

Considered: _____

WATER PERMIT NO. 3198A-3

Phone: _____

Name of Applicant: J.V. Kennealley

Post Office Address: PO Box 50, Raymond SD 57258

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: groundwater

Water to be used for: Irrigation County: Clark

About 3N, 1 mile W of Raymond

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 9-3-91 Fee: \$50 Remarks Change

location of 5 acres irrigated by Permit No. 3198-3

Corrected Application Received _____ Period of Annual Use April 1 - Dec 31

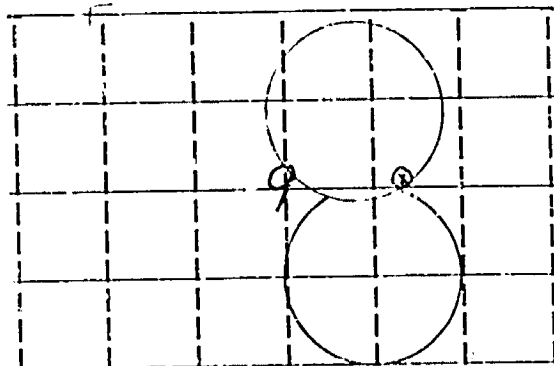
WATER QUALITY APPROVAL RECEIVED 10-28-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SE 1/4 NE 1/4 Sec 9-T117N-R59W

Land to be Irrigated: SE 1/4, NE 1/4, W 1/2 NW 1/4

Sec 9-T117N-R59W



Well Log: Driller: Peckham Drilling Licensed YES _____ NO _____

Depth of Well: 120' REMARKS no well log available

Type of Map: aerial PREPARED BY: Norma Job Reviewed and the Number

Assigned on 10-22-91 By Karen Schlaak

(See instructions)

No. 3198A-3 Hy. ogic Unit 10160006
Basin, James River
Newspaper Clark Co. Courier, Box 189, Clark

57225

(Wad)

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☒ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☒ Other See Permit No. 3198-3

1. Name of Applicant J.V. Kennealley Phone No. _____

Post Office Address PO Box 50, Raymond SD 57258 State _____ Zip Code _____
(Name, RR or Box) (City)

2. Amount of water claimed (c.f.s.) no add'l Total acres irrigated 5 acres (no add'l)

3. Source of Water supply well

4. Location of point of diversion SE 1/4 NE 1/4 Section 9-T117N-R59W

County Clark

5. Counties where water will be used Clark

6. Annual period during which water is to be used April 1 - Dec. 1

7. 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.
NE 1/4 NW 1/4 Sec 9, T117N, R59W	2
SE 1/4 NW 1/4 Sec 9, T117N, R59W	3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify)

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)

This permit is to correct the location of 5 acres developed outside the permitted acres on Permit No. 3198-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attachments: _____
information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Clark)³³

I, J.V. Kennealley, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed J.V. Kennealley

Subscribed and sworn to before me this 28 day of August 1991

Janice M. ...
Notary Public



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3198A-3

(1) J. V. Kennealley of P.O. Box 50, Raymond, SD 57258 made Application No. 3198A-3, September 3, 1991 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one existing well), Clark County, South Dakota for irrigation purposes. Permit No. 3198A-3 with a priority date of October 1, 1976 was approved February 4, 1992 and issued to applicant(s) 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. 3198A-3 was obtained to correct the location of acreage developed under Water Permit No. 3198-3. No. 3198A-3 did not authorize any increase in the developed diversion rate or number of acres irrigated.

The applicable portions of Water Permit No. 3198-3 have been incorporated into this Water License No. 3198A-3. An October 1, 1976 priority date was retained for all the irrigated acreage.

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is: 2640'S and 860'W of the NE corner Section 9, T117N, R59W.

(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:

T117N, R59W Section 9	NW 1/4 SE 1/4	35 Acres
	NE 1/4 SE 1/4	34 Acres
	SW 1/4 SE 1/4	33 Acres
	SE 1/4 SE 1/4	33 Acres
	NW 1/4 NE 1/4	30 Acres
	NE 1/4 NE 1/4	24 Acres
	SW 1/4 NE 1/4	39 Acres
	SE 1/4 NE 1/4	28 Acres
	NE 1/4 NW 1/4	2 Acres
	SE 1/4 NW 1/4	3 Acres
	Total-----	261 Acres

(4) Pursuant to Section 46-5-30.1 J. V. Kernealey of P.O. Box 50, Raymond, SD 57258 the holder(s) and/or owner(s) of Incorporated Water Permit No. 3198A-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with a priority date of October 1, 1976 from the location specified in (2) of this license. The water is 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 Incorporated Water Permit No. 3198A-3 and subject to South Dakota State Law.



AUG 18 1992

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

SOUTH DAKOTA
WATER PERMIT No. 3198A-3 FOR IRRIGATION

Date of first receipt of application September 3, 1991.

Date Soil/Water Compatibility Permit received October 28, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 3198A-3 to J. V. Kennealley, PO Box 50, Raymond SD 57258 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 3198A-3 corrects the location of irrigated acreage. Water Permit No. 3198-3 authorizes irrigation of 1,112 acres located in portions of S 1/2 NE 1/4, N 1/2 SE 1/4 Section 33-T118N-R59W, NE 1/4, SE 1/4 Section 9, E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 4, NE 1/4, N 1/2 SE 1/4 Section 16; all in T117N-R59W from three wells located in the SE 1/4 NE 1/4 Section 9, SW 1/4 SE 1/4 Section 4 and the SW 1/4 NE 1/4 Section 16; all in T117N-R59W. An inspection of Permit No. 3198-3 found 1 well located in the SE 1/4 NE 1/4 Section 9-T117N-R59W constructed and supplying 1.88 cfs to irrigate 261 acres. This permit is to correct the location of 5 acres of the 261 acres being irrigated. The correct location of the 5 acres is the E 1/2 NW 1/4 Section 9-T117N-R59W. This permit will not authorize any increase in the developed diversion rate or number of acres being irrigated.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - December 1.
3. The date from which applicant may claim right is October 1, 1976.
4. The date of approval of Permit No. 3198A-3 is February 4, 1992.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

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

AUG 12 1992

date

REPORT ON WATER PERMIT APPLICATION NO. 3198A-3
J.V. KENNEALLEY
NOVEMBER 19, 1991

Application No. 3198A-3, J.V. Kennealley, proposes to correct the location of 5 irrigated acres developed under Water Permit No. 3198-3. Water Permit No. 3198-3 authorizes irrigation of 1,112 acres located in portions of S 1/2 NE 1/4, N 1/2 SE 1/4 Section 33-T118N-R59W; NE 1/4, SE 1/4 Section 9, E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 4, NE 1/4, N 1/2 SE 1/4 Section 16; all in T117N-R59W from three wells located in the SE 1/4 NE 1/4 Section 9, SW 1/4 SE 1/4 Section 4 and the SW 1/4 NE 1/4 Section 16; all in T117N-R59W. An inspection of Permit No. 3198-3 found 1 well constructed 120 feet deep located in the SE 1/4 NE 1/4 and supplying 1.88 cfs to irrigate 261 acres located in the E 1/2, E 1/2 NW 1/4 Section 9-T117N-R59W. This application is to correct the location of 5 acres of the 261 irrigated acres. The correction of the 5 acres is in the E 1/2 NW 1/4 Section 9-T117N-R59W. This application will not authorize any increase in the developed diversion rate or number of acres being irrigated.

AQUIFER - ALTAMONT (A)

The Altamont is a buried outwash (sand and gravel) under artesian conditions in this area. The Altamont underlies 537,200 acres and contains an estimated 3.3 million acre feet of recoverable water in Clark County (Hedges, 1982). In the Clark County Study, Hamilton divided the Altamont aquifer into three distinct units. According to this report, the aquifer unit for this application would be the Altamont 2. The Altamont 2 underlies 630 square miles and contains 3.2 million acre feet of water in storage with an average annual recharge estimated to be 54,000 acre feet per year (Hamilton, 1987). This recharge estimate also includes the Altamont 3 unit as well. According to Hamilton, the Altamont 1, 2 and 3 are hydraulically connected in some portions of the county. The direction of ground water movement is basically from east to west in the area of this application. The discrepancy between estimates for water in storage for the two studies can be attributed to the way the aquifer units were grouped and the calculations used to determine water in storage or recoverable water.

The Division of Water Rights monitors four observation wells (CK-78B, CK-78C, CK-78D, CK-78E) in this area which are completed into the Altamont (Altamont 2) aquifer. Water levels for these wells fluctuate due to pumping from the aquifer. The water level record indicates the aquifer does respond to climatic conditions, that is rising during a wet year (recharge) and declining during a dry year. Annually, water levels from the observation wells can be expected to fluctuate 2 to 8 feet per year due to pumping (Water Rights, 1991). The water level record indicates the aquifer is capable of sustaining additional withdrawals.

REVIEW OF EXISTING WATER RIGHTS/PERMITS

There are 23 irrigation water rights/permits appropriating 18,532 acre-feet with a reported 1990 irrigation pumpage of 2,023 acre-feet in Clay County. There are no water rights/permits near this application appropriating from the Altamont aquifer that would be affected.

CONCLUSIONS

1. Water is available from the Altamont aquifer.
2. The aquifer is under artesian conditions and fluctuations in water levels will occur due to pumping.
3. A well log is not available to determine if the well has met the SD Well Construction Standards.
4. If this application is approved, Water Permit No. 3198A-3 and this application should be combined into one Water License for 261 irrigated acres appropriating 1.88 cfs.
5. Subject to the irrigation questionnaire being submitted each year.

Norma C. Job

NORMA C. JOB

Natural Resources Engineer I

Approved by:

James A. Goodman

JAMES A. GOODMAN, PE

Natural Resources Engineer IV

REFERENCES

- Hamilton, L.J., 1986, Geology and Water Resources of Clark County, SD, SDGS Bulletin 29, SD DWR, SDGS, Vermillion, SD 57069.
- Hedges, L.S., 1932, Evaluation on Ground Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD 57069.
- Water Rights, 1991, Water Level Records for the Altamont Aquifer in Clark County, SD DENR, Division of Water Rights, Pierre, SD, 57501.
- Goodman, James A., 1990, Report on Application Nos. 5474-3 and 5475-3, Fordham Colony, SD DWR, Division of Water Rights, Pierre, SD 57501.

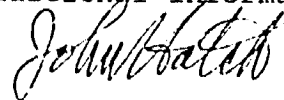
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 3198A-3, J.V. Kennealley

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 3198A-3, J.V. Kennealley, PO Box 50, Raymond, SD 57528.

The Chief Engineer is recommending APPROVAL of Application No. 3198A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 12, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

December 30, 1991

J.V. Fennealley
PO Box 50
Raymond, SD 57258

Dear Mr. Kennealley:

Water Permit Application No. 3198A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Clark County Courier printed at Clark, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely, .

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 30, 1991

Clark County Courier
Box 189
Clark, SD 57225

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 3198A-3 to be published twice. Please publish the first notice on January 8, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is J.V. Kennedley, PO Box 50, Raymond, SD 57258.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on January 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 3198A-3 to Appropriate Water
and to Amend Water Permit No. 3198-3

Notice is given that J.V. Kennealley, PO Box 50, Raymond, SD 57258 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 3198-3 authorizes irrigation of 1,112 acres located in portions of the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 33-T118N-R59W, NE 1/4, SE 1/4 Section 9, E 1/2 NW 1/4, NE 1/4, NE 1/4 SW 1/4, N 1/2 SE 1/4 Section 4, NE 1/4, N 1/2 SE 1/4 Section 16; all in T117N-R59W from three wells located in the SE 1/4 NE 1/4 Section 9, SW 1/4 SE 1/4 Section 4 and the SW 1/4 NE 1/4 Section 16; all in T117N-R59W. An inspection of Permit No. 3198-3 found 1 well (Altamont Aquifer) constructed and supplying 1.88 cfs to irrigate 261 acres. This application is to correct the location of 5 acres of the 261 acres being irrigated. The correct location of the 5 acres is the E 1/2 NW 1/4 Section 9-T117N-R59W. This application will not authorize any increase in the developed diversion rate or number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3198A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 3198A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 27, 1992.

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

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-i thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01.01 thru 74:02:01:15.

Notice of Hearing
on Application No. 3198A-3 to
Appropriate Water and to Amend
Water Permit No. 3198-3

Notice is given that J.V. Kenneally, PO Box 50, Raymond, SD 57258 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 3198-3 authorizes irrigation of 1,112 acres located in portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33-T118-N-R59W, NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 9, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; all in T117-N-R59W from three wells located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16; all in T117N-R59W. An inspection of Permit No. 3198-3 found 1 well (Aitmont Aquifer) constructed and supplying 1.88 cfs to irrigate 261 acres. This application is to correct the location of 5 acres of the 261 acres being irrigated. The correct location of the 5 acres is the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9-T117N-R59W. This application will not authorize any increase in the developed diversion rate or number of acres being irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 3198A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 27, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-25. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 36-5-1 thru 46-5-11, 46-5-13 thru 46-5-15; 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Clark

Bert Moritz
David Moritz of said county being first duly sworn, on oath says that he is the publisher of the CLARK COUNTY COURIER, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a circulation of at least two hundred copies and has been published within said County for successive weeks next prior to the publication hereof; that said newspaper is printed and published in part in an office maintained at said place and is printed and published in part in an office maintained at said place; that the

Notice of Hearing

Water Permit No. 3198-3

copy of which, taken from the paper in which published, is attached to this sheet, and is part of this Affidavit, was published in said newspaper at least once in each week for successive weeks, on the day of each week said newspaper was regularly published,

January 8, 1992

January 15, 1992

all amount of the fees for the publication of the notice is \$ 67.35
times 2 times

Subscribed and sworn to before me this 16th day of January, 1992.

Notary Public

Clark County, South Dakota

My commission expires 12/31/92

Permit No. 3198-3 & 3198A-3
James River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by J.V. Kenneally
 _____ of Raymond, SD 57258 holder of
 Permit No. 3198-3, bearing the priority of Oct 1 1976 authorizing
 the diversion of 9.0 cu. ft. per second of the waters of groundwater
 for irrigation purposes, in Clark County.

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

A. Works used to divert the water:

75HP- 5" National Pump Co Model No. N260-8 with a Newman
motor Model No. 365TP DD31E2PB SN-51171302. Capable of 850gpm

B. Works used to transport water to place of use:

1580' of 8" PVC

C. Works used to apply water to beneficial use:

towable Olson 10 tower pivot

The system is in the following condition good

The point of diversion is located 2440' S and 860' W of the NE corner
Section 9- T117N- R59W

The works are capable of diverting and conveying to the place of use 1.88
 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: Section 9- T117N- R59W

<u>NW 1/4 SE 1/4 - 35 Acres</u>	<u>NW 1/4 NE 1/4 - 30 Acres</u>	<u>NE 1/4 NW 1/4 - 2 Acres</u>
<u>NE 1/4 SE 1/4 - 34 Acres</u>	<u>NE 1/4 NE 1/4 - 24 Acres</u>	<u>SE 1/4 NW 1/4 - 3 Acres</u>
<u>SW 1/4 SE 1/4 - 33 Acres</u>	<u>SW 1/4 NE 1/4 - 39 Acres</u>	
<u>SE 1/4 SE 1/4 - 33 Acres</u>	<u>SE 1/4 NE 1/4 - 28 Acres</u>	

comprising a total of 261 acres of land and the license should be issued for 1.88 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: needs new permit to correct the Date 8/5/1991
location of 5 Acres in the NW 1/4

3198A-3 was obtained to correct the
location of the 5 acres, Jim.

(signature)

Norma C. Rob

LICENSE FOR PERMIT NUMBER 3198-3

1. Legal location of wells: SE 1/4 NE 1/4 Sec 9-T117N-R59W

dams & structures: _____

2. Well Information: Well Drilling Firm Pickham
well log Not Available

Completion Report Yes No No. of Wells 1 Depth 120'

Casing a) diameter 10" Screen a) type Stainless Steel

b) length _____ b) length _____

c) type Steel Static Water Level 30'

Pump a) make National Pump Co. Motor a) make Newman

b) model NZ60-8 b) model No. 365TP DD31E2PB

c) size 5" c) horsepower rating 75

d) capacity 350 gpm SN- 51171302

e) turbine pump - no. of stages _____

f) operating PSI 65

3. Distribution lines or canals

a) size 8"

b) type PVC

c) length 1580'

4. Dam Information:

a) height to crest _____

m) Outlet tubes:

b) height to primary spillway _____

1) diameter _____

c) height to secondary spillway _____

2) type _____

d) crest width _____

3) valved (Y/N) _____

e) crest length _____

4) valve type _____

f) spillway length _____

5) location on structure _____

g) spillway width _____

h) approx. storage _____

n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

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

c) gun

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

e) gated pipe

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

f) portable boom

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

b) towline:

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

d) center pivot

- 1) make Olsen - towable
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length 1,320'
- 5) end gun (Y/N) Y
- 6) high or low pressure high 65
- 7) make & size of nozzles _____
- 8) capacity (GPM) 850

g) siphons

- 1) size _____
- 2) number _____

NOTE:

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

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

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

REMARKS:

3198H-3

South Dakota

GREAT PLACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 23, 1991

J. V. Kenneally
Raymond, SD 57258

Dear Mr. Kenneally:

Enclosed, you will find the partially completed applications to correct the location of 5 acres developed outside the permitted acres on Permit No. 3198-3. Please complete both copies of the application and sign the applications in the presence of a notary public. Return this application along with a \$50.00 filing fee to this office.

Also, please send a copy of the well log for this well if you have one.

If you have any questions, feel free to contact me

Sincerely,

Norma C. Job
Natural Resources Engineer I
Division of Water Rights
(605) 773-3352

Enclosures



AUG 12 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

J. V. Kennealley
PO Box 50
Raymond, SD 57258

Dear Mr. Kennealley:

Enclosed is Water Permit No. 3198A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a faint, larger version of the same signature.

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

enclosures

RECEIPT

413373

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 17, 19 92

RECEIVED OF J V Kennealley, PO Box 50, Raymond, SD 57258-0050

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>3198A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH

(Seal)



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

AUG 18 1992

3198A-3

J. V. Kennealley
P.O. Box 50
Raymond, SD 57258

Dear Mr. Kennealley:

Enclosed is Water License No. 3198A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413373 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 3198A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 3198-3 have been incorporated into this Water License No. 3198A-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 4, 1901

RECEIVED OF J.V. Kenneally, PO Box 50, Raymond, SD 57258

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

Fee for Application for Permit No. <u>378A-3</u> to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

3199A-3

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4647

WR#

OWNERS NAME: KERNEALLEY, J. V.

OWNERS ADDRESS: PO Box 50

RAYMOND, SD 57256-0050

COUNTY LAND LOCATED IN: CLARK

PHONE: _____

LEGAL DESCRIPTION:

1. LOCATION SE 1/4 NW 1/4 9-T117N-R59W

☒ Well

☐ Surface

Depth: _____

Legal Description	Acres	Legal Description	Acres
NE 1/4 NW 1/4 9-T117N-R59W	2		
SE 1/4 NW 1/4 9-T117N-R59W	3		

2 TYPE OF IRRIGATION: GRAVITY _____ TOWLINE: _____ CENTER PIVOT: XXX GUN: _____ OTHER: _____ (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-1244

7. ADJUSTED (SAR): 2.65

5. SALINITY (EC X 10³): 1819

8. PERCENT SODIUM: 13.29

6. SODIUM (SAR): 0.93

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a Soil and Water Compatibility Permit by the Division, or the Commission.



XXX APPROVED

XXX REQUIREMENTS

DISAPPROVED

WAIVER

Director, Division of Conservation

OCTOBER 21, 1991

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: I V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050

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

SUBJECT: Violation of Water Permit No(s) 3198A-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 3198A-3 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 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 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) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, 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 at (605) 773-3352.

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

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

J V KENNEALLY
PO BOX 50
RAYMOND SD 57258-0050

4a. Article Number

2161984050

4b. Service Type

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

7. Date of Delivery

2-7-96

5. Received By: (Print Name)

J V

6. Signature: (Addressee or Agent)

X *J V Kenneally*

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

Dept. of Natural Resources
Pierre, S.D.
Attention: Ron Duvall



Dear Sir:

In reply to your certified mail letter received by me on Feb. 10, and to avoid sending my lawyer to Pierre, would you please send me a copy of the Questionnaire which you sent me on Oct. 20, 1995?

Yours Truly

J. V. Kennelley
PO Box 50

Raymond, S.D. 57258

Denton
JRM 2/29/96
2-16-96

3198A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1996

3198A-3

IV Kenneally
PO Box 50
Raymond, SD 57258-0050

Dear Mr. Kenneally:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 3198A-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

3198A-3

SEND TO 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:

J V KENNEALLY
PO BOX 50
RAYMOND SD 57258 0050

A. Receiver by (Please Print Clearly) J V Kenneally B. Date of Delivery 1-20-01
C. Signature J V Kenneally ☐ Agent ☒ Addressee
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2348

PS Form 3811, July 1999

Domestic Return Receipt

102595 00-M 0352



3198A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: J V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3198A-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in 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 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 two 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) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2001

3198A-3

J V Kenneally
PO Box 50
Raymond, SD 57258-0050

Dear Mr. Kenneally:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 3198A-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



3198A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 17, 2003

NOTICE

TO: J V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3198A-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



3198A-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3824

Your item was delivered at 8:59 am on January 18, 2003 in RAYMOND, SD 57258. The item was signed for by J KENNEALLEY.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7541 3824	Postmark Here
	Post J V KENNEALLY PO BOX 50 RAYMOND SD 57258 0050
	Signature
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access Internet web site at www.usps.com or call 1-800-222-1811
CHECK ONE (POSTAL USE ONLY)	
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☐ Package Services	
PS Form 155, February 2001 (See Reverse)	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2003

3198A-3

J V Kenneally
PO Box 50
Raymond SD 57258-0050

Dear Mr. Kenneally:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 3198A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

You indicated on your questionnaire that your system is not currently operational but you would like to retain the water right. Please keep in mind that water must be placed to beneficial use at least once every three years in order to maintain your water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

If you have any questions, please contact me.

Sincerely,

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



3198A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: J V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3198A-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, 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 at (605) 773-3352.

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



3198A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9289

Your item was delivered at 8:27 am on January 15, 2004 in RAYMOND, SD 57258. The item was signed for by J KENNEALLEY.

[Shipment Details >](#)

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Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9289

J V KENNEALLY
PO BOX 50
RAYMOND SD 57258 0050

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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Access internet web site at
www.usps.com
or call 1-800-222-1811

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PS Form 153, July 2001

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DEPARTMENT of ENVIRONMENT
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March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: J V Kenneally, PO Box 50, Raymond, SD 57258-0050

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 3198A-3

On March 3, 2004, the Water Management Board ordered:

That Water Right No. 3198A-3 be suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaire.

Water Right No. 3198A-3 authorizes diversion of ground water to irrigate 261 acres. Our records show the land has not been irrigated since 1992 and may be subject to cancellation due to abandonment and/or forfeiture. Please contact our office to discuss this issue and whether or not you have an intent to maintain the water right.

Please contact Genny McMath (605) 773-3352, if you have any questions.

KAREN SCHLAACK
NOTARY PUBLIC
State of South Dakota

INTERNAL MEMORANDUM

TO: Water Right No. 3198A-3, File

FROM: Gale N. Selken P.E., Natural Resources Engineer Director



SUBJECT: Irrigation

On July 29, 2004 a field investigation was conducted to determine if Water Management Board action to suspend irrigation on Water Right No. 3198A-3 for the 2004 irrigation season was being complied with.

There was no irrigation noted on July 29, 2004. No irrigation equipment was noted at the site.



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January 24, 2006

NOTICE

TO: J V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3198A-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, Water Rights Staff will be recommending to the Board that your water right be suspended for three years.
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 **February 24, 2006**, 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 at (605) 773-3352.

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

3198A-3



Track & Confirm

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March 6, 2006

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NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: J V Kenneally, PO Box 50, Raymond SD 57258-0050

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right No. 3198A-3

On March 2, 2006, the Water Management Board ordered:

That effective April 3, 2006, Water Right No. 3198A-3 be suspended for the 2006, 2007 and 2008 irrigation seasons for failure to submit the 2005 irrigation questionnaire.

If the 2005 irrigation questionnaire is received prior to April 3, 2006, the suspension will not take effect.

Suspension means water may not be pumped during the 2006, 2007 or 2008 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 3rd.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006, in Pierre, SD. The letter should include your reasons for not completing the 2005 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

In South Dakota, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists for not irrigating. Our records show that you have not irrigated since 1992. If you have discontinued irrigating and no longer wish to maintain the water right, please contact us.

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

CERTIFICATION

I hereby certify that on March 6, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2006 addressed as stated below:

Notice of Amendment:

Rick Lantgen, Prairie Winds Golf Club, PO Box 681, Watertown SD 57201 (1612-3 & 1997-3)
 Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 (1040-1)
 Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011 (672-2)

Notice of Three Year Suspension:

J V Kenneally, PO Box 50, Raymond SD 57258-0050 (3198A-3)
 James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 (4957-3)
 Gordon Flesner, HCR Box 45, Milesville SD 57553 (2197-2)
 Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 (5353-3)
 Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 (2480A-3)

Notice of One Year Suspension:

Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 (1172-3)
 Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 (2106-2)
 Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 (962A-1)
 Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 (686-3)
 Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 (402-1)
 John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 (375-2)
 Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 (6168-3)
 Bret, Gary & Kristine Fliehs, 39865 137th St, Groton SD 57445 (5640-3)
 Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 (495-2)

Notice of One Year Suspension of Water Permit and Amendment of Water Right
 Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (6413-3 – suspend; 3581-3 – amend)



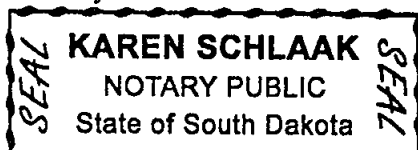
Eric Gronlund
 Natural Resources Engineer
 Water Right Program

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000.



Notary Public



My Commission Expires
 April 1, 2007

INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer *Aaron A. Tieman*

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932- 1 2	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116- 2	Gregory	7/19/2006	No system in place, no irrigation.
2197- 1 2	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.



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January 22, 2010

NOTICE

TO: J V KENNEALLY, PO BOX 50, RAYMOND, SD 57258 0050

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3198A-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3198A-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 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3198A-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to past violations the Water Management Board will be recommending cancellation of this water right.**
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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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

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February 10, 2010

3198A-3

J V Kenneally
PO Box 50
Raymond SD 57258 0050

Dear Mr. Keanneally:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 3198A-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

On the questionnaire I noted you checked the box marked "use abandoned". Based on your questionnaire and the years of nonuse, the water right will be scheduled for cancellation consideration at the May 2010 Water Management Board meeting. You will be notified of the time, date and place of the hearing once it is scheduled. If we have misunderstood and you do not wish to abandon the water right, please contact us as soon as possible.

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

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bob Meier, 41061 166th St, Doland SD 57436

DATE: March 2, 2010

TELEPHONE: 605 881-1124

RE: status of Water Right No. 3198A-3, J V Kennealley (deceased)

COMMENTS:

Mr. Meier called on behalf of Mrs. Kennealley. Mrs. Kenneally is the one who checked "use abandoned" on the questionnaire when returning it.

Mr. Meier indicated the use was not abandoned and he was thinking about irrigating the land. We discussed the years of non use and whether or not legal excuse may exist. The land has not been irrigated since at least 1992. He said the pivot system had trouble and often plugged up. He didn't think Mr. Kenneally had wanted to invest money into the pivot.

Mr. Meier would prefer to irrigate as authorized by Water Right No. 3198A-3, however I discussed with him that beginning irrigation after this length of time did not give legal status to the existing water right. His options were to petition the Board for a ruling; we could just schedule the water right for cancellation and he could come in and present his case to the board, or he could apply for a new permit. With regard to whether new permits could be issued from the Altamont Aquifer, I had him talk to Jim Goodman.

Send Mr. Meier application forms for a new permit and schedule Water Right No. 3198A-3 for cancellation consideration. These should be done at the same hearing in the event the Board rules that 3198A-3 has legal status, he would no longer need a new permit.

He also indicated that the land was currently held up in an estate and nothing could be done for awhile.



Genny McMath
Environmental Scientist