

Water Right No. 4676-3

1. Considered MAY 1 1981
2. Name of Applicant JAMES & ROBERT DONNELLY
3. Post Office Address RR # 2, Box 42, ELK POINT 57025
4. Amount of Water Claimed 1.93
5. Source of Water Supply 111' well
6. Water to be used for IRR
7. Acres to be Irrigated 135 maximum acre feet \_\_\_\_\_
8. Water to be diverted and used in Q CLAY County  
about 1/2 miles SW ~~EAST~~ of BURBANK
9. PROOF OF PUBLICATION Received 4-23-81

Not Received \_\_\_\_\_

APPLICATION

Approved \_\_\_\_\_

Subject to \_\_\_\_\_

Not Approved \_\_\_\_\_

Action deferred \_\_\_\_\_

Priority

3/31/81

Date

Received 3-31-81

Application Complete yes \_\_\_\_\_ no \_\_\_\_\_ FEE 2.50 <sup>00</sup>

Remarks \_\_\_\_\_

WATER  
QUALITY

Date information and/or

fee or corrected Application received \_\_\_\_\_

Period of Annual use APRIL THRU OCTOBER

Received yes 2/12/81 no \_\_\_\_\_ APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application yes no \_\_\_\_\_ Remarks \_\_\_\_\_

Disapproved \_\_\_\_\_

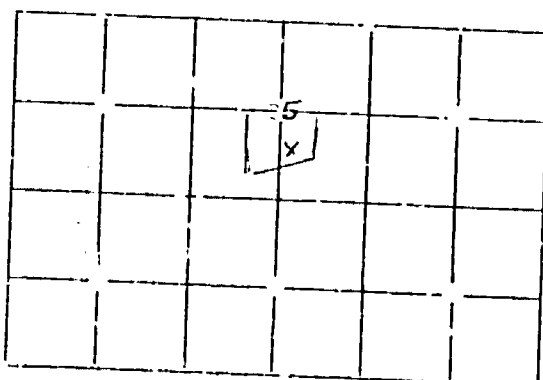
Returned \_\_\_\_\_

Diversion Point \_\_\_\_\_

NW<sup>4</sup> SE<sup>4</sup> 35-T92N-  
R51W

Lands to be irrigated \_\_\_\_\_

W<sup>1</sup>/<sub>2</sub> SE<sup>4</sup> and E<sup>1</sup>/<sub>2</sub> SW<sup>4</sup>  
Section 35-T92N-R51W



WELL  
LOG

Remarks \_\_\_\_\_

Driller Wetmore Drf.

Licensed yes no \_\_\_\_\_

Depth 111' deep

Water Right No. \_\_\_\_\_

MAP      Map No. 3888-3      Map located in Water Right X      Map file \_\_\_\_\_  
Type of Map Aerial      Prepared by Alex Smith & SCS

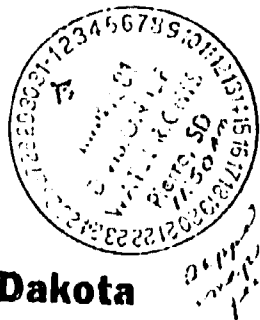
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REVIEWED      This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 5-1-81.  
Betty Westlund  
(Signed)

+++++

PROTESTS      Letters/Petitions In File - yes \_\_\_\_\_ no \_\_\_\_\_ Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REMARKS      Date  
F.F. & C      Final Decision, including F.F. & C of Law were adopted \_\_\_\_\_  
OF LAW,      Date  
FINAL      Final Decision mailed to parties and/or parties notified that Final Decision  
DECISIONS      was adopted \_\_\_\_\_  
ETC.      Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

No. 4676-3Map No. 3888-3 Water Division No. 3 MISSOURI RIVER District  
Above for Office Use 16170101

# APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant James & Robert DonnellyPhone No. (605) 356-2562Post Office Address RR 2 Box 42Elk PointState South Dakota57025

(Street, RR, or Box)

(Town)

If a corporation show date and place of incorporation

(Zip Code)

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work J & R Donnelly #74. Amount of water claimed (cubic feet per second) 2.28 C.F.S. 1.93 MAX ALLOWED PER5. Source of water supply well6. Location of point of diversion SE 1/4 35-92-51County Clay7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use,

Total number of acres to be irrigated 160 135

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. |
|-----------------------|----------------|
| W 1/2 SE 1/4 35-92-51 | 80 60          |
| E 1/2 SW 1/4 35-92-51 | 80 75          |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PLAIN TALK Leader Courier VERRILLION

12. Principal Features of the Proposed Water Supply System.

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

well

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

pipe

C. Works proposed to apply water to beneficial use.

sprinklersEstimated Total Cost \$ 50,000.00

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

STATE OF SOUTH DAKOTA )

County of Clay ) ss.I, James Donnelly, 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 James DonnellySubscribed and sworn to before me this 30 day of March, 19 81

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4676-3

JAMES & ROBERT DONNELLY RR 2-Box 92-ELK POINT  
(Applicant) (Post Office Address)  
SOUTH DAKOTA 57025 With the following qualifications  
(State)

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

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

Date of first receipt of application MARCH 31, 1981

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

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_

Approved MAY 1, 1981, Recorded in Book 22 Page 122

WATER RIGHT PERMIT NO. 4676-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4676-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 31, 1981
2. The equivalent of at least one-fiftieth of the work above specified is to be completed on or before NOVEMBER 1, 1983
3. The whole of said work is to be completed on or before MAY 1, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 1989
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 2.28 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 irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before MAY 1, 1980, said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 18TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By: John H. H. H.  
Chief Engineer, Water Rights

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

# WETMORE DRILLING

Name Burt & J. D. Darnell  
Address El. Post 2156

March 12th

Date: 2-11-1954

| No.             | Description | Amount |
|-----------------|-------------|--------|
| 0-2             | Top soil    |        |
| 2-21            | clay        |        |
| 21-25           | fine sand   |        |
| 25-111          | coarse sand |        |
| 111-112         | shale       |        |
| James Patterson |             |        |

Received By .....

**Please Pay By Invoice  
No Statement Will Be Sent**

|           |  |
|-----------|--|
| Sub Total |  |
| TOTAL     |  |

#### D. Well Information

- (1) Drill Hole, Diameter 24", Depth 112'
- (2) Casing, Type transite (wood, concrete, steel, etc), Diameter 16", Thickness 1/2"
- (3) Screen, Type sawed slotted, Diameter 16", Length 40'
- (4) Gravel Pack, Thickness 8", Length of gravel pack 50'

#### E. Dugout Information or Estimates

- (1) Surface dimensions, \_\_\_\_\_, Depth \_\_\_\_\_

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 21'

Depth to bottom of water bearing material 111'

Depth to water (ground surface to water level) 90'

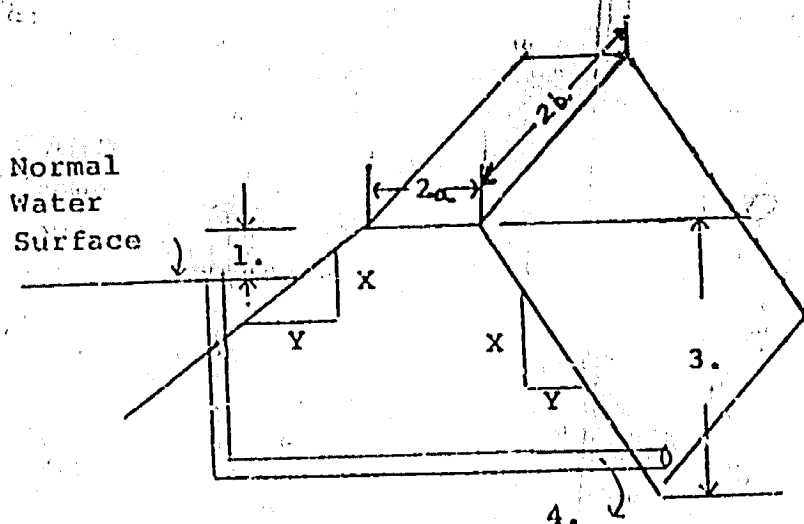
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property \_\_\_\_\_ rds.

On property owned by others 160 rds.

#### G. Water Storage Dams

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



1. Freeboard \_\_\_\_\_
- 2a Crest width \_\_\_\_\_ 2b length \_\_\_\_\_
3. Height of Dam \_\_\_\_\_
4. Outlet dimensions:
- Pipe diameter \_\_\_\_\_
- Spillway width \_\_\_\_\_
- X & Y slope:
- Upstream \_\_\_\_\_
- Downstream \_\_\_\_\_
- Surface area of impoundment \_\_\_\_\_
- Drainage area above dam \_\_\_\_\_



**NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER**

Notice is hereby given that James & Robert Donnelly, whose post office address is Elk Point, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.93 cubic feet of water per second c. time from groundwater (one well) through the J & R Donnelly No. 7, the point of diversion of which is to be located in the NW¼ SE¼ of Section 35, Twp. 92N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land: W¼ SE¼ and E¼, SW¼, Sec. 35-T92N-R51W.

This Application No. 4676-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota, upon the 1st day of May, 1981, at 10 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

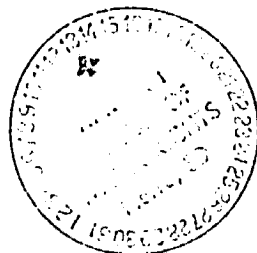
This hearing is an adversary proceeding. Any person has the right to be present or to be presented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

**WATER MANAGEMENT  
BOARD**

Betty Westlund,  
Water Rights Specialist

Pub: April 9, 16, 1981



**South Dakota Department of  
Water & Natural Resources**  
Joe Foss Building  
Pierre, South Dakota 57501

Date: March 10, 1981

To : Persons Interested In Application 4599-3  
From : John Hatch, Chief Engineer, Water Rights Division  
Subject: Reconsideration of Application 4599-3

*John Hatch*

The Water Management Board will reconsider deferred water permit Application No. 4599-3, in St. Joseph Indian School, Brule County, at the Holiday Inn, Sandy Shore Room, Watertown, South Dakota on March 26, 1981 at 11:00 a.m.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

After reconsideration of the deferred application the Board can approve, conditionally approve, defer, or deny all or part of the Application.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

You are also notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the application before the Board.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

B32114JH

*Equal Opportunity Employer*

REC. MGMT/FORM  
7/80

Conditional  
pertaining to section 35

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT James and Robert Donnelly

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

The Onawa silty clay soils should be drained to avoid problems with  
trafficability and ponding.

No. 4676-3

Publish first publication, on or before April 9, 1981

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 1, 1981

Notice is hereby given that James & Robert Donnelly whose post office

address is Elk Point, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.93 cubic feet of water per second of time from groundwater

(one well) through the J & R Donnelly #7, the point(A) of diversion of which is ~~(XXXX)~~ to be located in the 1/4 SE 1/4

of Section 35, Twp. 92N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W 1/2 SE 1/4 and E 1/2 SW 1/4 Section 35 - T92N - R51W

This Application No. 4676-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 1st day of May 1981

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

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DVNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: James & Robert Donnelly  
RR 2, Box 42  
Elk Point, SD 57025

BETTY WESTLUND  
Water Rights Specialist

No. 46-76-10

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Wey ) ss.

I, Arlene Batterson hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Million Plain Press

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

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

April 9, 1981

April 16, 1982

Arlene Batterson  
(Signature)

Legal Reporter  
(Title)

April 16, 1981  
(Date Signed)



NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER

Notice is hereby given that  
James & Robert Donnelly, whose  
post office address is Elk Point,  
South Dakota, has made an ap-  
plication in accordance with the  
provisions of SDCL 46-1-1 thru  
46-1-9, 46-1-14; 46-2-9 thru 46-2-11,  
46-2-13; 46-5-1 thru 46-5-8; 46-5-10  
thru 46-5-22, 46-6-1; 46-6-3,  
46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10,  
46-6-14 and Board Rules ARSD  
52:01:01:01 thru 52:01:01:13, for a  
permit to appropriate for beneficial  
use 1.92 cubic feet of water per se-  
cond of time from groundwater  
(one well) through the J & R Don-  
nelly No. 7, the point of diversion of  
which is to be located in the NW 1/4  
SE 1/4 of Section 35, Twp. 92N,  
Range 51W. Said water to be used  
for the purpose of providing irri-  
gation on portions of the following  
described land: W 1/4 SE 1/4 and E 1/4  
SW 1/4, Sec. 35 T92N R51W.

This Application No. 176-3 will  
be considered by the Water  
Management Board at the Civil  
Defense Room, State Capitol  
Building, Pierre, South Dakota,  
upon the 1st day of May, 1981, at  
10 a.m. The Board is authorized to  
make a determination on this ap-  
plication at the hearing. All in-  
terested persons may appear and  
be heard. Any person who may be  
affected by a Board decision who  
desires to present evidence or  
cross-examine witnesses according  
to SDCL 1-26 may notify the Board  
in writing prior to the hearing or  
orally at the hearing.

This hearing is an adversary pro-  
ceeding. Any person has the right  
to be present or to be presented by  
a lawyer. These and other due pro-  
cess rights will be forfeited if they  
are not exercised at the hearing.  
Decisions of the Board may be ap-  
pealed to the Courts as provided by  
law.

Any handicapped person wishing  
to attend this hearing can contact  
the Water Rights Division,  
DWRN, Joe Foss Building, Pierre,  
SD, prior to the hearing date for  
assistance to assure access to the  
hearing.

WATER MANAGEMENT  
BOARD

Betty Westlund,

Water Rights Specialist

Pub: April 9, 16, 1981

# RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8108

PIERRE, April 1, 1981

RECEIVED OF James & Robert Donnelly, Box 42, RR 2, Elk Point, SD 57025

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

|                                                                                                                      |               |
|----------------------------------------------------------------------------------------------------------------------|---------------|
| Fee for Application for Permit to appropriate Water No. 4676-3 (examination, processing, recording and filing) ----- | 250.00        |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. -----                                         |               |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. -----                                               |               |
| Fee for Issuing Location Certificate-Dry Draw, No. -----                                                             |               |
| Fee for filing -----                                                                                                 |               |
| Fee for certified copy of -----                                                                                      |               |
| Fee for Print copy of map -----                                                                                      |               |
| Fee for Certifying -----                                                                                             |               |
| Fee for -----                                                                                                        |               |
| (any other work as provided by law)                                                                                  |               |
| <b>TOTAL</b>                                                                                                         | <b>250.00</b> |

WATER RIGHTS COMMISSION

By *John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH / CE

Permit No. 4676-3

Water Division 3 Missouri River Water District

REPORT OF EXAMINATION OF WORKS  
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by JAMES & ROBERT  
DONNELLY of ELK POINT holder  
of Permit No. 4676-3, bearing date of priority of MARCH 31, 1981  
authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER  
for IRRIGATION purposes, in CLAY County.

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

The Water Use System consists of,

A. Works used to divert the water:

110' DEEP WELL WITH 16" PLASTIC CASING - 40' SLOTTED SCREEN  
WESTERN LAND ROLLER 8" PUMP 4-12 CH  
POWERED BY 60 HP GE ELECTRIC MOTOR @ 1765 RPM

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

100' OF 8" ALUMINUM PIPE TO CENTER OF PIVOT

C. Works used to apply water to beneficial use.

VALLEY 7 TOWER VALLEY ELECTRIC DRIVE CENTER PIVOT  
WITH NELSON #200 END GUN

The system is in the following condition. NEW

The point of diversion is located 1320' S & 100' E OF THE CENTER OF  
THE SECTION 35, T92N, R51W

The works are capable of diverting and conveying to the place of use 1.88 (850 G.P.M.)  
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:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE E2:1W4  
# W2SE4, SECTION 35, T92N, R51W

comprising a total of 132 acres of land.

Date NOVEMBER 3, 1981

P. M. J. J.  
(Signature)

# RECEIPT

WATER RIGHTS COMMISSION  
State of South Dakota

No 4 8590

PIERRE, December 16, 1981

RECEIVED OF James Donnelly, Box 42, Elk Point, SD 57025  
the following amount in fees for services rendered as provided for by law

|                                                                                                                    |          |       |
|--------------------------------------------------------------------------------------------------------------------|----------|-------|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... |          |       |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. 4675-3 .....                                | 50       | 00    |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. 4676-3 .....                                      |          |       |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                            |          |       |
| Fee for filing .....                                                                                               |          |       |
| Fee for certified copy of .....                                                                                    |          |       |
| Fee for Print copy of map .....                                                                                    |          |       |
| Fee for Certifying .....                                                                                           |          |       |
| Fee for .....                                                                                                      |          |       |
| (any other work as provided by law)                                                                                |          |       |
|                                                                                                                    | TOTAL \$ | 50 00 |

WATER RIGHTS COMMISSION  
By *(John Hatch)*  
Chief Engineer, Executive Officer  
JOHN HATCH / *(JH)*

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 4676-3

(1) WHEREAS, On the 31st day of March A. D. 19 81  
James and Robert Donnelly

made Water Right Application No. 4676-3 for a permit to use 2.28 cubic feet per second of the waters  
of groundwater (one well)

County of Clay State of South Dakota, for Irrigation  
purposes; and

(2) WHEREAS, On the 1st day of May A. D. 19 81  
Permit No. 4676-3, with a date of priority of March 31, 1981

was issued to said applicant 2 for the diversion of said water, and provided for the completion of construction of the water  
supply system therein described on or before the 1st day of May A. D. 19 86 and for the  
application to beneficial use of said water on or before the 1st day of May A. D. 19 89

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to completion of the construction of the water supply system and is entitled to divert 2.88 cubic feet  
per second of water for beneficial use and,

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

for irrigating a 132 acre circle in the E 1/2 SW 1/4 and W 1/2 SE 1/4,

Section 35, T92N, R51W

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

\_\_\_\_\_ of Elk Point, South Dakota

the holder s and owner s of said permit No. 4676-3 a water right, dating from March 31, 1981

\_\_\_\_\_ , rate of 1.88 cubic feet per second of the waters of groundwater (one well)

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1320'S and 100'E of the center of Section 35, T92N, R51W

and conducted to and upon portions of Section 35, T92N, R51W more fully described on the face of this License

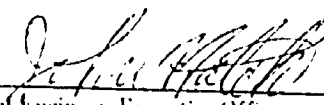
for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4676-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 7th day of May A. D.  
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 4676-3

Water Diversion No. B Missouri River Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That James & Robert Donnelly

Permit No. 4676-3, issued upon Application No. 4676-3, bearing date of priority of March 31,  
1981 authorizing the diversion of 2.28 cu. ft. per second of the waters of  
groundwater (one well) County of Clay, State of South Dakota at  
a point 1320'S and 100'E of the center of Section 35, T92N, R51W

for irrigation

purposes, ha. ve complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 1.88 cu. ft. per second of water.

Date May 7, 1982

  
JOHN HATCH, Chief Engineer  
Water Rights Division



Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501  
March 22, 1983

Water Rights Division  
605 773-3352

4676-3  
James & Robert Donnelly  
Box 42  
Elk Point SD 57025

Dear Sir:

Water Permit No. 4676-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks  
enclosure

**South Dakota**  
**Department of**  
**Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

August 1, 1983

NOTICE

4676-3

James & Robert Donnelly  
Box 42  
Elk Point SD 57025

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

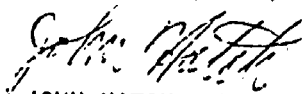
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4676-3. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure



4676-3  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2005

Gary & Dawn Glover  
32118 470<sup>th</sup> Ave  
Burbank SD 57010

Dear Mr. & Mrs. Glover:

I am writing in follow-up to our phone conversation of January 26<sup>th</sup>. Enclosed are copies of the water rights we discussed.

Water Right Nos. 313-3A and 3857-3 need to be transferred to Dawn's name. Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Water Right Nos. 4676-3 and 4708-3 are currently listed in the name of James and Robert Donnelly. I will list you as manager for these to enable the annual irrigation questionnaire to be directed to your attention.

In regard to Water Right No. 1103-3 which authorizes irrigation from Burbank Lake, this water right will be scheduled for cancellation consideration since it is no longer being used. We will contact you with the time, date and place of the hearing once it is scheduled.

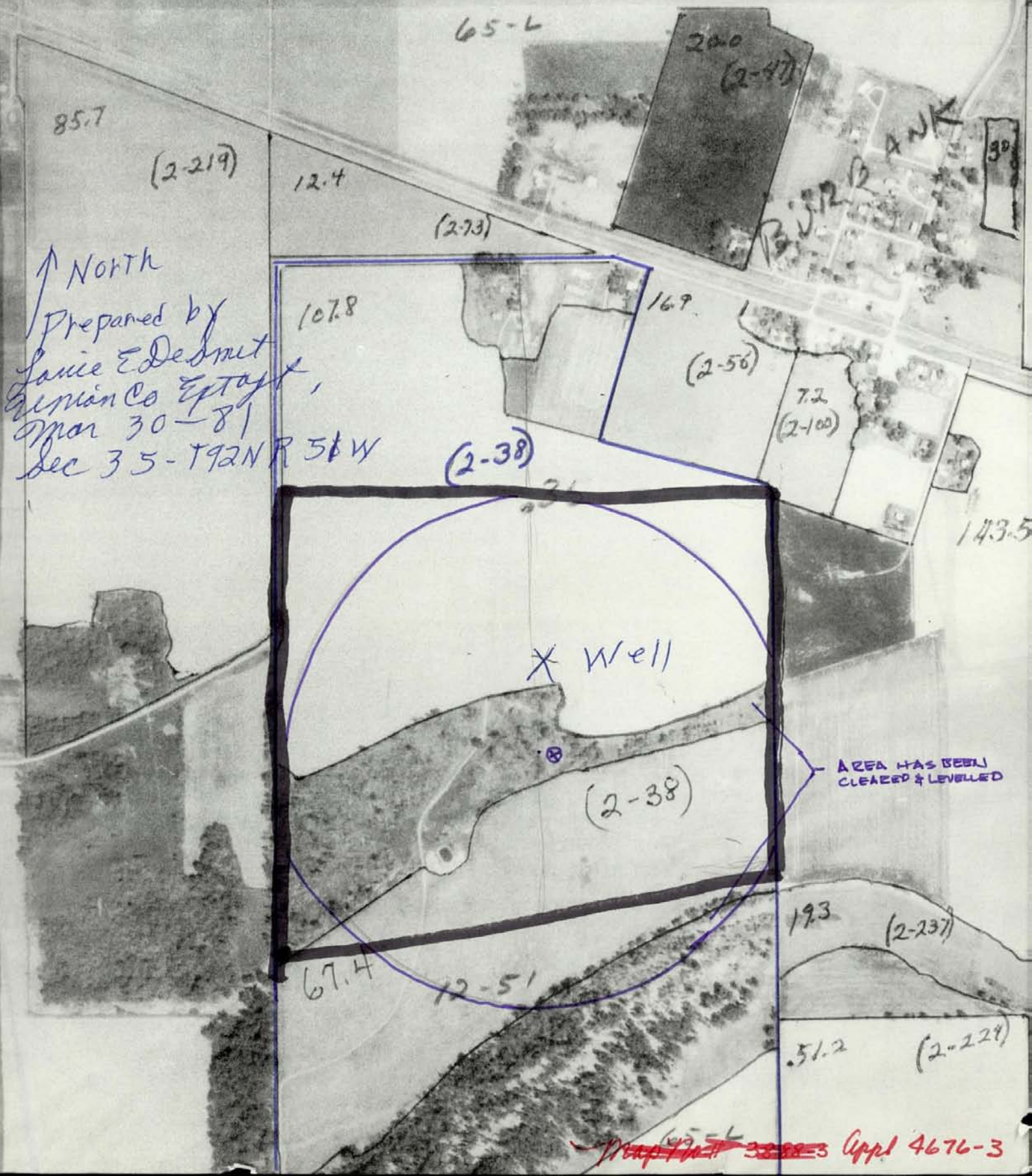
If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOT TO SCALE



North  
Prepared by  
Janice Edesmit  
German Co. Eptoff,  
Mar 30-81  
Sec 35-T92N R 56W

X Well

AREA HAS BEEN  
CLEARED & LEVELLED

Map 100-1 3288-3 Appl 4676-3



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 14, 2025

**NOTICE**

TO: JAMES DONNELLY, 47068 322ND ST, ELK POINT, SD 57025

FROM: Ron Duvall, Engineer III  
for Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 314-3 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) 4676-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 4676-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 314-3 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **FKJXFQ****

**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 AGRICULTURE  
and NATURAL RESOURCES**

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

February 19, 2025

314-3  
4676-3

James Donnelly  
47068 322<sup>nd</sup> St  
Elk Point SD 57025

Dear Mr. Donnelly:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 314-3 & 4676-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

December 3<sup>rd</sup>, 2025

314-3

4676-3

Anthony Donnelly  
32179 471<sup>st</sup> Ave  
Elk Point, SD 57025

Dear Mr. Donnelly:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

We received the information that James Donnelly was deceased, and that you will continue to do the farming for these 2 Water Rights, and that your mother will retain ownership of both. For your convenience I have enclosed partially completed "Transfer of Ownership" forms for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$100.00 (\$50.00/transfer) made payable to "SD Water Rights Program" to cover the transfer fees. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.3352. These forms will still need to be returned even if you are submitting payment over the phone.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

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

*enclosures*