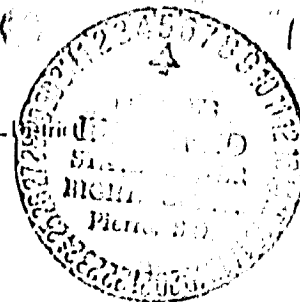


2742-3

1. Considered MAY 20, 1976
2. Name of Applicant MARY DALY
3. Post Office Address FT. THOMPSON
4. Amount of water claimed 2.14
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 150
7. Water to be diverted and used in BUFFALO county
about 3N, 4W miles of FT THOMPSON
8. Proof of Publication
Received 5-18-76
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2742-3Map No. 2101-3 Water Division No. 3 MISSOURI RIVER
(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 Mary Daly
Postoffice address Box 635 Ft. Thompson, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Daly Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 2.14 CFS
5. Source of water supply Missouri River
6. Location of point of diversion SW corner of the SE $\frac{1}{4}$ of Section 7, T107N-R72W
County Buffalo
7. Annual period or periods during which water is to be used Irrigation Season
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 150

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.
SE $\frac{1}{4}$, Sec. 7 T107N, R72W	150		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
11. Choice of newspaper for Notice of Intent to appropriate Water publication CAMPBELL JOURNAL, Pierre
12. Principal Features of the Proposed Water Supply System.

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

Centrifugal pumps

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

Pipe

C. Works proposed to apply water to beneficial use

Sprinkler Irrigation

Estimated Total Cost \$ 60,000.00Attachments: 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 BuffaloI, Mary Daly

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 construction

Signed

Mary Daly

Subscribed and sworn to before me this

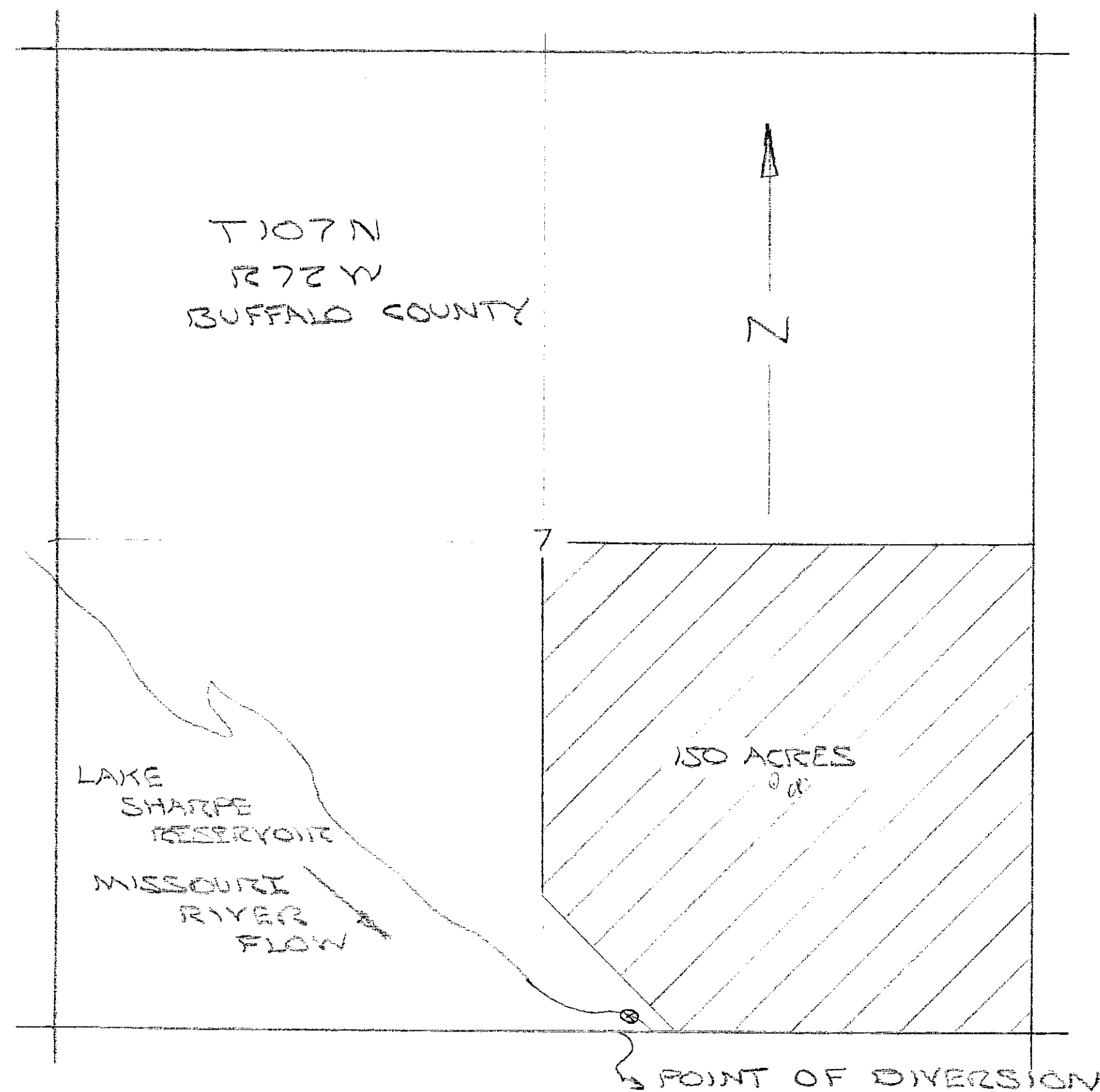
4th

day of

May

1976

Notary Public (or other qualified officer)



LAND TO BE IRRIGATED	
OWNER: MARY DALY	
DESCRIPTION	ACRES
SE 1/4, SEC. 7 T107N-R72W	150
TOTAL	150

SURVEYOR'S CERTIFICATE

I, R.V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Mary Daly, I have surveyed the tract of land as shown, and that the above drawn Plot is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 26th day of April, 1976, A.D.

R.V. Summerside
REGISTERED LAND SURVEYOR

WATER APPROPRIATION MAP		
SCALE: 1"=660'	APPROVED BY:	DRAWN BY:
DATE: 21 APR 76		REVISED:
MARY DALY		
PT THOMPSON, S.D.		DRAWING NUMBER

MAP NO 2101-3 (APPL NO 2742-3)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2742-3

MARY DALY
(Applicant)

Box 635, Ft. Thompson
(Post Office Address)

SOUTH DAKOTA 57339
(State)

With the following modifications

Date of first receipt of application MAY 5 19 76
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application — 19 —
Approved MAY 20 19 76, Recorded in Book 15 Page 178

WATER RIGHT PERMIT NO. 2742-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2742-3 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 MAY 5 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 85
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 2.14 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 3 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 MAY 20 19 85; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 9th day of JUNE 19 76

WATER RIGHTS COMMISSION

By:

John Halseth
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —

Water License Issued — 19 —

Publish first publication, on or before May 10, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 5, 1976

Notice is hereby given that Mary Daly
whose post office address is Ft. Thompson, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
2.14 cubic feet of water per second of time from the Missouri River through the
Daly Irrigation Project #1, the point of diversion of which is to be located in the _____

SW 1/4 SE 1/4

of Section 7, Twp. 107N, Range 72W. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SE 1/4, Section 7, T107N, R72W

This application No. 2472-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Mary Daly, Box 635, Ft. Thompson, S.D. 57339

No. 2742-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Hughes)

I, John F. Winkle hereby

certify that the annexed printed copy of Notice of intent to Appropriate

Water was taken from the Daily Capital Journal

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 Pierre

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

May 10, 1976; and

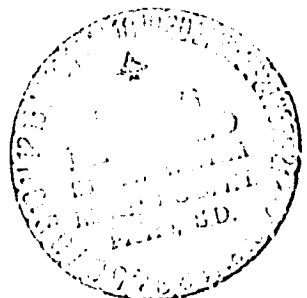
May 17, 1976.

(John J. Hepp)
(Signature)

Business Manager
(Title)

May 17, 1976
(Date Signed)

No. 3376 - 2t dly May 10-17
No. 2742-3
NOTICE
INTENT TO
APPROPRIATE WATER
Notice is hereby given that Mary Daly whose post office address is Ft. Thompson, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.14 cubic feet of water per second of time from the Missouri River through the Daly Irrigation Project No. 1, the point of diversion of which is to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Twp. 107N, Range 72W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$, Section 7, T107N, R72W
This application No. 2742-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

June 9, 1976

Mary Daly
Box 635
Ft. Thompson, S.D. 57339

Dear Mrs. Daly:

Enclosed herewith is your Water Right Permit No. 2742-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2742-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated May 19, 1976 contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

Respectfully,
WATER RIGHTS COMMISSION
JOHN HATCH
Chief Engineer

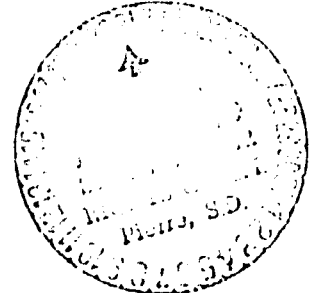
JH/BFJ/bw
Encl: As stated



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
PIERRE, SOUTH DAKOTA 57501

May 19, 1976



Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, SD 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on May 20, 1976, a Hearing will be held at 1 p.m. by the Water Rights Commission at their office at Pierre, South Dakota, on the application of Mary Daly, Fort Thompson, South Dakota, for a permit to appropriate for beneficial use 2.14 cubic feet of water per second of time from the Missouri River through the Daly Irrigation Project # 1, the point of diversion being in the SW 1/4 of Section 1, T. 107 N., R. 72 W., for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Crow Creek Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381; Winters v. United States, 207 U.S. 564; 28 S. Ct. 207; United States v. Alexander, 131 F. 2d 359; United States v. Powers, 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Area Director
Superintendent, Crow Creek Agency
Ms. Mary Daly, Box 635, Ft. Thompson, SD 57339
Mr. Parnell Hagea, Area Soil Conservationist, E.I.A.



Department of Water & Natural Resources

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

March 23, 1987

MARY DALY
ST RT BOX 20
FT THOMPSON, SD 57339

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). 2742-3. 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). 2742-3 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.

March 24

To whom it may concern,

This questionnaire was filled
out and it was sent off from
here - what happened between
here and there is anyone's guess -
if you want to send another
questionnaire well fill it
out, again - but we can
do!

Mary Daley



Sent form
3-27-87

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 13, 1987

2742-3

Mary Daly
SR Box 20
Ft. Thompson, SD 57339

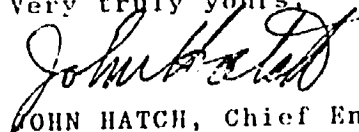
Dear Ms. Daly:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2742-3 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

MARY DALY
ST RT BOX 20
FT THOMPSON, SD 57339

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) 2742-3. 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). 2742-3 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

#2742-3

February 17, 1989

Mary Daly
SR 3 Box 20
Ft. Thompson, SD 57339

Dear Ms. Daly:

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;



February 17, 1989
Daly
page 2

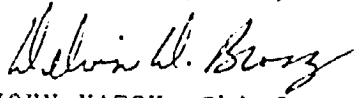
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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 27, 1989

2742-3

Mary Daly
St Rt Box 20
Ft Thompson, SD 57339

Dear Ms. Daly:

I am writing to acknowledge receipt of your 1988 Irrigation questionnaire for Water Permit No. 2742-3. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire 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

JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 6, 1989

2742-3

Mary Daly
HCR 69 Box 20
Ft Thompson, SD 57339

Dear Ms. Daly:

Enclosed is your 1989 irrigation questionnaire. In order for us to calculate the amount of water used, we need more specific information included on the form.

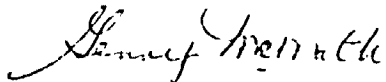
Please include the following information on the questionnaire:

1. Average hours per day; and
2. Average pump rate.

Upon completion of the form, return it to our office in the enclosed postage paid envelope. The form must be returned to our office before December 15th.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



South Dakota



2742-3

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

MARY DALY
HCR 69 BOX 20
FT THOMPSON SD 57339

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) 2742-3. 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, 46-2-3, 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) 2742-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

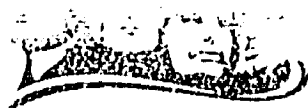
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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

DEPARTMENT OF WATER & NATURAL RESOURCES

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

2742-3

February 19, 1991

1684-3
(2742-3)

Paul & Mary Daly
HCR 69 Box 20
Ft Thompson, SD 57339

Dear Mr. & Mrs. Daly:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1684-3 and 2742-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. 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

South Dakota Department of
Water & Natural Resources

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

November 28, 1990

1684-3
2742-3

Paul & Mary Daly
HCR 69 Box 20
Ft Thompson, SD 57339

Dear Mr. & Mrs. Daly:

Enclosed are your 1989 irrigation questionnaires pertaining to Water Right No. 1684-3 and Water Permit No. 2742-3. The questionnaire pertaining to No. 2742-3 indicates irrigation did take place in 1990. In order for us to calculate the amount of water used during 1990, you will need to complete the questionnaires.

The following is a summary of No. 1684-3 and 2742-3:

Water Right No. 1684-3 authorizes irrigation of 178 acres in portions of Section 28, T106N, R70W from a 53' deep well.

Water Permit No. 2742-3 authorizes irrigation of 150 acres in the SE 1/4 Section 7, T107N, R72W from the Missouri River.

Please complete the questionnaires and return them to us before December 21, 1990. If you have any questions or need assistance in completing the forms, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



2742-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: LARRY DALY & PAUL DALY
HCR 69 BOX 20
FT THOMPSON SD 57

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2742-3. The request for the Questionnaire 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, 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 shall:

1. Amend Permit No(s) 2742-3 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. 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 questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

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.
- This Return Receipt will show to whom the article was delivered and the date delivered.

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:

2742-3

MARY DALY & PAUL DALY
HCR 69 BOX 20
FT THOMPSON SD 57339

4a. Article Number

P906560 013

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2/6-93

5. Signature (Addressee)

Paul Daly

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



2742-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

1684-3

2742-3

Paul Daly
HCR 69 Box 20
El Thompson, SD 57339

Dear Mr. Daly:

I am writing to acknowledge receipt your 1992 irrigation questionnaires for Water Right Nos. 1684-3 and 2742-3. You may disregard the January 29, 1993, **Notice of Violation of Water Permit and Violation of the Requirement to Submit the 1992 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.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

2742-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2742-3

Date: _____

I/We request that Water Permit No. 2742-3

formerly owned by: Mary Daly

be transferred to: (name & address) Paul Daly and/or Julie Daly
P.O. Box 3019, Ft. Thompson, SD 57339 (Telephone No) 245-2278

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

150 acres - SE 1/4 Section 7, T107N, R72W

I/We understand that the validity of Water Permit No. 2742-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Paul Daly / Julie Daly being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Paul Daly Julie A. Daly
(Signed)

Subscribed and sworn to before me this 17th day of March, 19 93.

Karen Schlaute
(Notary Public)



NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 17, 1993

2742-3
413680

RECEIVED OF Paul R. J. Miller, 379, Ft. Thompson, SD 57359

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. _____		
Fee for Filing Transfer Form _____		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer



2742-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 1993

No. 2742-3

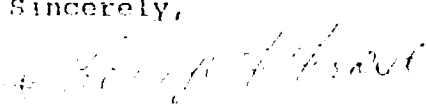
Paul and Julie Daly
P.O. Box 379
Ft. Thompson, SD 57339

Dear Mr. and Ms. Daly:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 2742-3.

Our records now show you as the owner of Water Permit No. 2742-3.

Sincerely,


Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-2352

enclosure

Permit No. 2742-3
Missouri 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 Mary Daly (now owned by Paul and Julie Daly) of Box 379, Ft. Thompson, SD 57339 holder of Permit No. 2742-3, bearing the priority of May 5, 1976 authorizing the diversion of 2.14 cu. ft. per second of the waters of Missouri River for irrigation purposes, in Buffalo County.

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

- A. Works used to divert the water:
General Electric motor, model no. 5K364YK135, 75 hp and a 900 gpm pump.
- B. Works used to transport water to place of use:
1500' of 10" pvc pipe and 190' of 10" steel intake pipe.
- C. Works used to apply water to beneficial use:
Electrigater center pivot, 1279' long with 10 towers and a Nelson 300 end gun, high pressure system, 900gpm capacity.

The system is in the following condition good. The point of diversion is located 415' W and 115' N of the S 1/4 corner Sec. 7-107-72. The works are capable of diverting and conveying to the place of use 2 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:

All in Section 7-T107-R72:

<u>NW 1/4 SE 1/4 33 acres</u>	<u>SW 1/4 SE 1/4 33 acres</u>
<u>NE 1/4 SE 1/4 33 "</u>	<u>SE 1/4 SE 1/4 33 "</u>

comprising a total of 132 acres of land and the license should be issued for 1.89 ~~2.0~~ cfs.

(3rd) Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 6-28-93

Lynn Beck
 Lynn Beck
 Natural Resources Engineer
 DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2742-3

DATE: 6-28-93

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: SW 1/4 SE 1/4, 415' E and 115' N of the S 1/4 corner
Sec. 7-107-72.

PUMP AND MOTOR INFORMATION:

Pump:

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity 900 GPM

Motor:

- 1) Make General Electric
- 2) Model No. 5K364YK135
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- | | | |
|---------|----------------|----------------|
| 1) Type | 2) Size inches | 3) Length feet |
| 1) Type | 2) Size inches | 3) Length feet |

SYSTEM TYPE:

Center pivot:

- 1) Make Electrigator
- 2) Overall length 1279 feet
- 3) Number of towers 10
- 4) Distance between towers feet
- 5) End gun Y
- 6) High or low pressure high
- 7) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 10, 1994

2742-3

Paul and Julie Daly
Box 379
Ft. Thompson, SD 57339

Dear Mr. and Ms. Daly:

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 No. 2742-3, has been completed. Your final water right document, the Water License, can now be issued.

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

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.



2742-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1181

February 16, 1994

PAUL DALY
PO BOX 379
FT THOMPSON SD 57339-0379

NOTICE

RE: Violation of Water Permit No(s) 2742-3, 1684-3 and 1993 Irrigation
Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 2742-3, 1684-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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) 2742-3 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) 1684-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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) 1684-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2742-3 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 April 1, 1994, 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1994

NOTICE

TO: PAUL DALY
PO BOX 379
FT THOMPSON, SD 57339-0379

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352 

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 1684-3, 2742-3

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
- 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
- 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
- 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
- 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
- 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
- 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
- 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
- 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
- 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
- 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
- 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
- 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
- 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
- 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
- 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
- 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
- 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
- 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
- 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
- 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
- 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
- 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
- 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
- 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
- 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
- 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
- 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
- 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
- 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 59219.
- 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

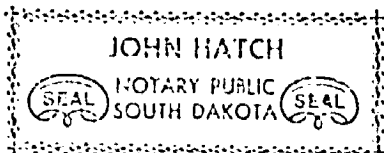
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Kcslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Frothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Gollither, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Word Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3121

March 21, 1994

1684-3
2742-3

Paul Daly
PO Box 379
Ft Thompson, SD 57339-0379

Dear Mr. Daly:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of Water Permit Nos. 1684-3 and 2742-3 and the Irrigation Questionnaire Requirements.**

The questionnaires were completed and in the office prior to the Water Management Board meeting and your name has been deleted from the agenda. As requested, future irrigation questionnaires will be directed to John Daly, Pukwana, SD.

If you have any questions, please contact me.

Sincerely,

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

cc: John Daly RR, Pukwana, SD 57370

RECEIPT

414094

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 16, 19 94

RECEIVED OF Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339

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>2742-3</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 [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2742-3

(1) Mary Daly, of Ft. Thompson SD made Application No. 2742-3, May 5, 1976 for a water permit to appropriate 2.14 cubic feet of water per second from the Missouri River, Buffalo County, South Dakota for irrigation purposes. Permit No. 2742-3, with a priority date of May 5, 1976 was approved May 20, 1976 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2742-3 was transferred March 17, 1993 from Mary Daly to Paul & Julie Daly.

(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 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 415 feet W and 115 feet N of the S 1/4 corner Section 7-T107N-R72W (SW 1/4 SE 1/4).

(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:

Section 7-T107N-R72W	NW 1/4 SE 1/4	33 acres
	NE 1/4 SE 1/4	33 acres
	SW 1/4 SE 1/4	33 acres
	SE 1/4 SE 1/4	33 acres
	Total	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul and Julie Daly of Box 379, Ft. Thompson SD 57339 the holders and/or owners of Water Permit No. 2742-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from the Missouri River with a priority date of May 5, 1976 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. 2742-3 and subject to South Dakota State Law.



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

NOV 14 1994

date



2742-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

2742-3

Paul and Julie Daly
Box 379
Ft. Thompson, SD 57339

Dear Mr. and Ms. Daly:

Enclosed is Water License No. 2742-3. Water License No. 2742-3 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,

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

gm
enclosures



2742-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

JOHN DALY, OPERATOR
RR
PUKWANA SD 57370

NOTICE

RE: Violation of Water Permit No(s) 2742-3, 1684-3 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 2742-3, 1684-3. 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) 2742-3 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) 1684-3 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) 1684-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2742-3 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

CC: PAUL & JULIE DALY, PO BOX 379, FT THOMPSON, SD 57339



2742-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 1995

1684-3
2742-3

John Daly
RR
Pukwana, SD 57370

Dear Mr. Daly:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit Nos 1684-3 & 2742-3 and the 1994 Irrigation Questionnaire Requirements.

The questionnaires were 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 Division
(605) 773-3352

c: Paul & Julie Daly, PO Box 379, Ft Thompson, SD 57339-0379



January 16, 2002

NOTICE

2742-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: JOHN DALY, OPERATOR, RR, PUKWANA, SD 57370

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 1684-3, 2742-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 2742-3 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) 1684-3 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 1684-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2742-3 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 8, 2002, 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.

c: PAUL OR JULIE DALY, BOX 379, FT THOMPSON, SD 57339

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.

2742-3

CERTIFIED MAIL



7001 2510 0004 4797 6856

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

TEMP RETURN SERVICE REQUESTED

FOE



Paul or Julie Daly
Box 379
Ft Thompson SD 57539

SENDER: COMPLETE THIS SECTION

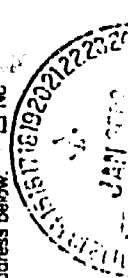
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery, is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHN DALY, OPERATOR
RR 1 Box 45
PUKWANA SD 57370

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly)
- B. Date of Delivery 01-17-02
- C. Signature *Xi [Signature]* Agent ☐ Address ☐
- D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below.



- 3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. A 7001 2510 0004 4797 5828

PS Form 3811, July 1999 Domestic Return Receipt

102595-00-14-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

January 23, 2002

1684-3
2742-3

John Daly
RR 1 Box 45
Pukwana SD 57370

Dear Mr. Daly:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 1684-3 and 2742-3.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1684-3

2742-3

Julie Daly
1908 S Queen Ave
Sioux Falls, SD 57101

Dear Ms. Daly:

Enclosed, as we discussed, are copies of Water Right Nos. 1684-3 and 2742-3. I have included partially completed Notice of Transfer of Ownership forms in the event you need them.

If the ownership should be changed, the forms will need to be completed and then signed in the presence of a notary public. Upon completion, please return them to our office with a required filing fee of \$2.50 (each). The check or money order for the fees should be made payable to the Water Rights Program.

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

NOT TO SCALE

Prepared by:

Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

Total Acres = 132 acres



(A-4)

2742-3

2742-3



**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 6, 2008

2742-3

Julie Van Matre
4945 Crow Dr
Larkspur CO 80118

Dear Ms. Van Matre:

Thank you for contacting us regarding the ownership change needed for Water Right No. 2742-3. I have included a copy of the water right for your records.

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 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

enclosures



**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 11, 2009

2742-3

Julie Van Matre
4945 Crow Dr
Larkspur CO 80118

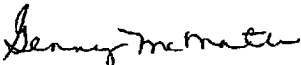
Dear Ms. Van Matre:

I am writing in regard to ownership of Water Right No. 2742-3. Back in October, 2008, you contacted our office and indicated a change was needed. I forwarded you a copy of the water right and also a partially completed "Notice of Transfer of Ownership" form to complete and return to us. To date, we have not received anything back from you.

In the event you no longer have the original form, I have included another one for your use. 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.

The water right is currently in the name of Paul or Julie Daly. If you no longer wish to have the water right transferred, please let me know.

Sincerely,


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

enclosures

RECEIVED

FEB 23 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2742-3

Date: _____

I/We request that Water Right No. 2742-3

formerly owned by: Paul or Julie Daly, Box 379, Ft Thompson SD

be transferred to: (name & address)

Julie Daly VanMatre (Daly-maiden name)
4945 CROW DR, Larkspur CO 80118
Telephone No. 303-386-4683

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

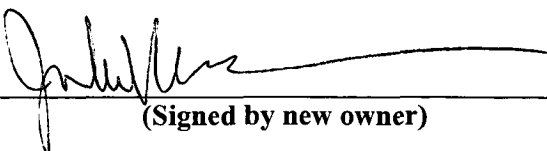
132 acres - SE ¼ Section 7, T107N, R72W

I/We understand that the validity of Water Right No. 2742-3 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 Julie Daly VanMatre, the new owner, certify that the above information is true and correct.


(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 2/23, 20 09

RECEIVED OF Julie Ann Vanmatre 4945 Crow Dr Larkspur CO 80118

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>2742-3</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

4-0

By

Harold E. Eide
Chief Engineer



**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 23, 2009

2742-3

Julie Van Matre
4945 Crow Dr
Larkspur CO 80118

Dear Ms. Van Matre:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 2742-3. The ownership change has been completed. The water right formerly listed in the names of Paul or July Daly is now listed as "Julie Daly Van Matre".

Enclosed is your Receipt No. 04040 in the amount of \$2.50. You may keep this for your records.

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