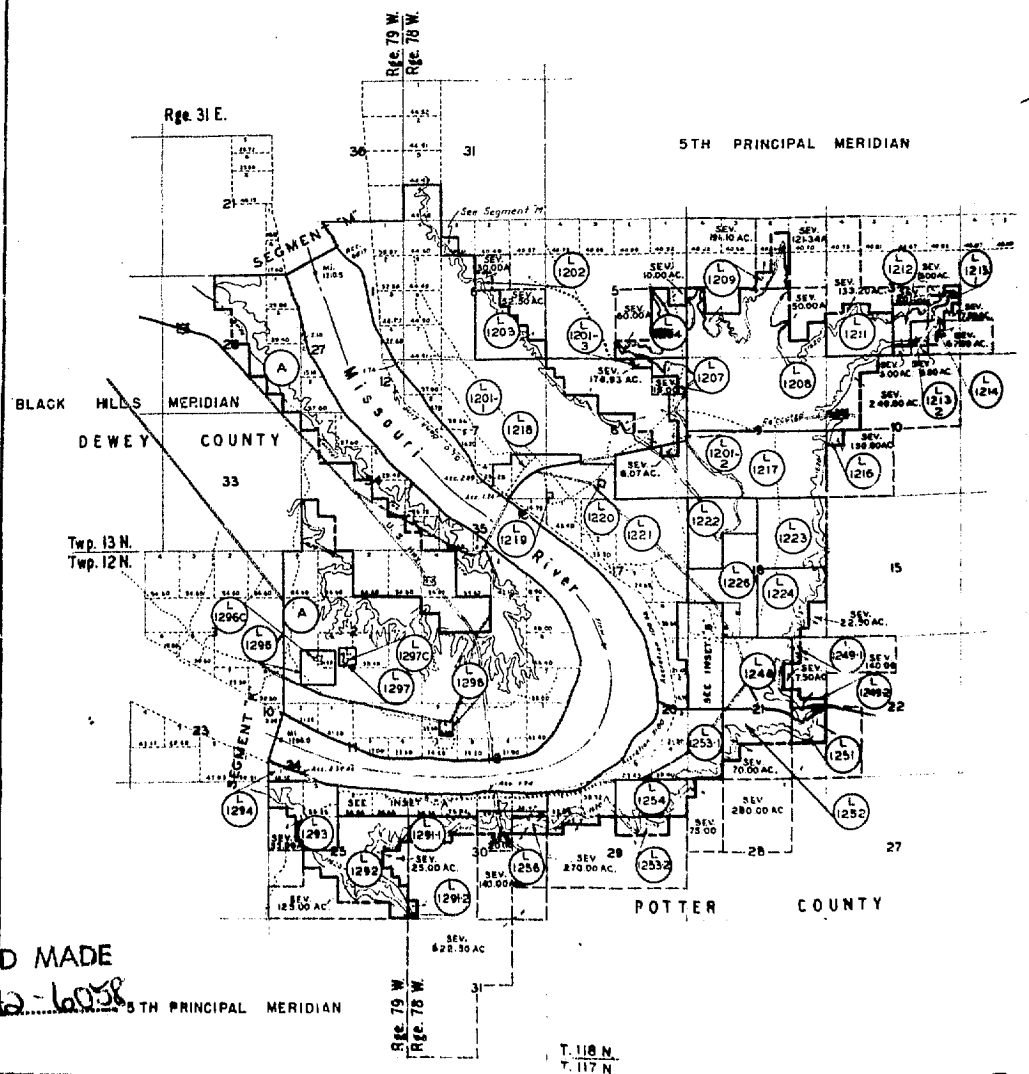
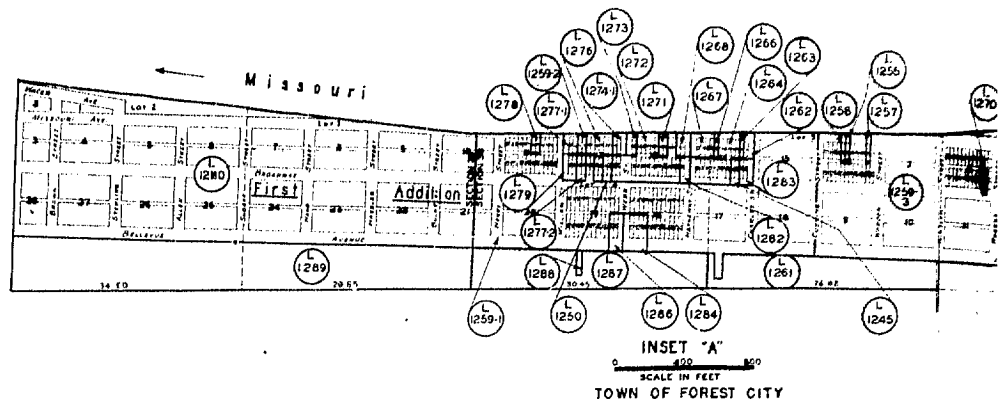


EXHIBIT 11 ATTACHED TO AND MADE
A PART OF Grant Decree 2-72-6058

1316^{1/2} 3

1316

between a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 and in
the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 9 T118N R78W

1316:3

POINTS OF DIVERSION

- #1 - 850' N & 1350' W OF THE SE CORNER,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 6, THEN, RTW
- #2 - 1330' & 300' E OF THE NW CORNER,
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 8, THEN, RTW
- #3 - 2650' E & 1500' N OF THE SE CORNER,
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 8, THEN, RTW

LANDS TO BE IRRIGATED:

ALL IN T118N, R78W

SECTION 5	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 ACRES X
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES X
	SW $\frac{1}{4}$	160.0 ACRES X
SECTION 6	NE $\frac{1}{4}$ SE $\frac{1}{4}$	37.5 ACRES X
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	5.0 ACRES X
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	10.0 ACRES X
SECTION 8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27.5 ACRES X
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 ACRES X
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	10.0 ACRES X
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35.0 ACRES
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 ACRES
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 ACRES
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27.5 ACRES
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20.0 ACRES X
TOTAL		417.5 ACRES

1316-3

REPORT ON WATER PERMIT APPLICATION NO. 5619-3 AND THE
READVERTISEMENT OF WATER PERMIT NOS. 1316-3 AND 2865-3
DANIEL CRONIN
FEBRUARY 20, 1992

Application No. 5619-3, Daniel Cronin, proposes to appropriate 0.98 cubic feet of water per second (cfs) from the Missouri River located near the section line between the SE 1/4 SE 1/4 Section 6 and the NE 1/4 NE 1/4 Section 7 to irrigate 69 acres located in the NW 1/4 NW 1/4 Section 8, S 1/2 SW 1/4 Section 5, S 1/2 NE 1/4, N 1/2 SE 1/4, and the SE 1/4 SE 1/4 Section 6, NE 1/4 NE 1/4 Section 7; all in T118N-R78W in Potter County.

The above project is in conjunction with two projects authorized by Water Permit Nos. 1316-3 and 2865-3. An inspection of these permits found the legal descriptions on the maps and/or permit applications were correct, but the locations of some acreages were advertised incorrectly. Due to the advertising errors, portions of Permit Nos. 1316-3 and 2865-3 need to be readvertised.

Readvertisement of the notice of hearing published on October 13, 20, 27, and November 3, 1966 for Water Permit No. 1316-3 is needed to correct the legal description of a portion of the irrigated acreage. Water Permit No. 1316-3 appropriated 6.75 cfs from the Missouri River to irrigate 472.5 acres. The published legal description of the irrigated acreage omitted the NE 1/4 Section 8-T118N-R78W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Readvertisement of the notice of hearing published on August 26 and September 2, 1976 for Water Permit No. 2865-3 is needed to correct the legal description of the irrigated acreage. Water Permit No. 2865-3 appropriated 22.3 cfs from the Missouri River to irrigate 1,565 acres. The published legal description of the irrigated acreage should have included the W 1/2 NW 1/4 instead of the E 1/2 NW 1/4 of Section 5-T118N-R78W. This readvertisement does not authorize any increase in the acreage irrigated or any increase in the water appropriation.

Acreage and Diversion Point Correction

Pursuant to Board rule 74:02:01:14.01, an acreage location correction is needed on Permit No. 2865-3 and a diversion point location correction is needed on Permit No. 1316-3. The 5.5 acres located in the NE 1/4 NW 1/4 section 5-T118N-R78W are not covered by No. 2865-3 according to the acreage shown on the map filed with No. 2865-3. This acreage is adjacent to acreage covered by No. 2865-3 and the total acreage developed is less than the 1,565 acres specified on No. 2865-3.

The developed point of diversion for Permit No. 1316-3 is not located within 660 feet of the points specified on No. 1316-3. The correct location of the diversion point is near the line between the NE 1/4 NE 1/4 Section 7 and the SE 1/4 SE 1/4 Section 6; all in T118N-R78W. This diversion point is used for irrigation of acreage authorized by No. 1316-3 and for the SE 1/4 NE 1/4 Section 6 (2.5 acres) and the SW 1/4 NW 1/4 section 5 (1.5 acres); all in T118N-R78W authorized by No. 2865-3. This acreage (4.0 acres) will retain the priority date assigned to No. 2865-3.

Water Source

The water source is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available. This application is located near West Whitlock Bay.

Review of Existing Water Rights/Permits

There are numerous water rights/permits diverting from the Missouri River below Application No. 5619-3. Because there is ample water in the Missouri River, Application No. 5619-3 is unlikely to cause adverse effects on the downstream water rights/permits. Application No. 5618-3, in the applicant's name, is for 0.20 cfs for commercial use at a bait shop and trailer park located downstream from this application. The applicant also has Water Permit Nos. 1316-3, 1316-3A, and 2865-3 to irrigate 2,037.5 acres using 29.05 cfs. An inspection of these permits showed that only 598 acres were being irrigated using 8.5 cfs. Further inspection of these permits showed that Permit No. 1316-3A was not constructed and will be scheduled for cancellation. Permit Nos. 1316-3 and 2865-3 need to be readvertised due to incorrect legal descriptions on some acreages.

There have been no water use complaints reported on the Missouri River.

Conclusions

1. The Missouri River is known to have ample supplies of unappropriated water available; therefore, water is available from the Missouri River to meet the needs of Water Permit Application No. 5619-3.
2. Because the irrigation system utilizes chemigation, the chemigation equipment on the system must comply with the chemigation regulations.
3. An inspection of Water Permit No. 1316-3, which is using the same diversion point as this application, showed that it should be licensed for 4.26 cfs to irrigate 324 acres. This

application is for lands not developed within the construction period authorized by Permit No. 1316-3.

4. An inspection of Water Permit No. 2865-3 showed that it should be licensed for 274 Acres for 3.91 cfs.
5. If this application is approved, it should contain the following qualification:

This permit is subject to the irrigation water use questionnaire being submitted each year.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer I

Approved by:

Ron Duvall

RON DUVALL
Natural Resources Engineer IV

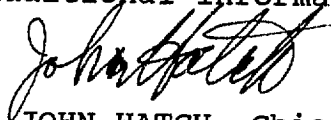
1316-3

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 1316-3, Daniel Cronin

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 1316-3, Daniel Cronin, HCR 3 Box 64, Gettysburg, SD 57442.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 1316-3 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) in the public interest.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 9, 1992

Instruction to Newspaper - Publish first Notice on March 19, 1992 with the second publication 7 days later. The applicant is responsible for payment. 1316-3

**NOTICE OF HEARINGS on Application Nos. 5618-3 and 5619-3 to Appropriate Water and
Readvertisement of the NOTICE OF HEARING on Water Permit Nos. 1316-3 and 2865-3**

Notice is given that Daniel Cronin, HCR 3, Box 64, Gettysburg SD 57442 has filed applications for water permits.

Water Permit Application No. 5618-3 appropriates 0.20 cubic feet of water per second (cfs) from the Missouri River at a point located in the NW 1/4 SW 1/4 Section 9-T118N-R78W. The water is for commercial use at a bait shop and trailer park.

Water Permit Application No. 5619-3 appropriates 0.98 cfs from the Missouri River located at a point near the section line between the NE1/4 NE1/4 section 7 and the SE 1/4 SE 1/4 Section 6 to irrigate 69 acres located in the NW 1/4 NW 1/4 Section 8; S 1/2 SW 1/4 Section 5; S 1/2 NE 1/4, N 1/2 SE 1/4, SE1/4 SE1/4 Section 6; NE1/4 NE1/4 section 7; all in T118N-R78W.

Application No. 5619-3 also authorizes an acreage location correction on Permit No. 2865-3 and a diversion point location correction on Permit No. 1316-3. Permit Nos. 1316-3 and 2865-3 authorize diversion of 29.05 cfs from the Missouri River to irrigate 2,037.5 acres. An inspection of Nos. 1316-3 and 2865-3 found that 598 acres have been developed for irrigation. This application corrects the location of 5.5 acres not covered by No. 2865-3. The correct location of the acreage is the NE1/4 NW1/4 section 5-T118N-R78W. The developed point of diversion for Permit No. 1316-3 is not located within 660 feet of the points specified on No. 1316-3. The correct location of the diversion point is near the section line between the NE1/4 NE1/4 section 7 and the SE1/4 SE1/4 section 6; all in T118N-R78W. This diversion point is used for irrigation of acreage covered by No. 1316-3 and also for the SE1/4 NE1/4 section 6 (2.5 acres) and the SW1/4 NW1/4 section 5 (1.5 acres); all in T118N-R78W covered by No. 2865-3.

Readvertisement of the notice of hearings for Permit Nos. 1316-3 and 2865-3 is needed to correct the legal descriptions of some of the irrigated acreage. The notice of hearing for No. 1316-3 published on October 13, 20, 27, and November 3, 1966 omitted the NE1/4 section 8-T118N-R78W and the notice of hearing for No. 2865-3 published on August 26 and September 2, 1976 should have included the W1/2 NW1/4 instead of the E1/2 NW1/4 of section 5-T118N-R78W. Readvertisements and corrections to Nos. 1316-3 and 2865-3 do not authorize any increase in water appropriation or acreage irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DEFERRAL of Application No. 5618-3 until the wastewater disposal system is approved by the Department of Environment and Natural Resources.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1316-3, 2865-3 and 5619-3 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. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

(continued)

1316-3

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 April 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 1316-3, 2865-3, 5618-3 and 5619-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear the applications is scheduled for April 15, 1992 at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the April 15, 1992 hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 15, 1992 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 6, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to the applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

STATE OF SOUTH DAKOTA)

County of Deer) ss.

John J. Stinson

certify that the attached printed Notice was taken from the Eastern Kentucky Press

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Arizona Daily Herald

County of Rock and State of South Dakota,
that the said notice was published in said newspaper on the
following two dates:

Shirley 19, 1992

6-2-81

Black 36, 1992

(Signature)

1551-52

Title

Apr 2, 1992
(Date Signed)

Cost of Printing: 98.32

5-88

NO. 1316-3 AND 2003-3
C-2002 CIV 8-0151-30N

Notice is given that Daniel Cronin, HCR 3, Box 64, Gettysburg, SD 57442 has filed applications for water permits.

Water Permit Application No. 5618-3 appropriates 0.20 cubic feet of water per second (cfs) from the Missouri River at a point located in the NW1/4 SW1/4 Section 9-1118N-R78W. The water is for commercial use at a ball shop and trailer park.

5019-3 approximately 0.96 acres from the Missouri River located at a point near the section line between then NE1/4 NE1/4 section 7 and then NE1/4 SE1/4 Section 6 to irrigate 69 acres located in the NW1/4 NW1/4 Section 6; S1/2 NE1/4 NE1/4 section 7; S1/2 NE 1/4, S1/2 SE1/4, SE1/4 Section 6; NE1/4 NE1/4 section 7; all in T118N-R78W.

Application for the 2015-2020 authorization of an acreage location correction on Permit No. 2865-3 and a division, point location correction on Permit No. 1316-3, Permit Nos. 1316-3 and 2865-3 authorize diversion of 29.05 cfs from the Missouri River to irrigate 2,037.5 acres. After inspection of Nos. 1316-3 and 2865-3 found that 598 acres have been developed for irrigation. This application corrects the location of 5.5 acres not covered by No. 2865-3 and the correct location of the acreage.

point located on the 1816-3. The correct location of the diversion point to near the section line between the NE1/4 NE1/4 section 7 and the SE1/4 SE1/4 section 8; all in T118N-R78W. This diversion point is used for irrigation of acreage conveyed by No. 1816-3 and also for the SE1/4 NE1/4 section 6 (2.5 acres) and the SW1/4 NW1/4 section 5 (1.5 acres); all in T118N-R78W covered by No. 2085-3.

Advertisement of the notice of hearing for Permit Nos. 1316-3 and 2865-3 is needed to correct the legal descriptions of some of the irrigated acreage. The notice of hearing for No. 1316-3 published on October 13, 20, 27, and November 3, 1966 omitted the NE1/4 section 6-T118N-R78W and the notice of hearing for No. 2865-3 published on August 26 and September 2, 1976 should have included the W1/2 NW1/4 instead of the E1/2 NW1/4 of section 5-T118N-R78W. Headvertisements and corrections to Nos. 1316-3 and 2865-3 do not authorize any increase in water appropriation or acreage irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends DE-FERRA of Application No. 5618-2B until the wastewater disposal system is approved by the Department of Environment and Natural Resources.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1316-2A and 1316-2B.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer the Board to hear the applications.

the applicant must, and will pay the cost of, the application if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Campbell, Pierre, SD 57501 (605/773-3362), and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 6, 1992. 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. Legal counsel or legal counsel's opinion is not required, but is encouraged.

For purposes of publishing this notice of hearing on Application Nos. 1316-3, 2865-3, 5512-3 and 5513-3 and 31-1, the chief engineer's recommendation, a meeting of the Division of Water Rights is scheduled for April 15, 1992 at 9:00 a.m. in Room 4133, Joe Foss Building, 523 E. Capitol Circle, S.D. If the applicant(s) oppose(s) the recommendation, please contact the AG at 1505 E. Main, Rapid City, SD 57701, at least 10 days before the hearing date will be rescheduled to a regular day and time. Board members of the hearing are: the chief engineer, the Board will be given by First Class Mail to the applicant and personal filing position is required no filing position. If the applicant is attending the hearing, may contact the Division of Water Rights to confirm the hearing date and location. The April 15, 1992 hearing date will be automatically delayed for at least 10 days upon written request to the Chief Engineer from the applicant(s) any interested person opposing it any applications. The request for a automatic delay must be filed by April 6, 1992.

If a hearing is held, the Chief E

ginner's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve; 2) approve with qualifications; 3) defer; or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDG 12C. These and other due process rights will be afforded if not exercised. Decisions of the Board

These applications are made pursuant to 53CJ.46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3, 46-2-7, 46-2-11, 46-2-14, 46-2-14 thru 46-2-19, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30, 46-5-31 and Board Rules ARSD 74-02-0101 thru 74-02-0115.

Filed with the Clerk of Court, March 19 and 25, 1992.

74:02:01 thru 74:02:01:15.
Established in the former County House. March

Permit No. 1316-3Missouri River Water District**Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Daniel L. Cronin of HCR 3 Box 64 Gettysburg, SD 57442 holder of Permit No. 1316-3, bearing the priority of October 10, 1966 authorizing the diversion of 6.75 cu. ft. per second of the waters of the Missouri River for irrigation purposes, in Potter County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water: Two Cornell Manufacturing Co. pumps model no. 4YB75-2 with GE motors model no. 5K365YK135 75 hp and each capable of 960 gpm.

B. Works used to transport water to place of use: 10" aluminum 1440' long

C. Works used to apply water to beneficial use: Uses 4 pivots which are all the same. 10 tower Valley Water Drive with a length of 1020 feet and an end gun at high pressure each capable of 960 gpm. Uses two pivots at one time.

The system is in the following condition fair. The point of diversion is located 75' South and 460' West of the NE corner Section 7-T118N-R78W. The works are capable of diverting and conveying to the place of use 4.26 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

<u>Section 6-T118N-R78W</u>	<u>Section 5-T118N-R78W</u>	<u>Section 8-T118N-R78W</u>
<u>SE 1/4 NE 1/4 2.5 Acres</u>	<u>SW 1/4 NW 1/4 1.5 Acres</u>	<u>NW 1/4 NW 1/4 15.0 Acres</u>
<u>NE 1/4 SE 1/4 33.5 Acres</u>	<u>NW 1/4 SW 1/4 25.0 Acres</u>	<u>NE 1/4 NW 1/4 40.0 Acres</u>
<u>SE 1/4 SE 1/4 10.5 Acres</u>	<u>SW 1/4 SW 1/4 10.0 Acres</u>	<u>SE 1/4 NW 1/4 7.5 Acres</u>
	<u>NE 1/4 SW 1/4 30.0 Acres</u>	<u>NW 1/4 NE 1/4 24.0 Acres</u>
	<u>SE 1/4 SW 1/4 27.5 Acres</u>	<u>NE 1/4 NE 1/4 13.0 Acres</u>
	<u>NW 1/4 SE 1/4 24.0 Acres</u>	<u>SW 1/4 NE 1/4 37.0 Acres</u>
	<u>SW 1/4 SE 1/4 12.0 Acres</u>	<u>SE 1/4 NE 1/4 17.0 Acres</u>

1316-3

comprising a total of 330 acres of land and the license should be issued for 4.26 cfs.

Applicable permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are:

Date 3-10-1992

Norma C. Job

NORMA C. JOB
Natural Resources Engineer II
DENR, Water Rights Division

1316-3

LICENSE FOR PERMIT NUMBER 1316-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm N/ACompletion Report Yes ___ No ___ No. of Wells N/A Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Cornell Manufacturing Co. Motor a) make GEb) model 44B75-2 Serial No. 11348 b) model No. 5K3654K135 5K364YK189c) size 83/4 SN: AN082020 75 75 255012d) capacity 960 gpm each

e) turbine pump - no. of stages _____

f) operating PSI _____

Has 2 pumps and motors that
run 2 pivots at the same time

3. Distribution lines or canals

a) size 10"b) type Alumc) length 800' 640'Also uses 2-25 Hp submersible
pumps and motors each capable
of 960 gpm

4. Dam Information:

a) height to crest _____

m) Outlet tubes:

b) height to primary spillway _____

1) diameter _____

c) height to secondary spillway _____

2) type _____

d) crest width _____

3) valved (Y/N) _____

e) crest length _____

4) valve type _____

f) spillway length _____

5) location on structure _____

g) spillway width _____

h) approx. storage _____

n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe - on 6 Acres

- 1) length _____
- 2) diameter 8"
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot - has 4 pivots all the same

- 1) make Valley Water Drive
- 2) number of towers 10
- 3) distance between towers 96'
- 4) overall length 1020'
- 5) end gun (Y/N) Nelson
- 6) high or low pressure high
- 7) make & size of nozzles
Rainbirds
- 8) capacity (GPM) 960
Covers 81 Acres each

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>X</u>	---	5. Is chemigation used?
---	<u>X</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS: Need to return later this summer (92) to check on chemigation equipment before licensing.

REPORT ON INSPECTION OF PERMIT NUMBER 2865-3 and 1316-3DATE 9-21-92

Other permit(s) associated with the project

CHEMIGATION EQUIPMENT:

- b) main line check valve Y (Y/N)
 - d) low pressure drain N/A (Y/N)
 - f) interlock type electric
 - h) injection check valve Y (Y/N)
 - j) all chemigation equipment appears to be installed in the proper position and complies with chemigation law and rules Y (Y/N)
 - k) comments : Chemigates at the center pivots which are a distance from the water source. The center pivot is lower than the top of the lift of water in the distribution pipe. At the pump site at the river 2 - 6" check valves were installed. Maximum flow is 2000 gpm with a working psi of 125. Electric shut off at the pipe and at the tank.
- a) does chemigate Y (Y/N)
 - c) inspection port/air relief Y (Y/N)
 - e) discharge is 20' from source N/A (Y/N)
 - g) injection pump type piston
 - i) injection line check valve or positive displacement pump Y (Y/N)



MT 1834

5-118-78

(F-4)

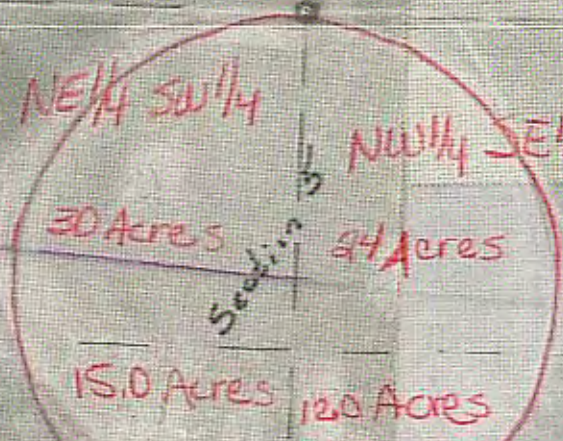
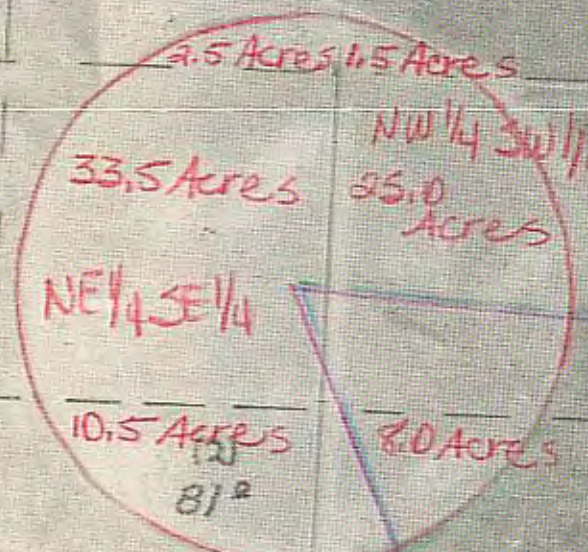
1617

See 6-118-78

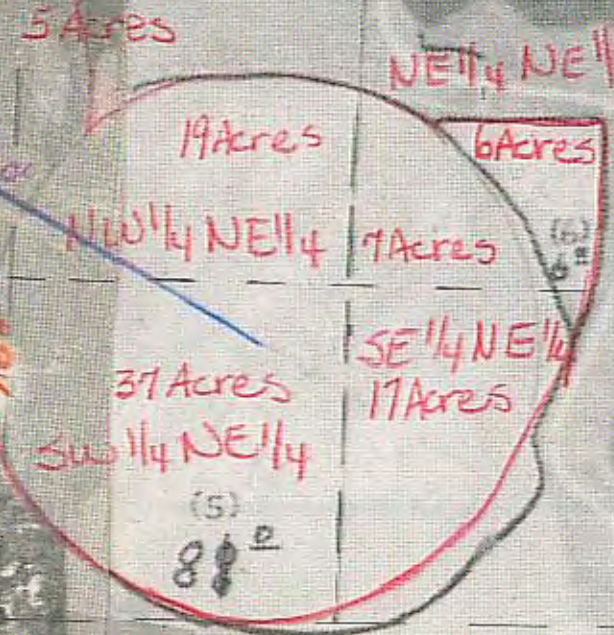
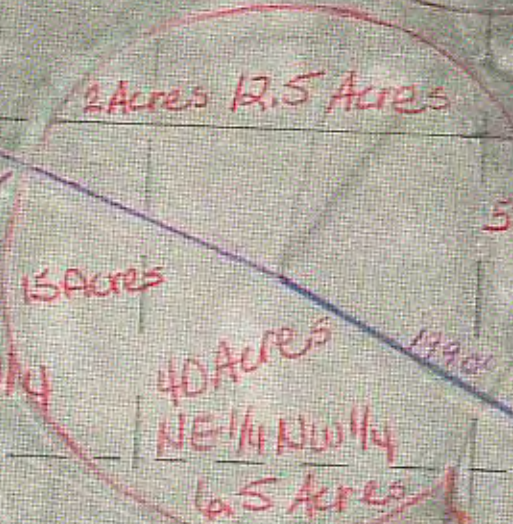
1316-3

MT 1834

SE 1/4 NE 1/4 SW 1/4 NW 1/4



SE 1/4 SE 1/4 SW 1/4 SW 1/4 SE 1/4 SW 1/4 SE 1/4



Approximate scale
765'/inch

Map prepared by
Norma C. Toth
Natural Resources Eng.
Division of Water Rights
10/16/1992

W 1/2 8-118-78

F3

E 1/2 8-118-78

F4



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

March 16, 1992

Daniel Cronin
HCR 3, Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

I have enclosed an amended Notice of Hearing for Water Permit Application Nos. 5618-3 and 5619-3 to Appropriate Water and Readvertisement of the Notice of Hearing on Water Permit Nos. 1316-3 and 2865-3. This amended notice was FAX'ed to the Potter County News.

Please notice the the Chief Engineer's recommendation is now for **DEFERRAL** of Application No. 5618-3 until the wastewater disposal system is approved by the Department of Environment and Natural Resources. This application is for the commercial use of water at the bait shop and trailer park. The Chief Engineer's recommendation for your proposed irrigation project remains for approval of Water Permit Application No. 5619-3

The reason for the deferral recommendation of Application No. 5618-3 is that plans and specifications for improvement and/or additions to the wastewater disposal system made since 1975 have not been submitted to this department for approval. If you are in disagreement with the Chief Engineer's recommendation for deferral of Application No. 5618-3, you may file a petition by April 6, 1992 contesting the recommendation. A hearing before the Water Management Board will then be scheduled for their May 6 and 7, 1992 meeting.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

1316-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 25, 1992

Daniel Cronin
HCR 3 Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

Enclosed please find the reports and recommendations for Water Permit
Application Nos. 5618-3, 5619-3 and readvertised Water Permit
Application Nos. 1316-3 and 2865-3.

Sincerely,

A handwritten signature in cursive script that reads 'Jaci R. Konop'.

Jaci R Konop
Water Rights Division
605 773-3352

enclosures



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1993

1316-3
2865-3

Daniel Cronin
HCR 3, Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 1316-3 and 2865-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license for the inspection and issuance of the Water License. Upon receipt of the \$100.00 fee from you, we will begin processing your Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1316-3
413866

Pierre, _____ August 19 _____, 19 93

RECEIVED OF Daniel Cronin, HCR 3 Box 64, Gettysburg, SD 57442

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>1316-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1316-3**

(1) Daniel Cronin, of HCR 3 Box 64, Gettysburg, SD 57442 made Application No. 1316-3, October 10, 1966 for a water permit to appropriate 6.75 cubic feet of water per second from the Missouri River, Potter County, South Dakota for irrigation purposes. Permit No. 1316-3, with a priority date of October 10, 1966 was approved November 9, 1966 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 9, 1971 and for the application to beneficial use of said water on or before November 9, 1975.

The original "Notice of Hearing" published in 1966 omitted a portion of the legal description of the acreage to be irrigated. Water Permit No. 1316-3 was readvertised March 19 and 26, 1992 to correct the error.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.26 cubic feet of water per second for beneficial use. The location of the diversion point is 75'S and 460'W of the NE corner of Section 7, T118N, R78W (NE¼NE¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: All in T118N, R78W

Section 6

SE¼NE¼ 2.5 acres
NE¼SE¼ 33.5 acres
SE¼SE¼ 10.5 acres

Section 5

SW¼NW¼ 1.5 acres
NW¼SW¼ 25.0 acres
SW¼SW¼ 10.0 acres
NE¼SW¼ 30.0 acres
SE¼SW¼ 27.5 acres
NW¼SE¼ 24.0 acres
SW¼SE¼ 12.0 acres

Section 8

NW¼NW¼ 15.0 acres
NE¼NW¼ 40.0 acres
SE¼NW¼ 7.5 acres
NW¼NE¼ 24.0 acres
NE¼NE¼ 13.0 acres
SW¼NE¼ 37.0 acres
SE¼NE¼ 17.0 acres

TOTAL ACRES IRRIGATED 330.0

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel Cronin of HCR 3 Box 64, Gettysburg, SD 57442 the holder and/or owner of Water Permit No. 1316-3 is issued a license to appropriate water, the right to use 4.26 cubic feet of water per second from the Missouri River with a priority date of October 10, 1966 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1316-3 and subject to South Dakota State Law.



SEP 17 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

1316-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 17 1993

1316-3

Daniel Cronin
HCR 3, Box 64
Gettysburg, SD 57442

Dear Mr. Cronin:

Enclosed is Water License No. 1316-3 and Receipt No. 413866 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1316-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'John Hatch', is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

gm
enclosures



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

DANIEL CRONIN
HCR 3 BOX 64
GETTYSBURG SD 57442

NOTICE

RE: Violation of Water Permit No(s) 1316-3, 5619-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3, 5619-3. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1316-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5619-3 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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:

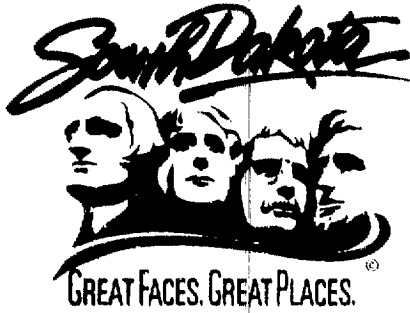
1. Suspend or cancel Permit No(s) 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 7, 1995

NOTICE

TO: DANIEL CRONIN
CRONIN FARMS
701 SUNSET DRIVE
GETTYSBURG, SD 57442

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Failure to Report Chemical Use under Water Permit No(s) 1316-3; & 2865-3

The first notice to file chemigation report(s) for Permit No(s) 1316-3; & 2865-3 was dated November 3, 1994. Our records indicate that we have not received the 1994 chemigation report for Permits No(s) 1316-3; & 2865-3. The Water Management Board has directed that owners of water permits who have not submitted the 1994 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 8, 1995, in the Crown Room, 3RD Floor, Kings Inn Best Western Convention Center, 220 South Pierre Street, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1316-3; & 2865-3 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. Prior to March 3, 1995, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 3, 1995, you will no longer be in violation and your name will be deleted from the Board agenda.

1316-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

February 28, 1995

1316-3
2865-3
5619-3

Cronin Farms Inc
Monte Cronin
701 Sunset Drive
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires and chemical reporting forms. These were completed for you based on our February 20th telephone conversation. You may disregard the February 7, 1995, **Notices of Violation of Water Permits, the Requirement to Submit the 1994 Irrigation Questionnaire and Failure to Report Chemical Use.**

The questionnaires and chemical reporting forms were received in our office prior to the Water Management Board meeting and the name of Daniel Cronin, Cronin Farms has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

1316-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 701 SUNSET DRIVE, GETTYSBURG, SD 57442
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 5619-3, 1316-3 & 2865-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1316-3 & 2865-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5619-3 qualification:

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

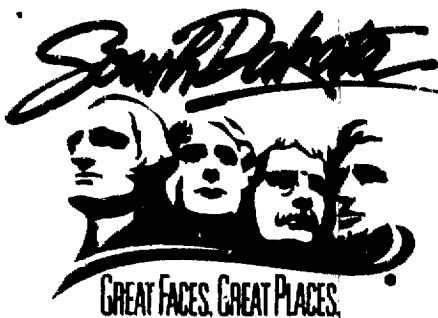
The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, 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) 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



1316-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

www.state.sd.us/denr

January 22, 1999

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN 701 SUNSET DRIVE, GETTYSBURG SD 57442

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 1316-3 & 2865-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 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 or up to three years for the 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). 1316-3 & 2865-3 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. Prior to March 3, 1999, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.



1316-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 17, 1999

1316-3
2865-3
5619-3

Monte Cronin
Cronin Farms, Inc
701 Sunset Drive
Gertysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires and chemical reporting forms. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right Nos. 1316-3, 2865-3 and 5619-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1316-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 701 SUNSET DRIVE, GETTYSBURG, SD 57442
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program 
SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5619-3, 1316-3 & 2865-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1316-3 & 2865-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5619-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 25, 2000

1316-3
2865-3
5619-3

Monte Cronin
Cronin Farms Inc
701 Sunset Drive
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 1316-3, 2865-3 and 5619-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

13 16-3

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CRONIN FARMS INC
MONTE CRONIN
701 SUNSET DRIVE
GETTYSBURG SD 57442

A. Received by (Please Print Clearly)

Nancy Cronin

B. Date of Delivery

1/22/01

C. Signature

X Nancy Cronin

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YFS, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

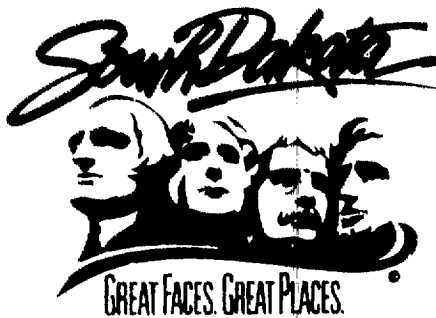
2. Article Number (Copy from service label)

7000 0600 0026 9814 4007

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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www.state.sd.us/denr

January 19, 2001

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 701 SUNSET DRIVE, GETTYSBURG, SD 57442

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5619-3, 1316-3 & 2865-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit Nos. 1316-3 & 2865-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5619-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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. 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit Nos. 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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
www.state.sd.us/denr

February 28, 2001

1316-3
2865-3
5619-3

Monte Cronin
Cronin Farms, Inc
701 Sunset Dr
Gettysburg, SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1316-3, 2865-3 and 5619-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1316-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2002

1316-3
2865-3
5619-3

Monte Cronin
Cronin Farms Inc
16410 302nd Ave
Gettysburg, SD 57442

Dear Mr. Cronin:

I am contacting you in regard to Water Right Nos. 1316-3, 2865-3, and 5619-3. Its getting close to the time of year when we mail the annual irrigation questionnaire and I wanted to take a moment to update these water rights for you.

On last year's irrigation questionnaires, you indicated that the system authorized under No. 5619-3 had been abandoned. If the land described in No. 5619-3 is no longer going to be irrigated and you have truly abandoned the system, the water right will be scheduled for cancellation consideration. Since there are three water rights in relatively the same area, I wanted to make sure No. 5619-3 was the one you had abandoned. Please review the enclosed copy and let me know if it is ok for us to proceed with scheduling the water right for cancellation consideration.

Enclosed for your review are Water Right Nos. 1316-3 and 2865-3. You will note that the water rights are still listed in the name of Daniel Cronin. Do you want them transferred to Cronin Farms Inc? If they should be transferred, let me know and I can send you transfer of ownership forms.

I have included a postage paid envelope for your reply. If it is easier for you, you can give me a call with the information. Thank you in advance for your help.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



1316-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 17, 2003

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 16410 302ND AVE, GETTYSBURG, SD 57442
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5619-3, 1316-3 & 2865-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1316-3 & 2865-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5619-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 5619-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1316-3 & 2865-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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.



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4470

Your item was delivered at 12:49 pm on January 18, 2003 in
GETTYSBURG, SD 57442. The item was signed for by N CRONIN.

[Request Delivery Record >](#)

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER:

2301 0370 0000 7541 4470

CRONIN FARMS INC
MONTE CRONIN
16410 302ND AVE
GETTYSBURG SD 57442

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Here

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**DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2003

1316-3
2865-3
5619-3

Monte Cronin
Cronin Farms Inc
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 1316-3, 2865-3 and 5619-3.

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

In September, I wrote and asked you for information concerning these water rights. I have not yet received a response from you. Enclosed is a copy of my September letter.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

File No. 1316-3
2865-3
5618-3
5619-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Monte Cronin, 16410 302nd Ave, Gettysburg SD 57442

DATE: February 27, 2003

TELEPHONE:

RE: Water Right Nos. 1316-3, 2865-3, 5618-3 and 5619-3

COMMENTS:

Mr. Cronin called in response to a letter I sent to him on September 17, 2002 regarding the above water rights.

He indicated that Water Right Nos. 1316-3 and 2865-3, listed in the name of Daniel Cronin, should be transferred to Cronin Farms Inc. These systems are currently being used.

Water Right No. 5618-3 authorizes diversion of water from the Missouri River for commercial purposes (bait shop, cabins, camper hookups etc) at West Whitlock Resort. Mr. Cronin indicated they have now hooked to Mid Dakota Rural Water System and no longer need to maintain the water right they have. He agreed to cancellation of No. 5618-3.

Water Right No. 5619-3 authorizes diversion of water from the Missouri River for irrigation of 7 acres in the SW ¼ SW ¼ Section 5, T118N, R78W. Mr. Cronin indicated they have abandoned this system and do not wish to maintain the water right. He agreed that No. 5619-3 could be scheduled for cancellation.

RECOMMENDED ACTION:

Send Cronin Farms transfer of ownership forms for Nos. 1316-3 and 2865-3

Schedule Water Right Nos. 5618-3 and 5619-3 for cancellation consideration due to abandonment and/or forfeiture.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2003

Monte Cronin
Cronin Farms Inc
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

Thank you for calling to discuss Water Right Nos. 1316-3, 2865-3, 5618-3 and 5619-3.

Enclosed, as we discussed, are partially completed "Notice of Transfer of Ownership" forms for transferring Water Right Nos. 1316-3 and 2865-3 from Daniel Cronin to Cronin Farms. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Water Right Nos. 5618-3 (commercial use at the bait shop) and 5619-3 (irrigation of 7 acres) will be scheduled for cancellation consideration at a later date. You will be notified of the time, date and place of the hearing once it is scheduled.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 1316-3

MAR - 7 2003

Date: 3-5-03

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 1316-3

formerly owned by: Daniel Cronin

be transferred to: (name & address)

Cronin Farms Inc

16410 302 Ave Gettysburg SD 57442

Telephone No. 605-765-9342

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

320 acres - SE 1/4 NE 1/4, E 1/2 SE 1/4 Section 6; SW 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4 Section 5;

N 1/2 NW 1/4, SE 1/4 NW 1/4, NE 1/4 Section 8, T118N, R78W

I/We understand that the validity of Water Right No. 1316-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Cronin Farms Inc, the new owner, certify that the above information is true and correct.

Cronin Farms Inc, by Mary Cronin
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 7, 20 03

RECEIVED OF Chonin Farms Inc., 16410 302 Ave, Gettysburg SD 57442

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use			
Fee to retain Future Use Permit No. _____ after period of seven years.			
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form <u>1316-3</u>			
Fee for _____			
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____			
Fee for Renewal of Well Driller's License No _____ for C.Y. _____			
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

00079

By

Darland Elvick

Chief Engineer

gm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 7, 2003

Monte Cronin
Cronin Farms Inc
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

Thank you for following up on the ownership changes for Water Right Nos. 1316-3 and 2865-3. The transfers have been completed. The water rights formerly listed in the name of Daniel Cronin are now listed in the name of Cronin Farms Inc.

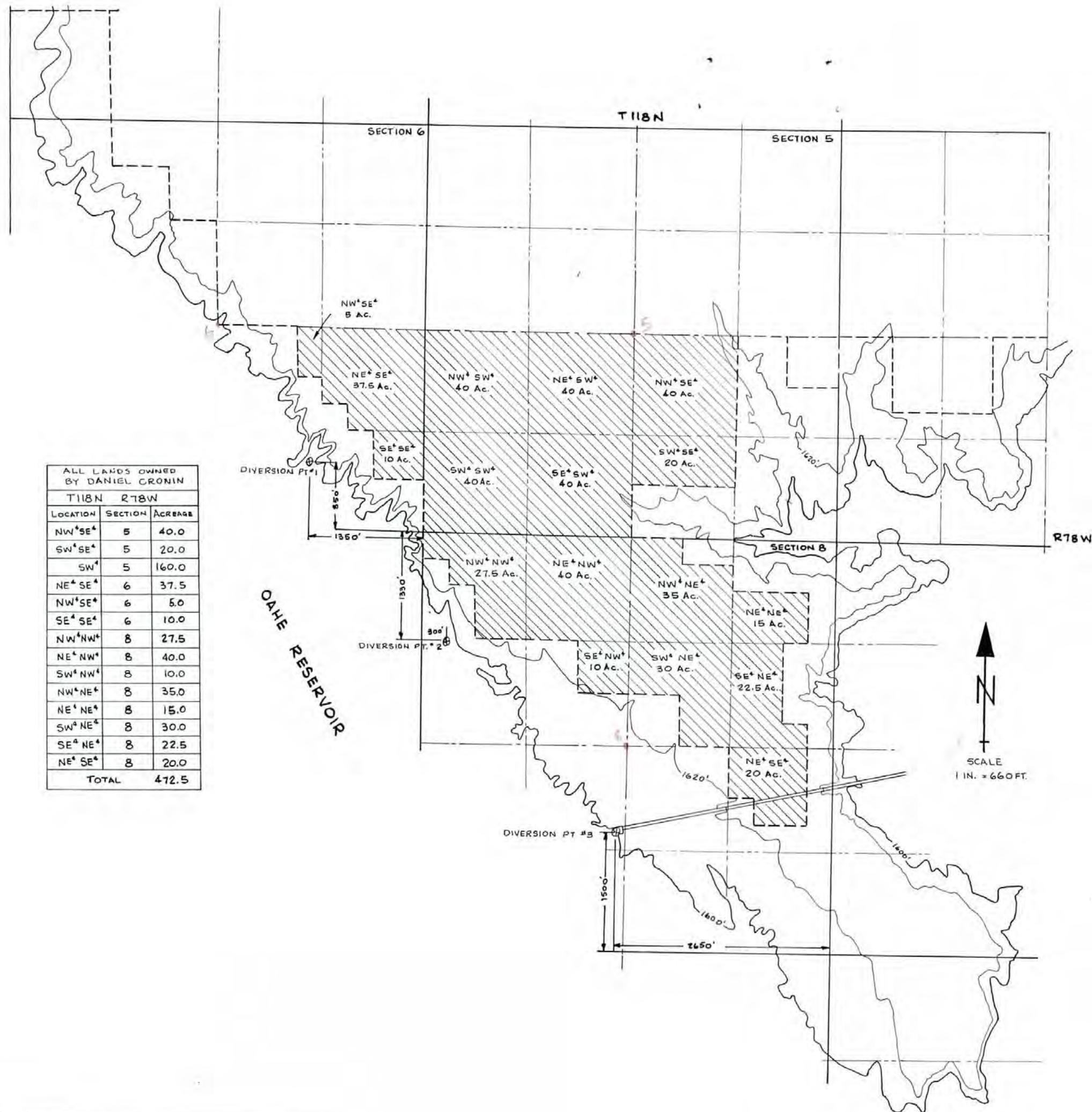
Enclosed are your Receipt Nos. 000678 and 000679 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



I, J.W. GRIMES DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LANDS PROPOSED FOR IRRIGATION UNDER THE DANIEL CRONIN IRRIGATION PROJECT

SIGNED: J.W. Grimes

DAN CRONIN
IRRIGATION PROJECT
POTTER COUNTY
MAP NO 929-3 (APPL NO 1316-3)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 2007

1316-3
2865-3

Monte Cronin
Cronin Farms
16151 W Whitlock Rd #R
Gettysburg SD 57442-8204

Dear Mr. Cronin:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to 16410 302nd Ave., Gettysburg SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



1316-3
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 23, 2009

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 16151 W WHITLOCK RD #R, GETTYSBURG,
SD 57442 8204

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

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.

1316-3

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Status: **Delivered**

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5411

CRONIN FARMS INC
MONTE CRONIN
16151 W WHITLOCK RD #R
GETTYSBURG SD 57442 8204

Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 11, 2009

1316-3

Monte Cronin
Cronin Farms Inc
16151 W Whitlock Rd #R
Gettysburg SD 57442-8204

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 1316-3.

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

If you have any questions, please contact me.

Sincerely,

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

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



1316-3

**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 21, 2011

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 16151 W WHITLOCK RD #R, GETTYSBURG,
SD 57442 8204

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1316-3

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Label/Receipt Number: 2303 2160 0000 0802 0942

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 10:37 am on January 24, 2011 in GETTYSBURG, SD 57442. The item was signed for by M CRONIN.

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Enter Label/Receipt Number.

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Detailed Results:

- Delivered, January 24, 2011, 10:37 am, GETTYSBURG, SD 57442
- Notice Left, January 22, 2011, 9:49 am, GETTYSBURG, SD 57442
- Sorting Complete, January 22, 2011, 8:19 am, GETTYSBURG, SD 57442
- Arrival at Post Office, January 22, 2011, 7:40 am, GETTYSBURG, SD 57442

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0942

CRONIN FARMS INC
MONTE CRONIN
16151 W WHITLOCK RD #R
GETTYSBURG SD 57442 8204

Waiver of Signature ☐ YES ☐ NO

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Here

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www.usps.com
or call 1-800-222-1811

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2011

1316-3

Monte Cronin
Cronin Farms Inc
16151 W Whitlock Rd #R
Gettysburg SD 57442 8204

Dear Mr. Cronin:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1316-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1316-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 16151 W WHITLOCK RD #R, GETTYSBURG,
SD 57442 8204

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

1316-3

Monte Cronin
Cronin Farms Inc
16151 W Whitlock Rd #R
Gettysburg SD 57442 8204

Dear Mr. Cronin:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 1316-3. 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



1316-3

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 18, 2013

NOTICE

TO: CRONIN FARMS INC, MONTE CRONIN, 16151 W WHITLOCK RD #R, GETTYSBURG,
SD 57442 8204

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 1316-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2013

1316-3

Monte Cronin
Cronin Farms Inc
16051 W Whitlock Rd
Gettysburg SD 57442

Dear Mr. Cronin:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1316-3. 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.denr.sd.gov

February 21, 2014

1316-3

Cronin Farms Inc.
c/o Monte Cronin
16051 W Whitlock
Gettysburg, SD 57442

Dear Mr. Cronin:

Water Permit No. 1316-3 appropriates 4.26 cubic feet per second (cfs) from a single diversion point consisting of 2 pumps located along the Missouri River in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 7, T118N R78W in order to irrigate 330 acres in sections 5, 6, and 8 of T118N-R78W.

You requested authorization to construct a new diversion system in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6. The basis for this request is that the original pump site has become inundated with sand and is no longer suitable for pumping.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of diversion location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 4.26 cfs or the total acres irrigated has been requested. If the total diversion rate or the total number of acres irrigated increases, a new water permit will need to be obtained from the SD DENR Water Rights Program.

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

Sincerely,

Jeanne Goodman
Chief Engineer
Water Rights Program

File No. 1316-3

Approval of Change of Diversion Point

NAME: Monte Cronin

ADDRESS: 16051 W Whitlock, Gettysburg, SD 57442

DATE: February 21, 2014 **COUNTY:** Potter **TELEPHONE:** (605) 765-9342

BACKGROUND:

Water Right No. 1316-3 appropriates 4.26 cubic feet per second (cfs) or 1920 gallons per minute (gpm) from two pumps (each capable of 960 gpm) located approximately 75 feet south and 460 feet west of the northeast corner of Section 7, T118N-R78W in order to irrigate 330 acres in Section 6 (46.5 acres), Section 5 (130 acres), and Section 8 (153.5 acres) all in T118N-R78W. The original water right was conditioned with an irrigation questionnaire qualification.

After the DENR Water Rights Program was contacted by the Army Corp of Engineers regarding Section 10 permitting for the construction of this diversion, Mr. Cronin was contacted on February 13 to verify the existence and the nature of the project. During the phone conversation on February 13, 2014, Mr. Cronin indicated that the current diversion point has become inundated with sand and is no longer suitable for pumping. The new diversion point will be located at a rocky area approximately 200 feet north of the original in the SE ¼ SE ¼ of Section 6, T118N-R78W. Mr. Cronin also explained that construction of this diversion point would not result in an increase in diversion rate (4.26 cfs) or an increase in the number of acres irrigated (330 acres).

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional points may be licensed provided the following conditions are met and the potential for interference with other existing diversion points is not increased.

- **Developed water source is the same as licensed source and no additional water is appropriated.**

The water source authorized by Water Right No.1316-3 is the Missouri River. Both the original and new diversion locations will be drawing water directly from the Missouri River.

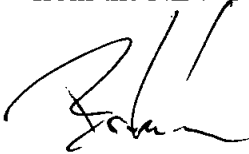
No additional appropriation of water is authorized. Water Right No. 1316-3 appropriates 4.26 cfs and no additional diversion rate authority is being requested.

CONCLUSION:

- The diversion does not propose to appropriate additional water.
- The new diversion will be pumping water out of the same source, the Missouri River.
- Unlawful impairment of existing downstream water rights on the Missouri River is not expected to occur.

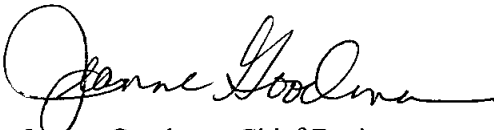
RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for a change of diversion point from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec 7, T118N-R78W to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that:
The change of a diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

RECEIVED

FEB - 3 2014

SURFACE WATER PROGRAM

You can obtain additional information about the Regulatory Program from our website:
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/SouthDakota.aspx>

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding the above, please feel free to contact this office at the above Regulatory Office address, or telephone Thomas A. Lowin, of my staff, at (605) 224-8531.

Sincerely,

Steven E. Naylor
Regulatory Program Manager,
South Dakota

Enclosures

cf: Larson; US Fish and Wildlife Service
Miller; SD Dept. Environment & Natrl Rsrcs
Murphy; SD Dept. of Game, Fish & Parks
Stasch; Corps of Engineers, Oahe Project Office



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE, SOUTH DAKOTA 57501-6174

January 15, 2014

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

Cronin Farms, Inc.
c/o: Monty Cronin
16051 W. Whitlock Rd
Gettysburg, SD 57442

Dear Mr. Cronin:

Reference is made to your application for a Department of the Army permit to install an additional pair of agricultural irrigation intake pipelines in the location of your existing electrical pumping system in the Missouri River (Lake Oahe) at river mile 1155.10. The new system will consist of 75 H.P. submersible electrical pumps incased in skid mounted, steel intake pipelines with perforated screens. The project location is the Southeast $\frac{1}{4}$ of Section 6, Township 118 North, Range 78 West, Potter County, South Dakota. No changes are proposed to the existing (originally authorized) intake system.

Based on the information submitted, the irrigation intake system, as described on the enclosed drawings, meets the criteria established for Regional General Permit 90-04 and is assigned application number NWO-1993-30241-PIE.

Accordingly, for the purposes of Section 10 of the Rivers and Harbors Act and in accordance with 33 CFR Part 325.5(c)(1), the irrigation intake structures are authorized without further processing provided the stipulations, conditions and criteria of General Permit 90-04 (copy enclosed) are strictly adhered to.

Any activity not specifically identified herein may require additional Department of the Army authorization. **The attached Compliance Certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.**

NOTE: The above determination does not obviate the requirement to obtain state, tribal or local assent as required by law.

N



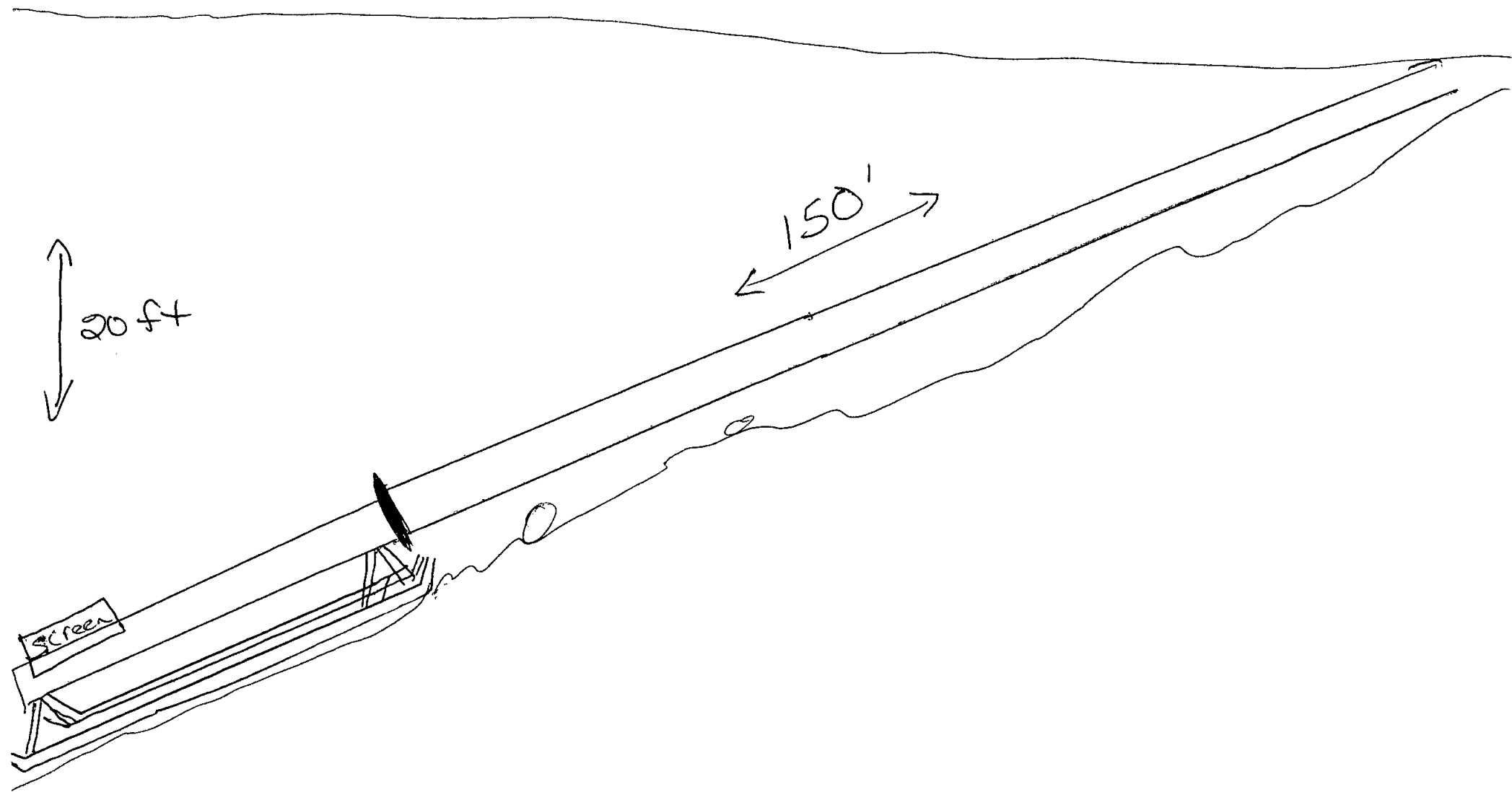
Intake Location

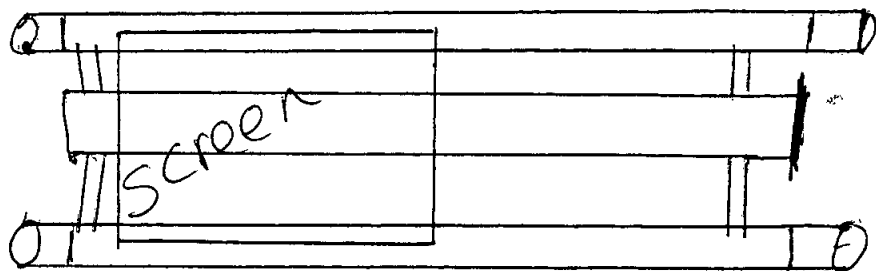
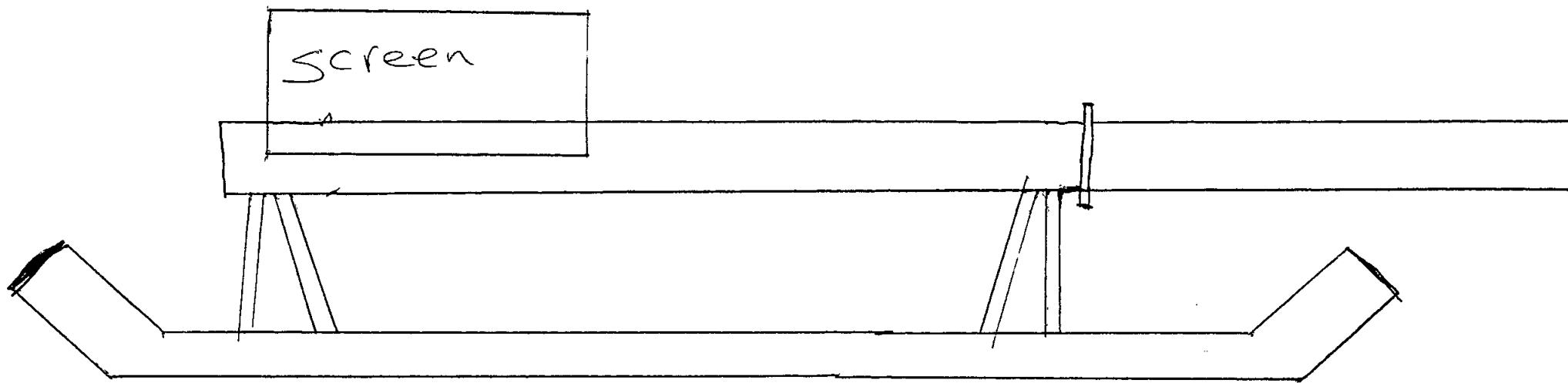
Google

© 2013 Google

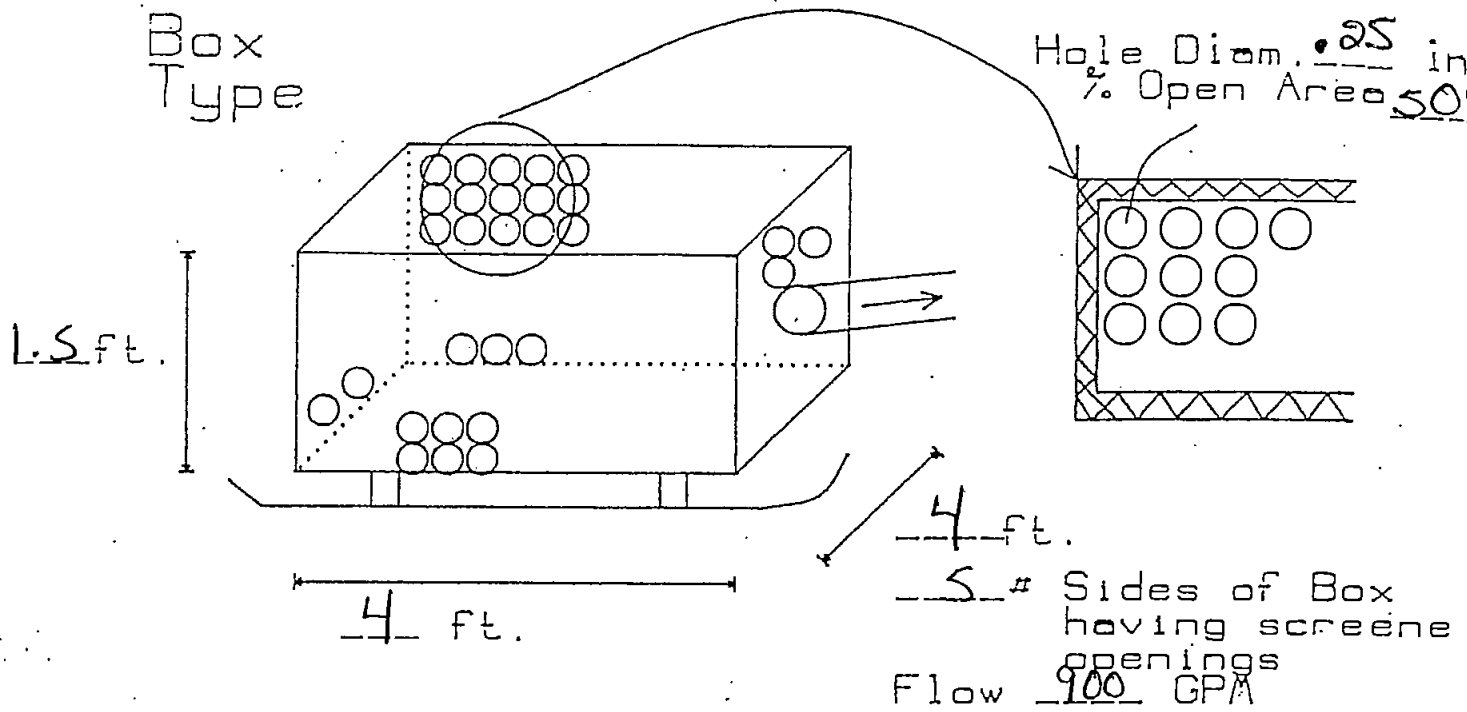


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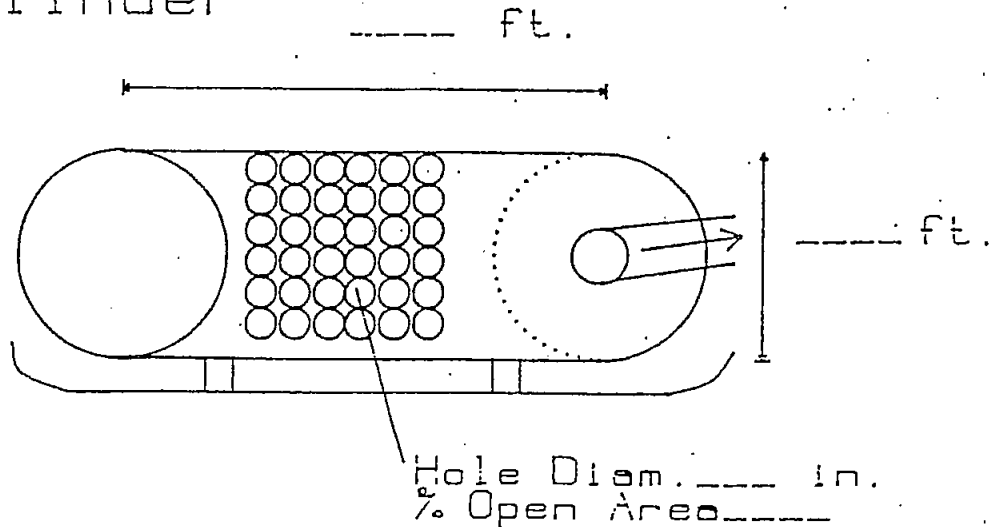


Screen Detail



OR

Cylinder



PURPOSE:

DATUM:

ADJ. PROP. OWNERS:

IN:
AT:
COUNTY OF:
APPLICATION BY:

STATE:

SHEET OF DATE:

(No. 199330241)



1316-3
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: CRONIN FARMS INC, MONTE CRONIN, 16051 W WHITLOCK RD, GETTYSBURG, SD
57442 8204

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 has not been submitted for Permit No(s) 1316-3 as required by administrative rule 74:02:01:14.02. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1316-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 9, 2016

1316-3

Cronin Farms Inc
c/o Monte Cronin
16051 W Whitlock Rd
Gettysburg SD 57442-8204

Dear Mr. Cronin:

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. 1316-3. 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
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2019

1316-3

Monte Cronin
Cronin Farms
16410 302nd Ave
Gettysburg SD 57442-8315

Dear Mr. Cronin:

Enclosed is a "Notice" dated October 18, 2019 concerning the 2019 irrigation questionnaire.

The notice was originally mailed to 16051 W Whitlock Rd., Gettysburg SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 16, 2024

1316-3

Cronin Farms Inc
c/o Casey Cronin
16410 302nd Ave
Gettysburg SD 57442

Dear Mr. Cronin:

I am writing you today in regard to Water Right No. 1316-3, held by Cronin Farms Inc. Water Right No. 1316-3 authorizes the appropriation of 4.26 cubic feet of water per second (approx. 1900 GPM) from the Missouri River for irrigation of 330 acres located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 6, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ Section 8; all in T118N-R78W, Potter County, South Dakota.

In review of recently submitted annual irrigation questionnaires, it has been discovered that more acres are regularly being reported than are authorized by Water Right No. 1316-3. Copies of irrigation questionnaires from 2020-2023 have been enclosed for you to reference. Recent ariel imagery suggests the irrigation of 295 un-authorized acres.

I will note that in 1993, Cronin Farms Inc was issued a water right for two large pivots at the location in question. However, Water Right No. 2865-3, authorizing irrigation of 273.5 acres, was cancelled by the South Dakota Water Management Board in 2008 after Monty Cronin reported that the systems were being dismantled and irrigation was being abandoned.

The increase in irrigated acres requires additional permitting. For your convenience I have enclosed a partially completed permit application and map for you to review and return to our office with the associated fees. The fees for the additional 295 acres would be \$1,250.00. Checks can be made payable to "SD Water Rights Program". You may also submit the necessary fees over the phone by calling our Fiscal Office (605)773-5559.

Obtaining a water permit is in the interest of the permit holder, as it provides protections against loss of water availability due to junior water users.

If you have any questions concerning the application process or need help completing the application, please don't hesitate to call. My direct line is (605) 910-5187.

Sincerely,

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

enclosures