

1. Considered NOVEMBER 27 1979
2. Name of Applicant LEONARD PENNEY
3. Post Office Address DE SMET, S.D. 57231
4. Amount of Water Claimed 1.89
5. Source of Water Supply NEW WELL #4-37' DEEP-3 EXISTING 35'
DEEP - # 2037-3
6. Water to be used for IRRIGATION
7. Acres to be irrigated 132 maximum acre feet
8. Water to be diverted and used in KINGSBURY County
about 2 miles SOUTH of DE SMET
9. Proof of Publication not Received 11-2-79 - aff. deed
Not received _____
10. Application Approved 11-27-79
Subject to W.I.
Not approved _____
Action deferred _____

Priority 12-17-73 Date Received 3-9-79 Application Complete yes no ☒

Retains Priority of #2037-3 Date Returned or additional information or fee requested needed Log

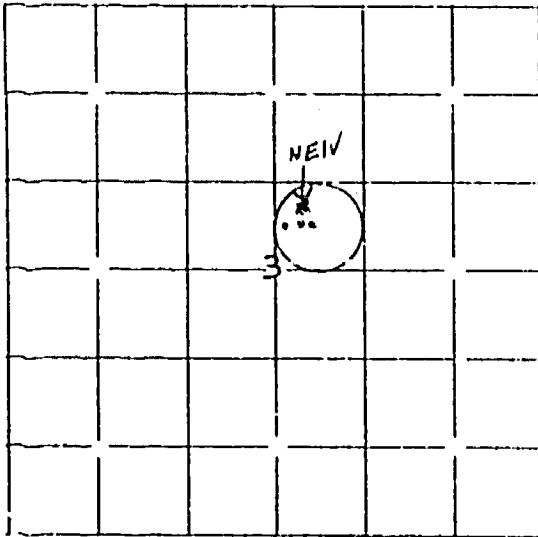
Remarks Add diversion on original permit 2037-3 - no
add'l water at acreage - incorporate & cancel 2037-3

Date information and/or Fee or corrected Application received Aug 30, 1979

FEE Amount 150⁰⁰
additional diversion

Diversion Location _____

NW 1 NE 2 3-110N-56W



Lands to be Irrigated _____

NE 4 - 3-110N-56W

Period of annual use APRIL 1 TO NOVEMBER 1

MAP

Type of Map DRAWN- Prepared by W. R. M. & T. R. M.

Map No. 1445-3 Map located in W/R X Map file _____

WELL LOG Received yes ☒ no ☐ Date of request 3-27-79

Remarks _____

Date Returned Aug 30, 1979

Driller Empire Drilling Licensed in SD yes ☒ no ☐

Depth and Formation 37' deep

WATER QUALITY

Date Received _____ Approved/Conditional (circle one)
 Date _____ *not needed - add decision - not once*
 Disapproved _____ Reason 250' from other wells
no new of or change Date Disapproved _____
 Application returned _____

WI-I Land Description - same as Application yes _____ no _____ Remarks _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Nov. 27, 1979.
D. Westlund
 (Signed)

This Application was unable to be completed - Reason _____

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

STAFF RECOMMENDATIONS

BOARD ACTION

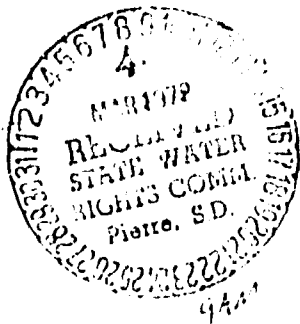
Date Approved _____ Qualifications _____

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

REMARKS F.F. & C. OF LAW, FINAL DECISIONS, ETC.

Date _____
 Final Decision, including F.F. & C of Law was adopted _____
 Date _____
 Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
 Remarks _____

No. 2037-3AMap No. 1945-3 Water Division No. 3 VERMILLION RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of Applicant Leonard Penney
 Postoffice address DeSmet, State South Dakota 57231
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work Schutler - Penney Project #2
4. Amount of water claimed (cubic feet per second) 1.89
5. Source of water supply Four wells (one additional to Permit NO. 2037-3)
6. Location of point of diversion From the NE corner Section 3, T110N R56E.
Well #1: S60°W, 2930 feet; Well #2: S59°W, 2580 feet;
Well #3: S54°30'W, 2280 feet; Well #4: S61°W, 2300 feet County Kingsbury
7. Annual period or periods during which water is to be used April 1 to November 1
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 132

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 T110N R56W	33		
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 T110N R56W	33		
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 T110N R56W	33		
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3 T110N R56W	33		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication DeSmet News
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

four motors and pumps

B. Works proposed to transport water to place of use.

pipelines

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Kingsbury)I, Leonard Penney the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Leonard PenneySubscribed and sworn to before me this 12 day of April 1979

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2037-3ALEONARD PENNEY
(Applicant)DE SMET
(Post Office Address)SOUTH DAKOTA 57231 With the following modifications
(State)

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

The applicable portions of Permit No. 2037-3 have been incorporated into this Permit No. 2037-3A and Permit No. 2037-3 has been placed in a cancelled status.

Date of first receipt of application MARCH 8, 19 79

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved NOVEMBER 27, 19 79, Recorded in Book 12, Page 304AWATER RIGHT PERMIT NO. 2037-3A

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2037-3A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 17, 19 73
2. The equivalent of at least one-fifth of the work above specified is ~~work~~ completed ~~as above~~ _____
3. The whole of said work is ~~work~~ completed ~~as above~~ _____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED _____
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.89 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 THIS DATE APRIL 1ST TO NOVEMBER 1ST; said water to be used during the following described annual period: _____

Witness my hand this 12th day of DECEMBER, 19 79

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued: DECEMBER 12, 19 79Water License Issued: DECEMBER 12, 19 79

IRRIGATION DRILLING CO.

PHONE 472-0384

Location of Well: NE 1/4, 1/4, Section 3, Township 110, Range 56

Well to be drilled for: Leonard Penney (Name) Dumont (Address)
Kimbrey (County) South Dakota (State)

Date well drilling started 0 11 1961 finished 0 11 1961

Purpose of well irrigation (domestic, irrigation, industrial, other)

Depth 39 ft. Casing Diameter 16 inches NORTH

Slot Size 0.50 Screen Size 15'

Screen Depth: From 24 ft. to 39 ft.

[illegible]

15' stainless steel screen. 1 Mile

24" Steel casing

REPORT OF FINAL PUMPING TEST
Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From		
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Staff of Pumping	...	...
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Gen. Ron W. Pl. President
Imperial Irrigation Drilling
Frankfort, Mo. Do L.
5/14/40

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 27", Depth 39'
- (2) Casing, Type Stainless Steel Diameter 16" Thickness 1/2"
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Stainless Steel, Diameter 16", Length 15'
- (4) Gravel Pack, Thickness 5 1/2", Length of gravel pack 39'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Topsoil 0-2; Gravel 2-4; med sand 4-7;
Fine sand 7-15; shale pebbles 15-19; fine sand 19-22;
fine & med sand 22-26; Gravel 26-33; med sand 33-35;
Gravel 35-37; Blue Clay 37-39.

Depth to top of water bearing material 5 feet

Depth to bottom of water bearing material 39 feet

Thickness of water bearing material 34 feet

Depth to water (ground surface to water level) 5 feet

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property across rds. On property owned by others 1/4 mile rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

L. M. Perry
Signature of Applicant

Permit No. 2037-3A

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leonard Penney

_____ the holder _____ of
Permit No. 2037-3A, issued upon Application No. 2037-3, bearing date of priority of _____
December 17, 1973 authorizing the diversion of 1.89 cu. ft. per second of the waters of _____
ground water (four wells) County of Kingsbury, State of South Dakota at _____
Well #1- S 60°W, 2930'; Well #2- S 59°W, 2580'; Well #3- S 54°W, 2280' and
Well #4- S 61°W, 2300', all from the NE corner of Section 3, T110N, R56W
_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.44 cu. ft. per second of water

Date December 12, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 2037-3A

(1) WHEREAS, On the 17th day of December A. D. 1973
Leonard Penney
made Water Right Application No. 2037-3 for a permit to use 2.22 cubic feet per second of the water of groundwater (three wells)
County of Kingsbury, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 16th day of January A. D. 1974
Permit No. 2037-3 with a date of priority of December 17, 1973
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 16th day of January A. D. 1979 and for the application to beneficial use of said water on or before the 16th day of January A. D. 1982

Whereas, on final inspection there were four wells being used, when the Permit called for only three. Therefore a new permit for the additional well was approved November 27, 1979 under Permit No. 2037-3A. The applicable portions of Permit No. 2037-3 have been incorporated into this Water License No. 2037-3A and Permit No. 2037-3 has been placed in a cancelled status,

and:
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet per second of water for beneficial use and,

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

- to irrigate the following land all in Section 3, T110N, R56W
- NW 1/4 NE 1/4 33 acres
- NE 1/4 NE 1/4 33 acres
- SW 1/4 NE 1/4 33 acres
- SE 1/4 NE 1/4 33 acres
- TOTAL 132 acres

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

of De Smet, SD

the holder _____ and owner _____ of said permit No. 2037-3A a water right, dating from December 17, 1973

to use of 1.89 cubic feet per second of the waters of ground water (four wells)

in the County of Kingsbury and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at Well #1, S60°W 2930'; Well #2- S 59°W, 2580';

Well #3- S 54°30'W, 2280' and Well #4- S 61°W, 2300', all from the NE corner of Section 3, T110N, R56W

and conduct to and upon portions of land in NE 1/4 Section 3, T110N, R56W, more fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2037-3A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of December A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

No. 2037-3A

Publish first publication, on or before October 31, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 16, 1979

Notice is hereby given that Leonard Penney whose post office

address is De Smet, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.80 cubic feet of water per second of time from groundwater

four wells—three existing to add an additional on an existing
through the Schutler-Penney Project #2, the point(s) of diversion/of permit

which is ~~to be~~ located in the NW1/4

of Section 3, Twp. 110N, Range 56E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE1/4, Section 3 - T110N - R56W

This Application No. 2037-3A will be considered by the Water Management Board ad
in Meeting Room #1, Knapp Building, Church &
Illinois Street, Pierre, SD 57501 upon the 27th day of Nov. 1979

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Leonard Penney
DeSmet, SD 57231

No. 2037-31

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Kingsbury) ss.

I, Dale Blogen hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the De Smet News

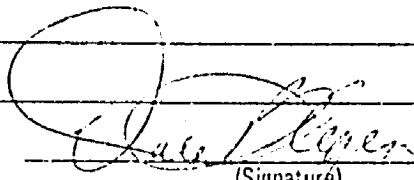
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City _____ of De Smet

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

October 24, 1979

October 31, 1979



(Signature)

Public

(Title)

10/31/79

(Date Signed)

No. 2037-3A
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

October 16, 1979
Notice is hereby given that Leonard
Penney whose post office address is De
Smet, South Dakota, had made an
application in accordance with the provi-
sions of SDCL 46-1-1 thru 46-1-9, 46-1-14;
46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-8; 46-5-10 thru 46-5-22, 46-5-41;
46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10,
46-6-14 and Board Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit to appropri-
ate for beneficial use 1.89 cubic feet of
water per second of time from ground-
water to add an additional (four wells—
three existing) through the Schutler-
Penney Project #2, point of diversion on
an existing permit which is to be located in
the NW 1/4 NE 1/4 of Section 3, Twp. 110N,
Range 56E. Said water to be used for the
purpose of providing irrigation on por-
tions of the following described land:
NE 1/4, Section 3 - T110N - R56W.

This Application No. 2037-3A will be
considered by the Water Management
Board in Meeting Room #1, Kneip
Building, Church & Illinois Street, Pierre,
SD 57501 upon the 27th day of Nov. 1979
at 10 A.M. The Board is authorized to
make a determination on this application
at the hearing. All interested persons may
appear and be heard. Any person who
may be affected by a Board decision who
desires to present evidence or cross-
examine witnesses according to SDCL
1-26 may notify the Board in writing prior
to the hearing or orally at the hearing.

This hearing is an adversary proceed-
ing. Any person 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 at the
hearing. Decisions of the Board may be
appealed to the Courts as provided by
law.

WATER MANAGEMENT BOARD
Betty Westlund
Water Rights Specialist

10-24-2wc-10-31



Permit No. 2-037-3AWater Division 3 Vermillion River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Leonard Penney of DeSmet South Dakota 57231 holder of Permit No. 2-037-3A, bearing date of priority of December 17, 1973 authorizing the diversion of 1.89 cu. ft. per second of the waters of Four Wells for Irrigation purposes, in Kingsbury County.

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

The Water Use System consists of,

- A. Works used to divert the water: Well #1, Motor 1/2 ELEC. Frame A 216UPY, 25HP, 3600 RPM Pump, Bayne Builer Vertiline, Ser # N11487, 30ft. Pumping 200 gpm.
Well #2, Motor 1/2 ELEC. ID# 9402546-C-343, R2074416, 30HP.
Pump Western Band Roller, Ser # C75701, Head #6-100-M Pumping 300 gpm.
Well #3, Motor 1/2 ELEC. ID# 9402546-C-343, R2074420, 30HP, 1750 RPM.
Pump Peerless 6X6X12, Ser # PL 7444383, Pumping 200 gpm.
Well #4 Motor 1/2 ELEC. ID# 9402546-C-343, R2074418, 30HP, 1750 RPM.
B. Works used to transport water to place of use, Pump Western Band Roller, Pumping 300 gpm.
Underground Pipelines to Center Pivot and between wells

C. Works used to apply water to beneficial use.

Valley Center Pivot, Model 2171, Ser # 13478
System set for 875 gpm

The system is in the following condition: Good

The point of diversion is located From the NE Cor. Sec 3, T110N R56W, Well #1 540' N 2720'
Well #2, 559' N 2550', Well #3, 554' 30W 2250', Well #4, 561' W 2300'

The works are capable of diverting and conveying to the place of use 2.44cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec 3, T110N R56W

NW 1/4 NE 1/4 - 33 Ac., NE 1/4 NE 1/4 - 33 Ac., SW 1/4 NE 1/4 - 33 Ac., SE 1/4 NE 1/4 - 33 Ac.

comprising a total of 132 acres of land.

Well #1.

36 ft deep

Pumping 200 gpm

Well #2

42 ft deep

Pumping 300 gpm
capacity 400 gpm

Well #3

26 ft deep

5 ft to water

Pumping 300 gpm

Well #4

39 ft deep

Pumping 300 gpm

capacity 500 gpm

Date May 3, 1978

LeRoy J. McLaughlin
(Signature)

Chad M. Benson Dec 2 2007
Irrigation

2037-3 Leonard Perry

5-3-78 Valley C.P. System set for 875 ppm
in Dec 2571 Ser # 13448

Well #3 - Depth 36 ft, 300 gpm
5 ft to center.

Motor 11.5 cph. ID# 9402546-C-743

R2074420 30 HP 170 RPM

Pump. Deciders - 6 x 6 x 12

Set # PL 74 H 4383 Pumping 300 gpm

Well #2 Depth 42 ft 400 gpm

Pumping 300 gpm

Frame - 2537 PM USE 100

ID# 9402546-C-743 - R2074416

30 HP

Western Sand roller

Set # C75101 - Weng 6-150-11

Well #1

Depth - 76 ft Pumping 300 gpm

U.S. Elec. 25 H.P.

Frame - A 786 wpy 3600 RPM

Pump Layne Bowler Co. Inc.

Fl. 30 ft. Dr. 11 H.P.

Check all
out

Well #4 Not on application

U.S. Elec. Motor. Frame # 786 T114

IP # 720 2576 - C-241 R 1074419.

33 H.P. 1150 RPM

Pump. Herdman Brothers, Inc.

Well 39 ft deep. capacity 500 gpm

Pumping 300 gpm

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7161

PIERRE, December 12, 19 79

RECEIVED OF Leonard Penilev, DeSmet SD 57231

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 2037-3A ..	50	00
Fee for Inspecting Beneficial Use, and issuing Water License No. 2037-3A ..		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

2037-3
2037-3A

December 17, 1979

Leonard Penney
De Smet, SD 57231

Dear Mr. Penney:

Enclosed herewith is your Water Right No. 2037-3A as approved by the Board of Water Management. Also enclosed herewith are, Water License No. 2037-3A and Certificate of Construction.

The applicable portions of Permit No. 2037-3 have been incorporated into this Water License No. 2037-3A and Permit No. 2037-3 has been placed in a cancelled status.

Water License No. 2037-3A is the final water right document completing your process of obtaining a water right. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/gy

enclosures

NOTE: Your pump capacity is 2.44 cfs (1095 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.89 cfs (846 gpm). Any diversion in excess of 1.89 cfs would be a violation of your Water Right,

2037-3A

2086-3

1456-3

1533-3

Department of Water & Natural Resources

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

February 17, 1989

Leonard Penney
Rt. 2, Box 166
De Smet, SD 57231

Dear Mr. Penney:

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;

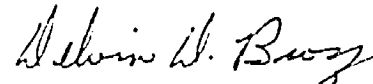


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 12, 2002

2037-3A

Tim & Joan Sullivan
PO Box 267
Earling IA 51530-0267

Dear Mr. & Mrs. Sullivan:

I am contacting you in regard to Water Right No. 2037-3A, currently listed in the name of Leonard Penney. Recently, we were notified that you purchased the land from Mr. Penney.

The water right authorizes diversion of 1.89 cubic feet of water per second (approximately 850 gallons per minute) from four wells to irrigate 132 acres in the NE ¼ Section 3, T110N, R56W. I am enclosing a copy of the water right for your review.

Normally, irrigators are required to submit an annual irrigation questionnaire to our office with information on how many acres were irrigated and how much water was used during that specific season. It is my understanding that the land described in the water right is currently enrolled in the CRP Program (through 2008). Annual irrigation questionnaires do not have to be filed for this water right until it comes out of CRP.

In South Dakota, a water right for irrigation goes with the land and is transferable to the new owner(s) as long as it has not been lost due to abandonment and/or forfeiture. If you own the land and wish to continue irrigating once the land comes out of CRP, it should be transferred to your names. Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program".

If you have any questions concerning the water right or filing the transfer of ownership, please get in touch with me.

Sincerely,

Genny McMath
Genny McMath

Environmental Scientist
Water Rights Program

(605) 773-3352

email: genny.mcmath@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 2, 2003

No. 2037-3A

Tim & Joan Sullivan
43385 US Hwy 14
DeSmet SD 57231

Dear Mrs. & Mrs. Sullivan:

I am writing as a reminder that we have not received the *Notice of Transfer of Ownership* form for use in filing an ownership change on Water Right No. 2037-3A. The water right is currently listed in the name of Leonard Penney and authorizes irrigation of the NE ¼ Section 3-T110N-R56W in Kingsbury County.

It is my understanding that the land described in the water right is currently enrolled in the CRP Program (through 2008). In South Dakota, a water right for irrigation goes with the land and is transferable to the new owner as long as it has not been lost due to abandonment and/or forfeiture. If you own this land and wish to continue irrigating once the land comes out of CRP, it should be transferred to your name.

In the event you no longer have the original form, enclosed is another partially completed *Notice of Transfer of Ownership* form. Please review and complete the form, making any necessary corrections or additions. The form should be signed by the new owner and returned to our office with a required filing fee of \$2.50. The check or money order can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 19, 2004

2037-3A

Tim & Joan Sullivan
43385 US Hwy 14
DeSmet SD 57231

Dear Mr. & Mrs. Sullivan:

I am writing in regard to the ownership of Water Right No. 2037-3A. The water right, currently listed in the name of Leonard Penney authorizes irrigation of the NE ¼ Section 3, T110N, R56W in Kingsbury County. We have written to you in the past about filing an ownership change on the water right and to date have not heard from you.

Under SDCL 46-5-30.3, notice of any sale, grant, lease, conveyance or other transfer of a permit or license to appropriate water issued under the provisions of this title shall be filed with the chief engineer within ninety days.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you no longer own the land and a transfer is no longer necessary, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2037-3A

Date: 9-20-04

I/We request that Water Right No. 2037-3A

formerly owned by: Leonard Penney, 712 2nd St SW, DeSmet, SD 57231

be transferred to: (name & address)

Tim Sullivan
20812 Homestead Road
De Smet SD 57231 Telephone No. 605 854 9040

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

NE ¼ Section 3, T110N, R56W

I/We understand that the validity of Water Right No. 2037-3A 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 Tim Sullivan, the new owner, certify that the above information is true and correct.

RECEIVED

SEP 22 2004

WATER RIGHTS
PROGRAM

Tim Sullivan
(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 September 22, 2004

RECEIVED OF Ingalls Homestead Inc., 20012 Homestead Road, De Smet SD 57231

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>2037-3A</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

016 023

By

[Signature]

Chief Engineer

[Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 23, 2004

2037-3A

Tim Sullivan
20812 Homestead Rd
DeSmet SD 57231

Dear Mr. & Mrs. Sullivan:

Thank you for sending in the ownership change for Water Right No. 2037-3A. The transfer has completed. The water right, formerly held by Leonard Penney is now listed in your name.

Enclosed is your Receipt No. 001423 in the amount of \$2.50 which you paid for filing the ownership change.

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 11, 2009

2037-3A

Tim Sullivan
20812 Homestead Rd
DeSmet SD 57231

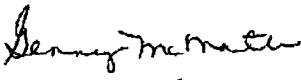
Dear Mr. Sullivan:

I am contacting you in regard to your Water Right No. 2037-3A. The water right authorizes diversion of ground water from four wells to irrigate 132 acres in the NE ¼ Section 3, T110N, R56W in Kingsbury County, South Dakota.

Each year in October we mail out annual irrigation questionnaires for water right holders to complete with information on how much water was used during that specific crop year. We have held up mailing irrigation questionnaires to you because your land was in CRP. Our records show the land came out of CRP last season and should be eligible for irrigation starting in 2009.

Prior to the fall mailing I wanted to touch base with you to see if you still own the land and if any changes need to be made to the water rights. If there are any changes to the water right or if you have re-enrolled the land in CRP, please contact me.

Sincerely,


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

-----Original Message-----

From: Ann Lesch [mailto:ann@ingallshomestead.com]

Sent: Monday, June 15, 2009 11:36 AM

To: McMath, Genny

Subject: Re: Water Rights No. 2037-3A

Genny,

The remaining acres will not be irrigated this year.

Thanks,

Ann

On Mon, Jun 15, 2009 at 7:33 AM, <Genny.McMath@state.sd.us> wrote:

Ann,

Thank you for the information – I have one more question. Will the remaining acres described in the water right (approximately 80) be irrigated?

The reason I ask is because I can still mail an annual irrigation questionnaire to him for reporting water use on the land not in the wetland program.

Thank you in advance for your help.

Genny

-----Original Message-----

From: Ann Lesch [mailto:ann@ingallshomestead.com]

Sent: Friday, June 12, 2009 5:33 PM

To: McMath, Genny

Subject: Water Rights No. 2037-3A

Genny,

I am emailing on behalf of Tim Sullivan. Your letter of June 11, 2009 inquired about Tim's water rights and CRP enrollment. He asked me to relay this information.

Yes, Tim Sullivan still owns the NE 1/4 Section 3, T110N, R56W in Kingsbury County, SD.

No changes have been made to the water rights; they still belong to Tim.

Approximately 50 acres of the land previously enrolled in CRP, were enrolled into a 15 year wetland program this year.

If you have other questions, or need to speak to Tim directly, please let me know.

Thank you,

Ann Lesch

Ingalls Homestead

Operational Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2009

2037-3A

Tim Sullivan
20812 Homestead Rd
DeSmet SD 57231

Dear Mr. Sullivan:

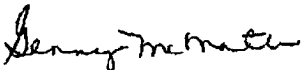
I am contacting you in reference to your Water Right No. 2037-3A which authorizes diversion of ground water for irrigation of 132 acres. I received an email communication from Ann Lesch indicating approximately 50 acres were enrolled in a 15 year wetland program.

It is our understanding that the remaining acres are eligible for irrigation. I will add you back on the list for annual irrigation questionnaire mailings so that you can report any irrigation that may be done. We use the water use information irrigators supply to help manage the water resources of the state.

Ann indicated that the land would not be irrigated in 2009, however we still need to mail you a form and establish a year of record. The 2009 questionnaires will be mailed to irrigators in October. When you receive it, just make a notation on the form that the land was not irrigated and return it to us.

Thank you for your help and 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



2037-3A

**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: TIM SULLIVAN, 20812 HOMESTEAD RD, DE SMET, SD 57231

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) 2037-3A 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) 2037-3A 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.

2037-3A

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 1253

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

Your item was delivered at 2:42 pm on January 22, 2011 in DE SMET, SD 57231. The item was signed for by T SULLIVAN.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 2:42 pm, DE SMET, SD 57231
- Arrival at Post Office, January 22, 2011, 8:04 am, DE SMET, SD 57231

Notification Options

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Get current event information or updates for your item sent to you or others by email.

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No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 1253

TIM SULLIVAN
20812 HOMESTEAD RD
DE SMET SD 57231

Waiver of Signature ☐ YES ☐ NOPostmark
Here

re mailing.

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2011

2037-3A

Tim Sullivan
20812 Homestead Rd
DeSmet SD 57231

Dear Mr. Sullivan:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2037-3A. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 6, 2024

2037-3A

Tim Sullivan
20812 Homestead Rd
De Smet SD 57231

Dear Mr. Sullivan:

I am contacting you in regard to your Water Right No. 2037-3A, authorizing the diversion of 1.89 cubic feet of water per second from 4 wells for the irrigation of 132 acres located in the NE ¼ Section 3, T110N, R56W, Kingsbury County.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 2037-3A has been enrolled in the Conservation Reserve Program (CRP) through 2023.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made the decision not to resume irrigation, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 7th, 2026

2037-3A

Tim Sullivan
20812 Homestead Rd
De Smet, SD 57231

Dr Mr. Sullivan:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right No. 2037-3A.

Water Right No. 2037-3A authorizes the diversion of 1.89 cfs (850 gpm) from 4 wells for irrigation of 132 acres in the NE1/4 Section 3-T110N-R56W.

On this year's questionnaire, you reported that irrigation of the property had been abandoned with irrigation last being reported in 1997.

Pursuant to SDCL 45-5-37, if water appropriated under a permit/water right, is not placed to beneficial use for a period of three or more years (without legal excuse), the unused position of the permit/water right may be subject to cancellation due to abandonment or forfeiture.

Please contact me via email or by calling my direct line (605) 773.8204 to discuss potential cancellation of Water Right No. 2037-3A.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us