

1. Considered MAY 1 19 81
2. Name of Applicant PAUL HEINE
3. Post Office Address RT. 1, VERMILLION 57069
4. Amount of Water Claimed 2.22
5. Source of Water Supply 102' DEEP WELL
6. Water to be used for IRR
7. Acres to be irrigated 160 maximum acre feet
8. Water to be diverted and used in CLAY County about 1 mile SOUTH of BURBANK
9. PROOF OF PUBLICATION Received 4-27-81

Not Received _____

APPLICATION

Approved 5-1-81

Subject to WI-1 &

Not Approved _____

Action deferred _____

Priority Date Received 4-6-81 Application Complete yes _____ no _____ FEE 250⁰⁰

Remarks _____

Date information and/or fee or corrected Application received 4-10-81
Period of Annual use MAY 1, AUGUST

WATER
QUALITY

Received yes 4/10/81 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

NE⁴SE⁴ 2-91-51

Lands to be irrigated _____

E¹/₂NE⁴ & E¹/₂SE⁴ 2-91-51

WELL
LOG

Remarks _____

Driller WETMORE Dr'l Licensed yes no _____

Depth 102' Deep

Water Right No. 4718-3

MAP Map No. 3928-3 Map located in Water Right X Map file _____
 Type of Map Aerial Prepared by Co Eft Agent

+++++

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

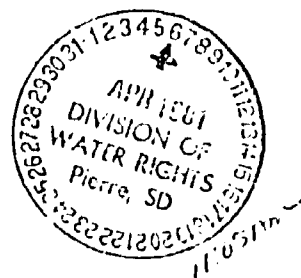
B. J. Westlund
 (Signed)

+++++

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. 4718-3Map No. 3928-3 Water Division No. 3 MISSOURI RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Paul Heine
 Post-office address Route 1 Vermillion State S.D.
 If a corporation show date and place of incorporation No
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Well
4. Amount of water claimed (cubic feet per second) 2.22
5. Source of water supply Well
6. Location of point of diversion E $\frac{1}{2}$ of NE $\frac{1}{4}$ & E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 2 - Twp 91 N R 51W

 _____ County Clay
7. Annual period or periods during which water is to be used May to August
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Yes Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>E$\frac{1}{2}$ of NE$\frac{1}{4}$ of Sec. 2 Twp 91R51N R 50</u>	<u>80</u>		
<u>E$\frac{1}{2}$ of SE$\frac{1}{4}$ of Sec 2 Twp 91R51W E0</u>	<u>80</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Plain Talk
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 65,000.00

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, Paul Heine the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Paul HeineSubscribed and sworn to before me this 10 day of March 1961

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4718-3

PAUL HEINE
(Applicant)

RT #1 VERMILLION
(Post Office Address)

SOUTH DAKOTA 57069 With the following modifications.
(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 April 6, 1981
Date of return to applicant for correction, amendments or changes required April 7, 1981
Date of receipt of corrected application April 10, 1981
Approved May 1, 1981 Recorded in Book 22 Page 155

WATER RIGHT PERMIT NO. 4718-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4718-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 6, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 1, 1982
3. The whole of said work is to be completed on or before May 1, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 1, 1984
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 2.22 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before May 1, 1984; said water to be used during the following described annual period: May to August

Witness my hand this 19th day of May, 1981

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____

**P.O. Box 577
Elk Point, South Dakota 57025
Phone (605) 358-3272**

Address RT #1, Vermillion

Zist ho Co

Date 2-28, 1981

No.	Description	Amount
0 - 1.5	top soil	
1.5 - 21	clay	
21 - 78	fine sand	
78 - 102	coarse sand & gravel	
James Watson		
Received By		Sub Total
		6 x
		TOTAL

Please Pay By Invoice
No Statement Will Be Sent

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 24, Depth 100Ft.
- (2) Casing, Type Plastic Diameter 16 Thickness 1/2
(wood, concrete, steel, etc)
- (3) Perforated Screen.
- Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials 0-1.5 Top soil

1.15-21 Clay

21 - 78 Fine Sand

78 - 102 Coarse sand & Gravel

Depth to top of water bearing material 75 Feet

Depth to bottom of water bearing material 102 Feet

Thickness of water bearing material 27 Feet

Depth to water (ground surface to water level) 78 Feet

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

On same owner's property 320 rds. On property owned by others 320 rds.

G. Water Storage Dams.

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

David A. Smith
Signature of Applicant

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4718-2

OWNERS NAME: Paul Heine OWNERS ADDRESS: Rt. 1, Vermillion, S.D. 57069

COUNTY LAND LOCATED IN: Clay PHONE: 624-2581

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-3.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: E¹ of NE¹ & E¹ of SE¹ of Sec 2, Twp 91N R 51 W

2. SURFACE WATER SOURCE well

3. LOCATION OF AREA TO BE IRRIGATED: Twp. 91-~~00~~-N R 51 W - Sec. 2 - E² of NE¹ and E² of SE¹ 2.

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY _____ TOWLINE 160 A. CENTER PIVOT _____ GUN _____ OTHER (Specify) _____

6. CROPS TO BE IRRIGATED Corn & Soybeans

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____

LAND: none

IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 81-219

9. SALINITY (EC X 10⁶) 116.0

10. SODIUM (SAR) 1.69 ADJUSTED (SAR) 5.04 (3.53)

RECEIVED

APR 03 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 10 A.M. P.M., on March 10, 1981, at the following location: E² of NE¹ & E² of SE¹ Sec 2-91-51
by Paul Heine (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents hereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
10 DAY OF March, 1981.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED



IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

No. 4718-3

Publish first publication, on or before April 16, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 10, 1981

Notice is hereby given that Paul Heine whose post office address is Vermillion, 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 2.22 cubic feet of water per second of time from groundwater (one well) through the Heine Irrigation Project, the point ~~(XX)~~ of diversion of which is ~~(XXX)~~ to be located in the _____

NE 1/4 SE 1/4

of Section 2, Twp. 91N, Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2 NE 1/4 and E 1/2 SE 1/4, Section 2 - T90N - R51W

This Application No. 4718-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, SD 57501 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, DVMR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Paul Heine
Rt. 1
Vermillion, SD 57069

BETTY WESTLUND
Water Rights Specialist

VNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 4718-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.

I, Marlene Battarbee hereby

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

Water was taken from the Plain, Jack

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 Vermillion

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

April 16, 1981

April 23, 1981

Marlene Battarbee
(Signature)

Secretary
(Title)

April 23, 1981
(Date Signed)

Cost of Printing: 20.25

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Notice is hereby given that Paul Heine whose post office address is Vermillion, 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 2.22 cubic feet of water per second of time from groundwater (one well) through the Heine Irrigation Project, the point of diversion which is to be located in the NE¼ SE¼ of Section 2, Twp. 91N, Range 51W.

Said water to be used for the purpose of providing irrigation on portions of the following described land: E¼ NE¼ and E¼ SE¼, Section 2, T91N, R51W.

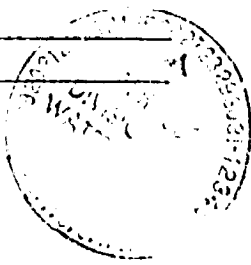
This Application No. 4718-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, SD 57501 upon the 1st day of May 1981 at 10 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear 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.

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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.

WATER MANAGEMENT
BOARD

Betty Westlund,
Water Rights Specialist
Pub: April 16, 23, 1981



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 8146

PIERRE, April 16, 1921

RECEIVED OF Paul Heine, Rt.1, Vermillion, SD 57069

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

Fee for Application for Permit to Appropriate Water No. 4718-3 (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)	
TOTAL	250.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / (L)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4718-3
Paul Heine
RR 1
Vermillion SD 57069

Dear Sir:

Water Permit No. 4718-3 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,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

Dakota Department of Water & Natural Resources

Jon Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4718-3

Paul Helno
RR 1
Vermillion SD 57069

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.

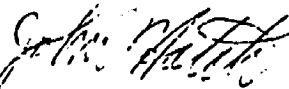
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4718-3. The questionnaire was requested on the following dates:

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



Department of Water & Natural Resources

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

NOTICE

September 13, 1983

TO: Paul Heine
RR #1
Vermillion, South Dakota 57069

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Re: Violation of Permit No(s). 4718-3
by Failure to Submit Required 1982 Irrigation Questionnaire

The Water Management Board has directed that hearing(s) be held to determine what action the Board should take for violation of the Water Permit No(s). 4718-3 qualification that requires the Irrigation Water Use Questionnaire to be submitted each year.

The hearing(s) will also be to determine if Permit No(s). 2293-3 should be amended to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 p.m., October 5, 1983, Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota. Water Rights Division records do not show that the 1982 Irrigation Questionnaire for Permit No(s). 4718-3 has been received. The questionnaire was requested on the following dates:

1. September 1982 Initial request
2. December 1982 follow-up request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit.
4. August 1983 Notice that Board had directed owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire with any permit owner in violation after August 30 to be given notice for hearing before the Board.

Equal Opportunity Employer

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4718-3 until either the 1982 Questionnaire is submitted or for a period of up to one year;
2. Amend Permits No(s). 2293-3 also held by Paul Haine to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

These hearing(s) are 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.

NOTICE OF ONE YEAR SUSPENSION OF PERMIT

October 11, 1983

TO: Paul Helne
RR #1
Vermillion, South Dakota 57069

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: One Year Suspension of Water Permit No. 4710-3, if 1982
Irrigation Questionnaire is not submitted within 30 days.

Pursuant to the provisions of the notice dated September 13, 1983, and following the hearing October 5, 1983, the Water Management Board ordered:

That Water Permit No. 4710-3 is SUSPENDED until October 5, 1984, unless the required 1982 Irrigation Water Use Questionnaire is submitted by November 11, 1983.

Suspension of a permit means water cannot be pumped during the 1984 Irrigation season. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

A01104JH.wr

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☐ Show to whom and date delivered —
☐ Show to whom, date, and address of delivery.. —
☒ **RESTRICTED DELIVERY** —
 (The restricted delivery fee is charged in addition to
 the return receipt fee.)

TOTAL \$ _____

2. **ARTICLE ADDRESSED TO:**

Paul Heine
RR #1
Vermillion SD 57069

3. **TYPE OF SERVICE:**

- ☒ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P200 485 720

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Paul Heine

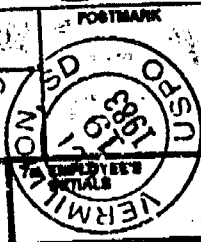
4. **DATE OF DELIVERY**

10-19-83

5. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER & CAUSE:**

POSTMARK



RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division
605 773-3352

October 22, 1983

4713-3

Paul Helne
Rt 1, Box 174
Vermillion SD 57063

Dear Mr. Helne:

This letter is in response to your telephone conversation with Genny McElath of this office and will acknowledge receipt of your 1982 Irrigation Questionnaire information which you provided. You were notified by letter dated October 11, 1983 of the action taken by the Water Management Board to suspend your permit for a period of one year if the required 1982 Irrigation Questionnaire was not submitted by November 11, 1983.

Our records now show that you have provided the 1982 Irrigation Questionnaire information and are no longer in violation of your permit. Receipt of the Questionnaire information rescinds action taken by the Board to suspend your Permit No. 4718-3.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1985

Paul Heine
RR 1 Box 174
Vermillion SD 57069

NOTICE

Re: Violation of Water Permit No(s) 4718-3 and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 4718-3. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4718-3 qualification:

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

The hearing will also be to determine if Permit No(s). 2293-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985. In the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s), the Water Management Board can:

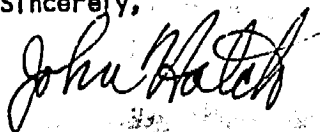
1. Suspend Permit No(s). 4718-3 until either the 1984 Questionnaire is submitted or for the period or up to one year;
2. Amend Permits No(s). 2293-3 also held by Paul Heine to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;

raul, nenne
April 15, 1985
Page 2

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) are received in this office before the May 15th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40408KS.wr

South Dakota Department of
Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Paul Helne
RR 1, Box 174
Vermillion, SD 57069

FROM: John Hatch, Chief Engineer
Water Rights Division



SUBJECT: One Year Suspension Of Water Permit No(S). 4718-3, If The 1984
Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board ordered:

That Water Permit No(s). 4718-3 be suspended until December 31, 1985, unless the required 1984 Irrigation Water Use Questionnaire is received by June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 Irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.

Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered —c☐ Show to whom, date, and address of delivery.. —c2. ☐ **RESTRICTED DELIVERY** —c

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**

Paul Heine

RR#1, Box 174

Vermillion, SD 57069

4. **TYPE OF SERVICE:**☐ REGISTERED ☐ RETURNED☒ CERTIFIED ☐ COD☒ EXPRESS MAIL**ARTICLE NUMBER**

P 535 724 505

(Always obtain signature of addressee or agent!)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5.

DATE OF DELIVERY

POST MARK

6. **ADDRESSEE'S ADDRESS** (Only if requested)7. **UNABLE TO DELIVER BECAUSE:**7a. **EMPLOYEE'S INITIALS**

Water Rights Division
605 773-3352

May 21, 1985

4718-3

Paul Heine
RR 1 Box 174
Vermillion SD 57069

Dera Mr. Heine:

As requested by ypur phone call this morning, enclosed is the Irrigation Questionnaire for 1984 and postage prepaid envelope. Please complete and return the questionnaire by June 1, 1985 to avoid suspension of your Permit.

Also enclosed is the Notice of Transfer form you requested. South Dakota Water Law 46-5-30.1 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

 Department of
Water & Natural Resources

**Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501**

Division of Water Rights
605 773-3352

No. 4718-3
2293-3

February 28, 1986

Ken Holmes
Omaha National Bank
P.O. Box 1399
Omaha, NE 68102

Dear Mr. Holmes:

copies

Please find enclosed ~~a copy~~ of ~~a~~ Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each transfer, total of \$5.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each permit, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions

Sincerely,

Maxine Stirling
Staff Assistant

ms /

NOTE: Also enclosed are the 1985 Irrigation Questionnaires, please have them completed and returned to us as soon as possible.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 5, 1986

This is to notify you that the title to the lands described as follows:

160 Acres- E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, T91N, R51W

formerly owned by Paul Heine, RR 1, Box 174, Vermillion, SD

has been transferred to Omaha National Bank, P.O. Box 1399, Omaha, NE 68102

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4718-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

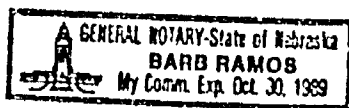
STATE OF Nebraska)
County of Douglas) ss.

I, John A. Ostrowski, V. President being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true

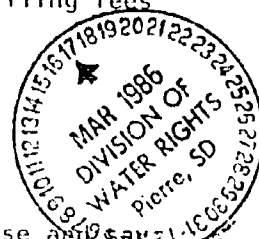
OMAHA NATIONAL BANK

BY: [Signature]
ITS: [Signature] (Signed)

Subscribed and sworn to before me this 14 Day of March, 1986.



[Signature]
(Notary Public)



RECEIPT

Division of Water Rights

410363

South Dakota Department of Water and Natural Resources

Pierre, _____ March 17, 1926

RECEIVED OF Omaha National Bank, P.O. Box 1192, Omaha, NE 68102

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4716-3</u>	2	50
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	2 50

By John Hatch
Chief Engineer JOHN HATCH (ins)

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

March 18, 1986

Omaha National Bank
P.O. Box 1399
Omaha, Nebraska 68102

Dear Sir:

are 410362 &
Enclosed ~~is~~ receipt Nos. 410363 in the amount of \$ 2.50 each which you
paid for transfer of Water Right Nos. 2293-3 and 4718-3.

Our records now show ^{Omaha National Bank these} ~~you~~ as the owner of ~~the~~ Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



Department of Water & Natural Resources

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

January 29, 1988

OMAHA NATIONAL BANK-John Ostrowski, Vice Pres.
PO BOX 1399
OMAHA, NE 68102

NOTICE

Re: Violation of Water Permit No(s). 4718-3, 2293-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4718-3, 2293-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4718-3, 2293-3 qualification:

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

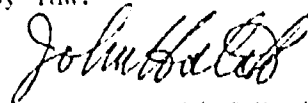
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4718-3, 2293-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 9, 1988

2293-3
4718-3

John Ostrowski, Vice President
Omaha National Bank
PO Box 1399
Omaha NE 68102

Dear Sir:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2293-3 & 4718-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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

cc: Farmers National Co.
Box 361
Vermillion SD 57069

4718-3

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

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

February 8, 1989

JOHN OSTROWSKI, VICE-PRESIDENT
OMAHA NATIONAL BANK
PO BOX 1399
OMAHA, NE 68102

NOTICE

RE: Violation of Water Permit No(s). 2293-3, 4718-3

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 2293-3, 4718-3. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 2293-3, 4718-3 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 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

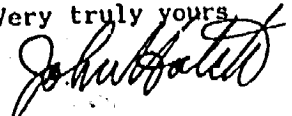
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 2293-3, 4718-3 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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



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

March 3, 1989

2293-3

4718-3

George Donnelly
RR #2 Box 46
Elk Point, SD 57025

Dear Mr. Donnelly:

Roger Lechtenberg has notified our office that you now own the land described in Water Right No. 2293-3 and Water Permit No. 4718-3. No. 2293-3 and No. 4718-3 are currently listed in the name of Omaha National Bank. Enclosed are copies for your review.

Also enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 2293-3 and Water Permit No. 4718-3. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

A 1988 irrigation questionnaire will need to be completed for each permit and returned to us as soon as possible. I have enclosed the questionnaires and a postage paid envelope for your convenience in returning the forms.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



Department of Water & Natural Resources

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

March 3, 1989

2293-3

4718-3

John Ostrowski, Vice President
Omaha National Bank
PO Box 1399
Omaha, NE 68102

Dear Mr. Ostrowski:

I am writing in regard to the 1988 irrigation questionnaires for Water Right No. 2293-3 and Water Permit No. 4718-3. Mr. Roger Lechtenberg contacted our office on March 1, 1989, and indicated Omaha National Bank no longer owns the land described in Water Right No. 2293-3 and Water Permit No. 4718-3.

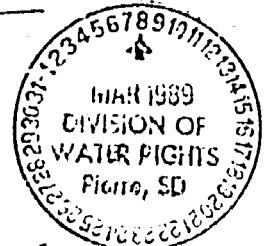
You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. George Donnelly, Elk Point, SD will be contacted concerning transfer of the water rights and the 1988 questionnaires.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-6-1989

This is to notify you that the title to the lands described as follows:

160 acres - E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, T91N, R51W

formerly owned by Omaha National Bank **GEORGE DONNELLY,**
Rt. 2 Box 46
Elk Point, SD 57025
has been transferred to _____ (please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 4718-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Div. of Water Rights, Water Management Board as
evidence of the change of ownership

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

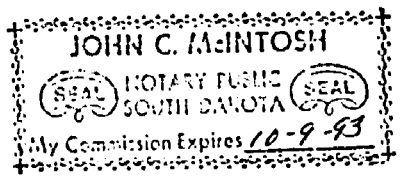
STATE OF SOUTH DAKOTA)
County of Thompson) ss.

I, George Donnelly being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

George Donnelly
(Signed)

Subscribed and sworn to before me this 6TH Day of MARCH, 1989

John C. McIntosh
(Notary Public)



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411665

Pierre, March 8, 1989

RECEIVED OF George Donnelly, Rte 2, Box 46, Elk Point, SD 57025

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Right Permit No. 4718-3

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

2 50

2 50

By

John Hatch
Chief Engineer

4-118-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 16, 1989

George Donnelly
RR #2, Box 46
Elk Point, SD 57025

Dear Mr Donnelly:

Enclosed is Receipt Nos. 411665 and 411666 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 4718-3 and 2293-3.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

Marie R. Arthur
Secretary
Water Rights Division

NOT TO SCALE



Robert J. Beach

Robert J. Beach

Clay County Extension Agent

P.O. Box 550

Vermillion, S.D. 57069

MAP N° 3928-3 APPL N° 4718-3

~~Map # 4718-3~~
Appl # 4718-3

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 4718-3**

I have this day, October 19, 2016, made a thorough examination of the water use system constructed by George Donnelly, 606 S Pearl, Elk Point SD 57025 of Permit No. 4718-3, bearing the priority of April 6, 1981 authorizing the diversion of 2.22 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, of 160 acres, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Chuck Donnelly, son of permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: James Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 106 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length Unknown feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length Unknown feet
- 3) Static water level 16 feet

Pump:

- 1) Make Turbine
- 2) Model Unknown
- 3) Capacity 1000 GPM

Motor:

- 1) Make NIDEC
- 2) Model No. BF59A
- 3) Horsepower rating 60 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 2600 feet

Comments: See map for approximate location.

C. Works used to apply water to beneficial use:

Center pivot #1 (NE ¼ Sec 2-T91N-R51W):

- 1) Make Valley 7000
2) Overall length 1298 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 1000 GPM

Center pivot #2 (SE ¼ Sec 2-T91N-R51W):

- 1) Make Valley 7000
2) Overall length 1298 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 1000 GPM

Comments: System is set up so that only one center pivot can be operated at a time.

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 1982.

List any extended period of nonuse: Did not use in 1986, 1992, 1993, 2010, and 2011 due to adequate rainfall.

- 3) Exceptions to compliance are: Diversion rate exceeds statutory limit.

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **West 100', South 2610' from NE Corner of Sec 2-T91N-R51W; Lat 42.72829/Long -96.82623; SE ¼ NE ¼ Sec 2-T91N-R51W.**
2. The works are capable of diverting and conveying to the place of use **2.22 cfs or 1000 gpm** of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 2-T91N-R51W.**

NE ¼ NE ¼ - 33 ac

NE ¼ SE ¼ - 33 ac

SE ¼ NE ¼ - 33 ac

SE ¼ SE ¼ - 33 ac

comprising a total of **132** acres of land and the license should be issued for **1.89 cfs or 850 gpm** which is the statutory limit of 1 cfs per 70 acres irrigated.

3. All structures, wells and lands on map **Yes**

F. Comments or other permit(s) associated with the project:

Provide detailed explanation when multiple permits are involved or any discrepancy between what the permit was issued for and what was developed.

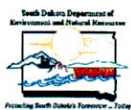
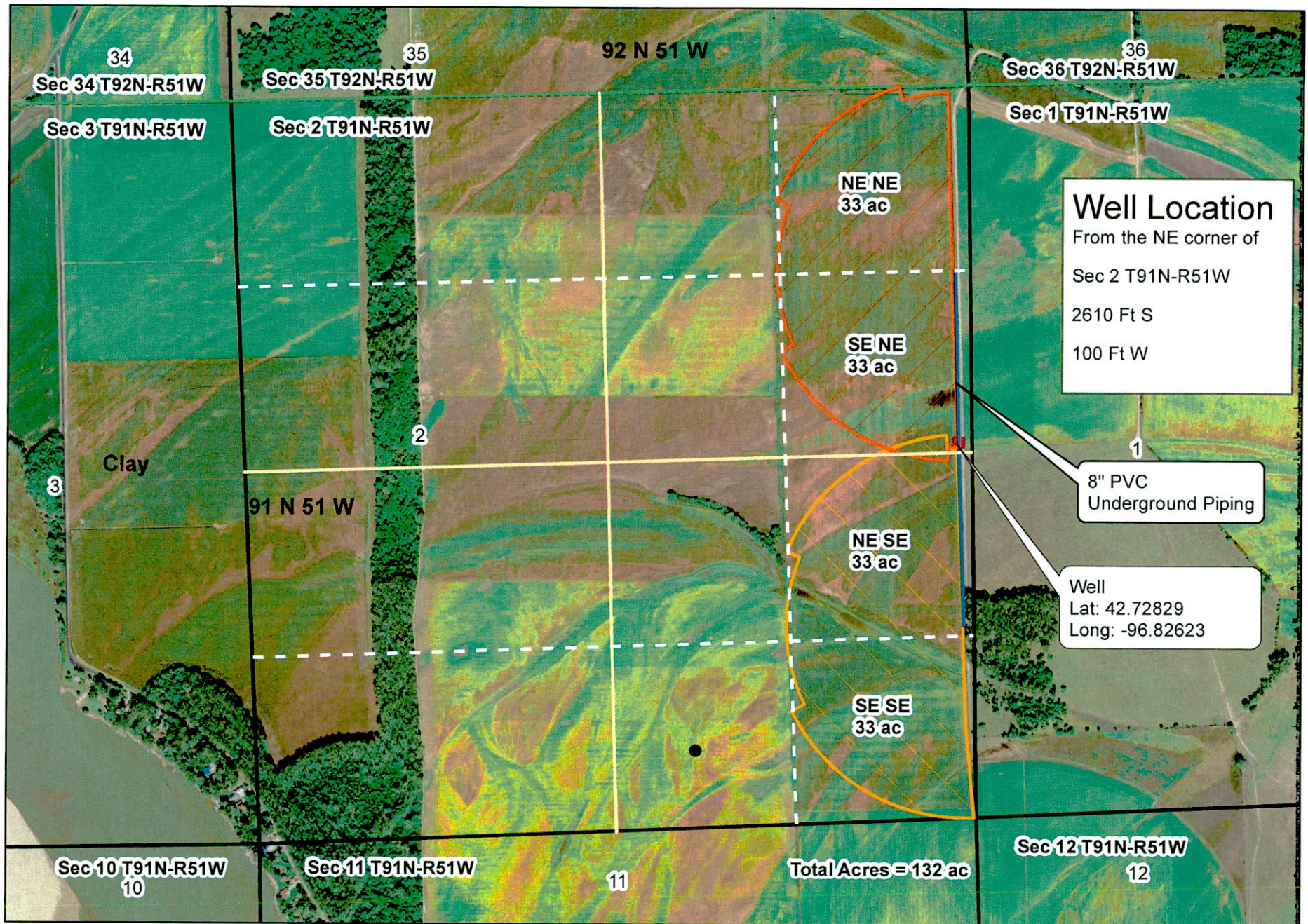
The diversion rate of Water Permit No. 4718-3 is greater than the statutory limit of 1 cfs per 70 acres irrigated.



Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: **April 25, 2017**

4718-3



0 330 660 1,320 1,980 2,640
Feet
SCALE

Harold Holoch
Harold Holoch, PE
Staff Engineer
April 25, 2017

[illegible]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

May 4, 2017

4718-3

George Donnelly
606 S Pearl
Elk Point SD 57025

Dear Mr. Donnelly:

On October 19, 2016 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4718-3, was completed by Harold Holoch, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/17, 20 17

RECEIVED OF Donnelly Farms LP 606 S Pearl St Elk Point SD 57025

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	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. <u>4718-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08251**

By Jenna Gooden
Chief Engineer

Approval of Location Change and/or Additional Diversion Point(s)

NAME: George Donnelly

ADDRESS: 606 S Pearl, Elk Point SD 57025

DATE: May 2, 2017

COUNTY: Clay

TELEPHONE: 605.356.2567

AUTHORITY:

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

- **Developed water source same as permitted source and no additional water appropriated**

Same source, Missouri: Elk Point aquifer.

- **If irrigation, no new land is irrigated**

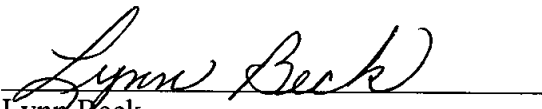
No new lands irrigated.

- **Review of Existing Diversions**

There are three water rights within 1 mile of this permit that appropriate water from the same source, Water Right No. 4701-3 Connolly Farms, Water Right Nos. 4676-3 and 4708-3 James and Robert Donnelly. The closest well is located approximately 3300' to the northwest of 4718-3's diversion point. 4718-3 authorizes one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2-T91N-R51W, the well was developed in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 2-T91N-R51W. The change in location does not increase the potential for interference with existing diversions.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



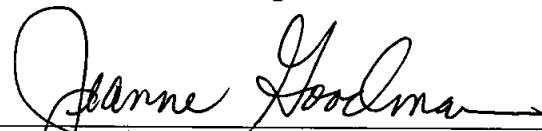
Lynn Beck

Natural Resources Engineer III

Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer

Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUN 21 2017

4718-3

George Donnelly
606 S Pearl
Elk Point SD 57025

Dear Mr. Donnelly:

Enclosed is Water License No. 4718-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation. Also included is Receipt no. 08251 in the amount of \$50 which you paid for the inspection and licensing of the water right.

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. 4718-3, 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The investigation found your irrigation system is capable of diverting 2.22 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute. The statutory limit for 132 acres is 1.89 cfs (equivalent to 850 gpm). Diversion of water under this water license is limited to 1.89 cfs.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4718-3

(1) Paul Heine, Vermillion SD made Application No. 4718-3, April 6, 1981 for a water permit to divert 2.22 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 4718-3, with a priority date of April 6, 1981 was approved May 1, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 1983 and for the application to beneficial use of said water on or before May 1, 1984.

Ownership changes filed with Permit No. 4718-3 are as follows:

- March 17, 1986 transferred from Paul Heine to Omaha National Bank
- March 8, 1989 transferred from Omaha National Bank to George Donnelly

Water Permit No. 4718-3 authorizes diversion of water from one well located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T91N, R51W. An investigation of the water use system found the well to have been completed slightly out of the permitted area and located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2. The Chief Engineer made a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that the change in location of the diversion point does not increase the potential for adverse effects to existing diversions.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is 100 feet west and 2,610 feet south of the NE corner of Section 2, T91N, R51W (SE $\frac{1}{4}$ NE $\frac{1}{4}$).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

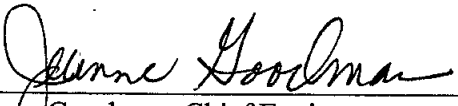
Section 2, T91N, R51W	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	33 acres

Total 132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 George Donnelly, 606 S Pearl, Elk Point SD 57025 the holder and/or owner of Water Right No. 4718-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of April 6, 1981 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4718-3 and subject to the following qualifications:

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 21 2017

date

