

1. Considered: _____, 19____ Water Right No. 4951-3
2. Name of Applicant Bernard and Mary Jane Donelan
3. Post Office Address RR 2. Montrose 57048
4. Amount of Water Claimed 2.00 maximum acre feet 48 capacity
5. Source of Water Supply East Fork Vermillion River and Storage reservoir
6. Water to be used for IRR acres to be irrigated 147.00
7. County McCook about 2 3/4 miles north of Montrose
8. PROOF OF PUBLICATION: Received Let 6-22-83 Not Received _____
- APPLICATION: Approved _____ Subject to _____
- Not Approved _____ Action Deferred 7-20-83

PRIORITY
3/30/83

Dated Received 3/30/83 Application complete-yes x no _____ FEE 250.00

Remarks Water Quality approval was received 5/10/82 Mr. Donelan was notified by this office we did not have a water right application, The application was not received until 3/30/83

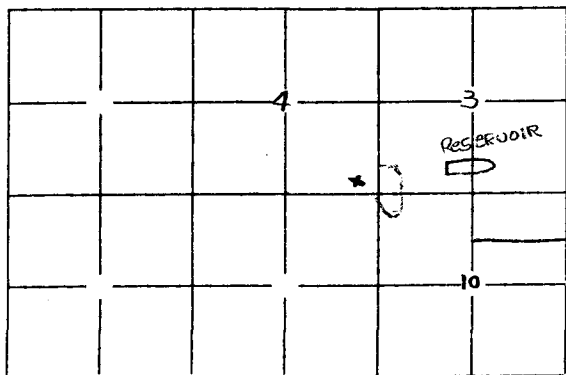
Corrected Application received _____ Period of Annual Use River-2/1 to 10/31
Reservoir 6/1 to 10/31

WATER
QUALITY

Received 5/10/82 yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

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

Disapproved _____ Returned _____



Diversion Point East Fork Vermillion River
in the SE 1/4 SE 1/4 Section 4 and Storage reservoir
in S 1/2 Section 3 both in T103N-R53W

Land to be irrigated _____
SW 1/4 SW 1/4, Section 3; NW 1/4 NW 1/4 and NE 1/4,
Section 10 all in T103N-R53W

WELL LOG

Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks 28 foot high storage reservoir capacity of 48 ac.ft.

MAP Map No. 4951-3 ~~xxxxxx~~ Map located in Water Right xx Map file _____
 Type of Map drawn Prepared by DeWild, Grant, Reckert Engrs.

+++++

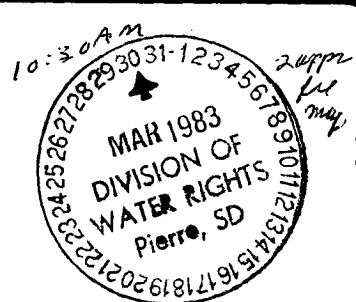
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
3/30/83

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 was
 DECISIONS adopted _____
 ETC. Remarks _____



No. 4951-3
 Map No. 4951-3 Water Division No. 3 VERMILLION RIVER District
 Above for Office Use 10170102

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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Bernard and Mary Jane Donelan Phone No. 363-5353
 Post Office Address R R 2 Montrose State SD 57048
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor

3. Name of diversion work Portable intake, pump and pipeline - DONELAN IRR. PROJECT

4. Amount of water claimed (cubic feet per second) 2.0

5. Source of water supply Excess flow from East Fork Vermillion River, private storage reservoir

6. Location of point of diversion East Fork Vermillion: Approx. 200' N, 1000' W, SE Cor. Sec. 4, R53W, T103N
Reservoir: Approx. 400' N, 1800' E, SW Cor. Sec. 10, R53W, T103N SE 1/4 Sec. 4 1/2 Sec. 3

County McCook

7. Annual period or periods during which water is to be used East Fork Vermillion: Feb. - Oct.

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
Reservoir: June - Oct.

9. For irrigation use, Total number of acres to be irrigated 142

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.
Portion of SW 1/4 of SW 1/4, Sec. 3, R53W, T103N	26
Portion of NW 1/4 of NW 1/4, Sec. 10, R53W, T103N	31

Land Description	No. Acres Irr.
Portion of NE 1/4, Sec. 10, R53W, T103N	90

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 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water HERALD, MONTROSE, SD.

12. Principal Features of the Proposed Water Supply System.

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

Portable centrifugal pump and intake.

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

Portable aluminum pipe

C. Works proposed to apply water to beneficial use.

Portable sprinkler system

Estimated Total Cost \$ 10,000.00

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)

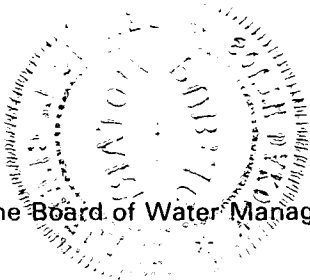
County of McCook) ss.

I, Bernard W. Donelan 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 Bernard W. Donelan
5 day of April, 1982
Don S. Chavala
 Notary Public (or other qualified officer)



2 3/4 N
Montrose



WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. _____

(Applicant) (Post Office Address)

(State) With the following qualifications.

Date of first receipt of application _____, 19____
Date of return to applicant for correction, amendments or changes required _____, 19____
Date of receipt of corrected application _____, 19____
Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Board of Water Management hereby grants and issues this Water Right Permit No. _____ 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 _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE BOARD OF WATER MANAGEMENT

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) 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. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

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

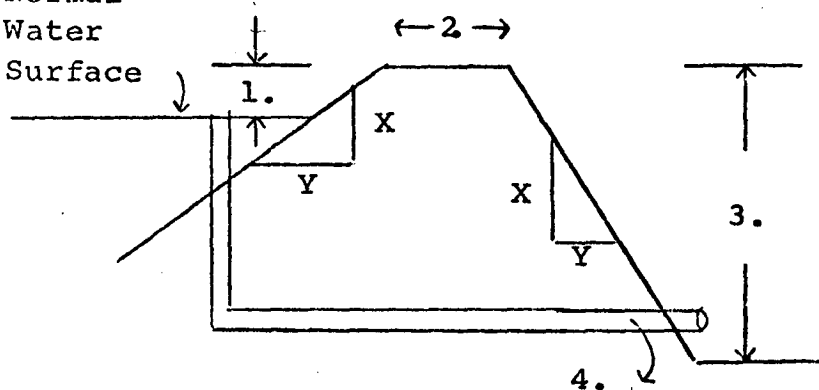
On same owner's property _____ rds.

On property owned by others _____ 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.

Normal
Water
Surface



1. Freeboard 7 feet
2. Crest width 12 feet
3. Height of Dam 28 feet
4. Outlet dimensions:
Pipe diameter 30" vert., 18" horiz.
Spillway width _____
- X & Y slope:
Upstream X=1' Y=4'
Downstream _____
- Surface area of impoundment
10 acres
- Drainage area above dam
350 acres
- Storage 48 acre feet
100 ft.

Bernard W. Howe, Inc.
Signature of Applicant

I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of the

State of South Dakota

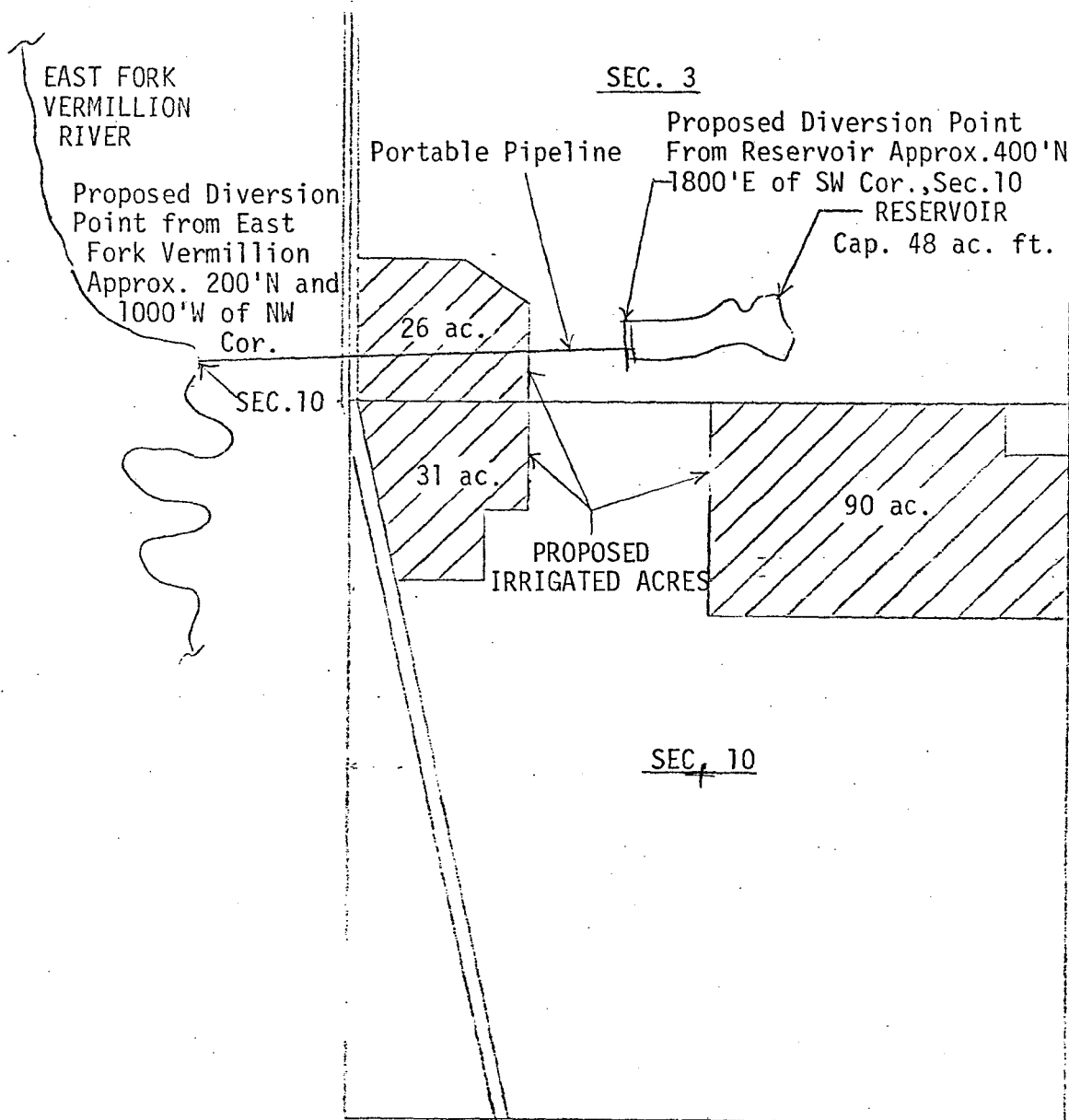
Registration No. 1787

Date April 5 1982

By

John M. Madden

RANGE 53W



Irrigated Acres:

Field A 26 ac.

Field B 31 ac.

Field C 90 ac.

Total 147 ac.

Land Ownership: Reservoir and irrigated acres, Sec. 3-Donelan Children,
Bernard Donelan,
Trustee

Irrigated acres, Sec. 10-Bernard and Mary Jane Donelan

Oreg

Map & Appl # 4951-3



DeWild Grant Reckert & Associates Co.
Architecture Engineering Planning

Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date 4/13/82
Drawn By BJ
Approved
Revised

DONELAN IRRIGATION
MONTROSE, SD

Equipment list:

1. Pump - 120 feet head at 335 gpm, centrifugal pump with aluminum intake pipe. Valley ES 250B4 or similar. Pump speed 2350 rpm at PTO speed 400 rpm.
2. Mainline pipe from dam through field - 6" dia., 30 foot lengths preferred, 100 psi working pressure, 1850' est. length req'd.
3. Sprinkler pipe - 4" dia., 40 foot lengths, 100 psi working pressure, 960' est. length req'd. 1-Rainbird 40 BWTNT, 1/4 inch nozzle at each coupler, 4' riser pipes.
4. Misc. Fittings : 2- 6" in-line valves, 1- 6 x 4 x 4 Tee with sprinkler, 2- 4" end plugs.

Operation:

1. Irrigating lower field:

20 PTO horsepower req'd, 1500 rpm engine speed, 2.0 gal. fuel/hr
2.0 inch net application, 15 sets at 4.6 hours = 69 hours pumping
69 hours x 2.0 gallons per hour = 138 gal. fuel for 2.0 inches
= 69 gal. fuel for 1.0 inches,
26 acres, 2.65 gal / ac-in.

2. Pumping into dam

30 PTO horsepower req'd 2100 rpm engine speed 3.5 gal fuel/hr
550 gallons / minute = 0.1 ac-ft / hr
500 hours to fill dam = 1,750 gallons fuel

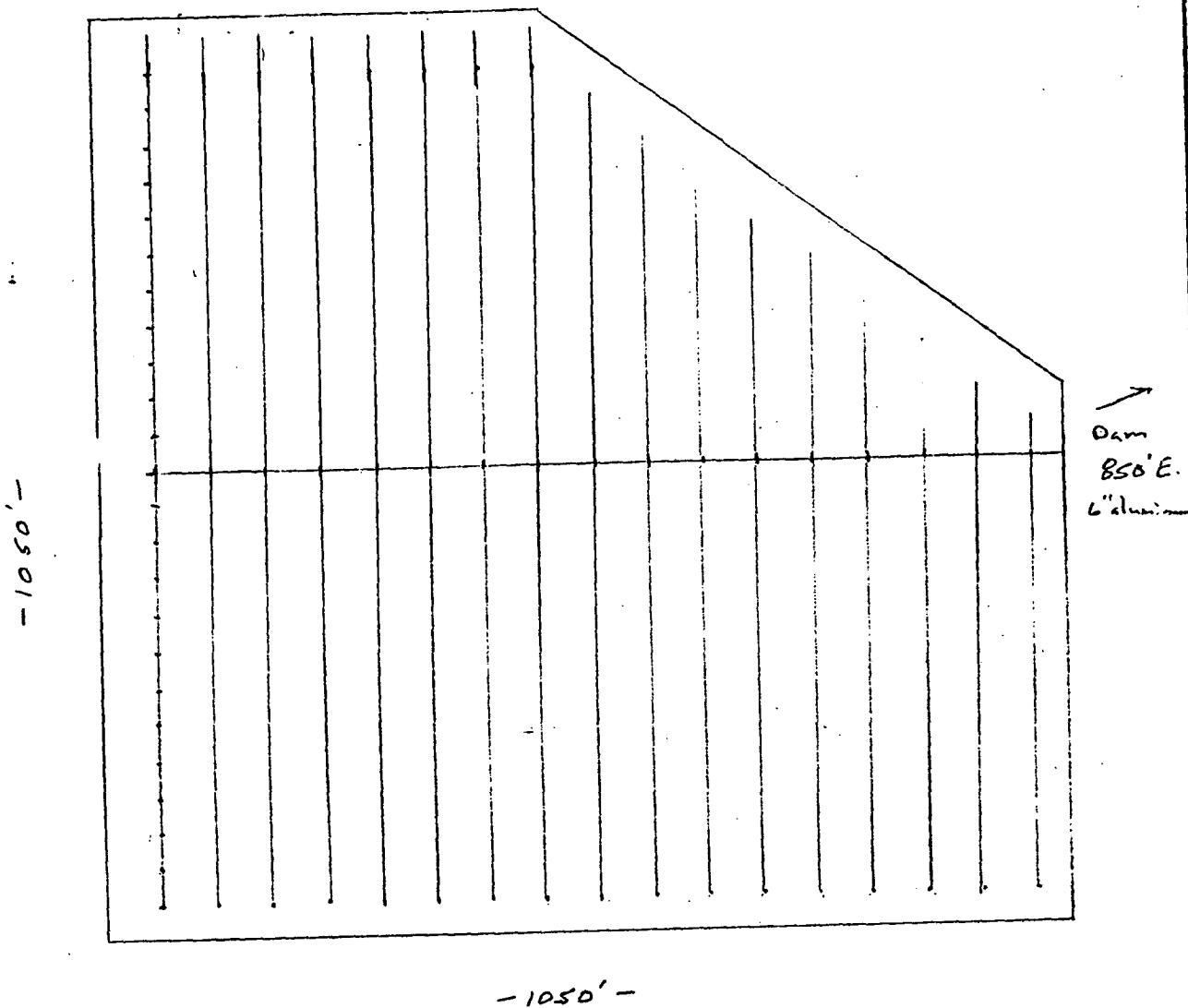
3. Irrigating upper field SE of Dam

Change pump pulleys to get 3000 rpm pump speed at
540 rpm PTO speed.

35 PTO horsepower req'd 2100 rpm engine speed 3.8 gal fuel/hr.

Gives about 5 gallons fuel per acre inch applied.

4. Fuel cost could be cut in half with a matched, air cooled, direct drive irrigation engine.



Sprinkler spacing - 40' along pipe, sets 60' apart 25 spr.

Use application rate of about $\frac{1}{2}$ inch per hour, plan on
2.5" gross application ~ 5 hr sets

40' x 60' spacing, $\frac{1}{2}$ inch per hour requires 12.5 gpm/head,
120' wetted diameter

Use Rainbird 40BW-TNT $\frac{1}{4}$ " nozzle, 118' dia., 13.4 gpm/head
jet .545 in/hr = 4.6 hr sets

Water supply $\rightarrow$ 13.4 gpm/head, 25 heads = 335 gpm

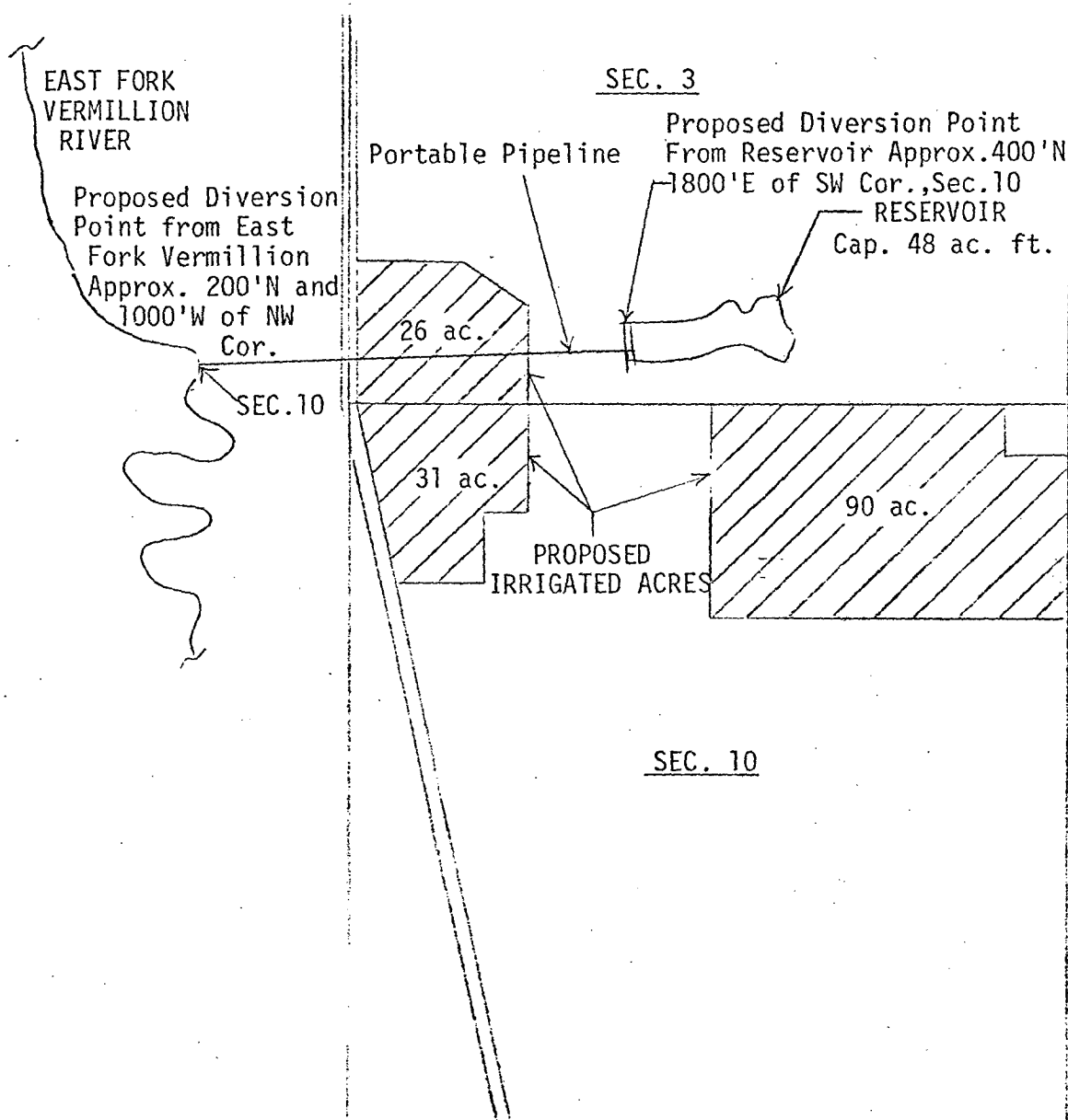
I hereby certify that this plan, specification or report was prepared by me or under my direct personal supervision and that I am a duly Registered Professional Engineer under the laws of the

State of South Dakota

Registration No. 1787 Date April 5 1982

By John M. Madden

RANGE 53W



Irrigated Acres:	
Field A	26 ac.
Field B	31 ac.
Field C	90 ac.
Total	147 ac.

Land Ownership: Reservoir and irrigated acres, Sec. 3-Donelan Children, Bernard Donelan, Trustee

Irrigated acres, Sec. 10-Bernard and Mary Jane Donelan

Copy

Map & Appl # 4951-3



DeWald Grant Recker & Associates Co.
Architecture Engineering Planning
Rock Rapids, Iowa
Sioux City, Iowa

Date 4/13/82
Drawn by BJ
Approved
Revised

DONELAN IRRIGATION
MONTROSE, SD

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9218

PIERRE, March 30, 19 83

RECEIVED OF Bernard W. Donelan, RR#2, Montrose, SD 57048

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

Fee for Application for Permit to Appropriate Water No. <u>4951-3</u> (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 MS

CONSERVATION COMMISSION
WI#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNERS NAME: Bernard and Mary Jane Donelan OWNERS ADDRESS: R. R. 2
Montrose, SD 57048

COUNTY LAND LOCATED IN: McCook PHONE: 363-5353

TENANT'S NAME AND ADDRESS: N/A

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, **A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.**

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

1. WELL LOCATION: _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Private reservoir SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 3, R53W, T103N

Legal Description	Acres	Legal Description	Acres
Portion of SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 3, R53W, T103N	26		
Portion of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 10, R53W, T103N	31		
Portion of NE $\frac{1}{4}$, Sec. 10, R53W, T103N	90		
Total	147		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED N/A

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: hand move
(Specify) sprinkler

6. CROPS TO BE IRRIGATED: alfalfa, corn

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

7. WATER SAMPLE NUMBER: 82-0853

8. SALINITY (EC X 10⁶): 490

9. SODIUM (SAR): 0.39

10. ADJUSTED (SAR): 0.71

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at 10:00 a.m./p.m., on March 26, 19 82, at the following location: SE shore of dam by (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 understand that the Division of Conservation or agents thereof 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

DAY OF April, 19 82.

(NOTARY PUBLIC)

Bernard W. Donelan
APPLICANT'S SIGNATURE

Jack W. Field
Director, Division of Conservation

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 Board of Water Management, Foss Building, Pierre.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Bernard & Mary Jane Donelan
LEGAL DESCRIPTION: Portions of SW $\frac{1}{4}$ SW $\frac{1}{4}$ 3; NW $\frac{1}{4}$ NW $\frac{1}{4}$ 10; NE $\frac{1}{4}$ 10; all in
53-103 = 147 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

BeE - Betts - Slope are too steep
Wh - Whitewood = Is an area of a drain

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

DaA - David is subject to period of wetness and floods

Cb - Clamo is subject to wetness and floods.

These soils shall be kept in grass or grass/alfalfa mixture.
If a rising water table occur on these soils please contact
your county extension agent or this office for assistance.

RECOMMENDED MANAGEMENT:

Jack M. [Signature]
SIGNATURE

5-6-82
DATE



0 0
Scale: 1:20000

HANSON

This map is compiled on 1:10,000 aerial photography by the U. S. Department of Agriculture. Soil Conservation Service and cooperating agencies.

and the other with a 100% and 100% of the total sample. It means we have a 100% of the total sample.

(Joins sheet 17)

April 29, 1982



Bernard Donelan
Rt. 2
Montrose, SD 57048

Dear Mr. Donelan:

Enclosed is your copy of the laboratory report of analysis for water sample No. 82-0853.

I have plotted the approximate quality of your water by means of a red cross in the chart located on the back cover of the accompanying AES pamphlet #13.

Sample No. 82-0853 is classified as a medium saline, low sodic water. It is suitable as a source for irrigation.

The Davis loam located in the SW 1/4 of Sec. 3-103-53, the Clamo silty clay loam in the NW 1/4 of Sec. 10-103-53, and the Wentworth silty clay loams found in the NE 1/4 of Sec. 10-103-53 are compatible with the quality of your water sample. However, the Betts loam (15 to 40% slope) and the Whitewood silt loam are not suitable for irrigation development (see map).

If a rising water table develops on your Clamo silty clay loam under irrigation, please contact your county extension agent or this office for assistance.

The WI-1, soils information, and a copy of the water analysis are being forwarded to the Division of Conservation for their action.

Sincerely yours,

Michael H. Sanders
Water Quality Lab
Division of Conservation

MHS:ckb

Enclosures

cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Name: DONELAN, BERNARD
Address RT 2
MONTROSE SD
57048

Date Rec'd Apr 21, 1982
Sample No. 82-0853
Identification
103N 53W 03 C

WATER ANALYSIS

Calcium (Ca)	62	ppm*	3.09	me/l**
Magnesium (Mg)	13	ppm	1.07	me/l
Sodium (Na)	13	ppm	0.57	me/l
Potassium (K)	17	ppm	0.43	me/l
Sulfate (SO ₄)	130	ppm	2.71	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.14	me/l
Bicarbonate (HCO ₃)	127	ppm	2.08	me/l
Carbonate (CO ₃)	0	ppm	0.00	me/l
Iron (Fe)		ppm		me/l
Flouride (F)		ppm		me/l
Manganese (Mn)		ppm		
Boron (B)	0.10	ppm		
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Total solids		ppm		
Total Cations			5.16	me/l
Total Anions			4.93	me/l
Alkalinity (Methyl Orange)	104	ppm(as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm(as CaCO ₃)		
Electrical Conductivity	490	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.39	Adjusted SAR	0.71	
Sodium	10.95	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	6.88			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

***g.p.g.=grains per gallon

COMMENTS

By: Shirley Mittan

Service Performed:

Irrigation Analysis

Total Cost: \$ 28.00

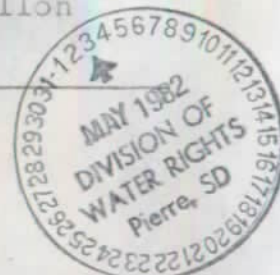
Amount Received: 0.00

Balance Due: 28.00

Make checks payable to: "SDSU Water Quality Lab"

Please write lab number on your check!

Lab No. 82-0853



19 April 1982

Dr. Bernard Donelan
Rural Route
Montrose, South Dakota 57048

Re: Donelan Irrigation Development

Dear Dr.

Please find enclosed the Water Right and Irrigation Development information which we have put together. The Water Right Application is for 147 acres which includes 90 acres of the high ground southeast of the dam site. Including this acreage in the application gives us the option of irrigating that ground and also puts enough acreage under permit that we can ask for a 2 cubic foot per second or 900 gallons per minute diversion rate from the river. You will need to attach a check for \$250 and forward the application to Pierre.

The design information enclosed relates to a hand-move sprinkler system for the north field on the bottom. As we discussed on the telephone, we believe that a sprinkler system has several advantages over flood irrigating for your development. The principal advantages are the ability to accurately control the amount of water applied over the entire field and the potential for salvaging a substantial portion of the initial investment should you decide that irrigation does not pay out. You also will have the flexibility of irrigating any of the other fields with a minimal additional investment in pipe should one of the other fields look more attractive to irrigate at a given time or if the water is available in the dam to expand your acreage.

We have included a material list for the irrigation equipment that should be fairly self-explanatory. Used pipe is probably the way to go. Hopefully you can find pipe that is not too dented up. You should also check the rubber gaskets on the pipe to make sure that they are not cracked or missing. We are not using very high pressure so .050 or .051 inch wall thickness should be adequate.

The decision on a new or used pump is a little tougher. The pumps definitely do have a limited useful lifetime. If you can find a good used pump that matches the pressure and flow conditions which are required, that would probably be your best option. You will note that our recommendation is a power take-off operated pump to be used with your tractor. Depending on where you are pumping, this will be

19 April 1982
Dr. Bernard Donelan
Page Two

a 15-30 hp load on your tractor, so should not be any problem. You will note that we have planned to use the tractor at less than rated engine speed to save fuel at the low power requirement.

Please call when you have reviewed this information and have some questions you would like to discuss.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Bruce Jennings

BJ:kld
Enclosures



Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
605 773-3352

May 21, 1982

Bernard & Mary Jane Donelan
RR 2
Montrose SD 57048

Dear Sirs:

We have received the Soil/Water Compatibility permit approval to irrigate lands in McCook County from a private reservoir.

As of this date we have not received your application. In order to advertise for the July 28 & 29, 1982 Board meeting, your application with all the required data must be received before July 1, 1982.

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures: Forms 2 & 2A
Instruction sheet

Equal Opportunity Employer



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

March 31, 1983

Bernard and Mary Jane Donelan
RR #2
Montrose, S.D. 57048

Dear Bernard and Mary Jane:

Please find enclosed the additional information being returned per your request.

Please note that the necessary information and check are in the possession of the Division of Water Rights, Department of Water and Natural Resources, for the processing of your Form 2 Application for Permit.

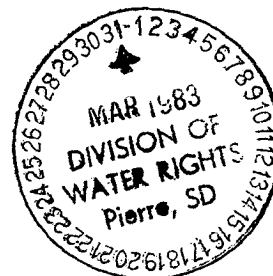
For any additional information or questions concerning your application, please contact the Division of Water Rights (773-3352).

Sincerely,

Jim Stukel
Irrigation Program Director

JS/ah

Enc.



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 4951-3, Bernard & Mary Jane Donelan

Pursuant to Section 4, House Bill 1002, 1983, Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4951-3, Bernard & Mary Jane Donelan.

The Chief Engineer is recommending DEFERRAL of Application No. 4951-3 for staff investigation.



JOHN HATCH, Chief Engineer
June 3, 1983



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

605 773-3352
Water Rights Division

No. 4351-3

June 3, 1983

SPECIAL
135 S Main
Salem SD 57058

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Bernaard & Mary Jane Donelan
Application No. 4951-3, in McCook County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The first
publication should be on, or before June 9, 1983.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make
the first publication. The applicant is to pay the cost of publication and should
make the necessary arrangements with you to pay these costs.

Please receipt for this notice IMMEDIATELY after first publication attaching thereto
a copy of the first publication so that it may be compared with the records. For
your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form
8 to furnish Proof of Publication. The permit to appropriate water cannot be con-
sidered by the Water Management Board until proof of publication has been received.

Very truly yours,

enclosures

cc: applicant

KEVIN C LARSON
Water Resources Engineer

NO. 4951-3

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 19__ enclosing Notice of Proposed
Appropriation of Water, as proposed in Application No. _____ which was first
published in our issue of _____, 19__. ENCLOSED IS A COPY OF THIS FIRST
PUBLICATION.

NAME _____

NEWSPAPER _____

WNR-807-4/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

No. 4951-3

June 3, 1983

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

Bernard & Mary Jane Donelan
RR 2
Montrose SD 57048

Dear Mr. & Mrs. Donelan:

You are hereby notified that your Application No. 4951-3 for a permit to
appropriate water for irrigation use, has been examined and
found to comply with the South Dakota Water Laws and applicable rules. A notice
of your intent to appropriate water has been sent to the Publisher of the

SPECIAL printed at Salem,

South Dakota. For your information, a copy of this notice and the recommendation
of the Chief Engineer is enclosed. Please review and contact this office, if you
have any questions.

Be sure to contact the above newspaper to authorize publication of your notice of
intent to appropriate water and to arrange for payment. Early contact with the paper
can eliminate delays. The publisher has been instructed to publish your notice
once each week for two consecutive weeks with the last publication to occur at least
thirty days before the board meeting. We must receive Proof of Publication before
the application can be considered by the Water Management Board.

Very truly yours,

KEVIN C LARSON
Water Resources Engineer

Encl. Forms 6&7

Instructions to Newspaper - Publish first publication of following Notice on or before
June 9, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 4951-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Bernard & Mary Jane Donelan whose mailing address is RR 2
Montrose, South Dakota has made an application pursuant to the provisions of
SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legis-
lature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10,
thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4,
5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10,~~
~~46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, Section 71 of HB 1001; (transfer lands)~~
~~46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01~~
~~thru 74:02:01:15; (future use) 74:02:01.24 thru 74:02:01.26, (10,000 AFA) 74:02:01.15:02~~
~~thru 74:02:01.15:05;~~ (several of the preceeding SDCL Sections are amended by HB 1001 & 1002
of 1983 Legislature) for a permit to construct a 48 acre foot storage dam and to appropriate
2.00 cfs of water from the East Fork of Vermillion River for storage and/or irrigation of
147 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ of Section 10 all in
T103N, R53W. The River diversion point will be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, and
the dam and diversion point will be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 all
in T103N, R53W

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends
DEFERRAL of Application No. 4951-3 because for staff investigation.

This application will be considered by the Water Management Board at Community Room, Basement
Day Co. Courthouse, 710 W 1, Webster SD upon the 19 day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
Board is authorized to make a determination on this application after it reaches a con-
clusion based upon facts presented at the public hearing. Any interested person who may
be affected by a Board decision and who intends to participate in the hearing before the
Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
written petition with the Chief Engineer and the Applicant by July 8, 1983.
The petition may be informal, but it must include a statement describing the petitioners
interest in the application, the reason for the petitioner's opposition to or support of
the application, and the signature and mailing address of the petitioner or his legal counsel
if legal counsel is obtained. The applicant need not file a petition. The time of the
hearing will be automatically extended for at least twenty days upon written request of the
applicant or any person who has filed a petition to oppose or support the application. The
request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a
petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
this application or to assure access to the hearing by the handicapped can contact the
Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance
prior to the hearing date.

No. 4951-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County McCook) ss.

I, Danny Schwans hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Salem Special

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 Salem

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

June 9, 1983

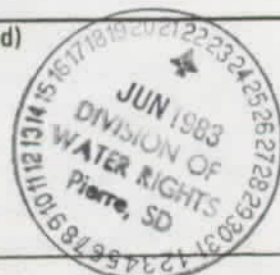
June 16, 1983

Danny Schwans
(Signature)

Publisher
(Title)

6/17/83

(Date Signed)



Cost of Printing:

June 9, 1983	21.20
June 16, 1983	16.96 (80%)
	38.16 total

Public Notice

NOTICE OF HEARING
ON APPLICATION NO. 4951-3
TO APPROPRIATE WATER

Notice is hereby given that
Bernard & Mary Jane Donelan
whose mailing address is RR2
Montrose, SD has made an
application pursuant to the
provisions of SDCL 46-1-1 thru 46-1-9,
46-1-12 thru 46-1-14, Section 13 of HB
1001 enacted by 1983 Legislature;
46-2-3, 1, 46-2-9, 46-2-11, 46-2-13,
Section 32 of HB 1001; 46-5-1 thru
46-5-8, 46-5-10, thru 46-5-16, 46-5-24,
46-5-25, 46-5-31, Sections 38, 47, 59 &
67 of HB 1001, Sections 1, 4, 5, 6, 11,
12, 13, 16, 18, 19 & 21 of HB 1002; and
Board Rules ARSD 74:02:01:01 thru
74:02:01:15; (several of the
preceding SDCL Sections are
amended by HB 1001 & 1002 of 1983
Legislature) for a permit to
construct a 48 acre foot storage dam
and to appropriate 2.00 cfs of water
from the East Fork of Vermillion
River for storage and / or irrigation
of 147 acres located in the SW 1/4
SW 1/4 of Section 3, and NW 1/4 NW 1/4 &
NE 1/4 of Section 10 all in T103N,
R53W. The River diversion point will
be located in the SE 1/4 SE 1/4 of
Section 4, and the dam and diversion
point will be located in the SE 1/4
SW 1/4 and SW 1/4 SE 1/4 of Section 3 all
in T103N, R53W.

Pursuant to Section 4 of HB 1002
the Chief Engineer of the Water
Rights Division recommends
deferral of Application No. 4951-3 for
staff investigation.

This application will be considered
by the Water Management Board at
Community Room, Basement Day
Co. Courthouse, 710 W1, Webster, SD
upon the 19 day of July, 1983 at 10:00
a.m.

The recommendation of the Chief
Engineer is not final or binding upon
the Board and the Board is
authorized to make a determination
on this application after it reaches a
conclusion based upon facts
presented at the public hearing. Any
interested person who may be
affected by a Board decision and
who intends to participate in the
hearing before the Board and
present evidence or cross-examine
witnesses according to SDCL 1-26,
must file a written petition with the
Chief Engineer and the Applicant by
July 8, 1983. The petition may be
informal, but it must include a
statement describing the petitioners
interest in the application, the
reason for the petitioner's opposition
to or support of the application, and
the signature and mailing address of
the petitioner or his legal counsel if
legal counsel is obtained. The
applicant need not file a petition.
The time of the hearing will be
automatically extended for at least
twenty days upon written request of

the applicant or any person who has
filed a petition to oppose or support
the application. The request for
extension must be filed with the
Chief Engineer by July 8, 1983.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, 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.

Any person wishing a copy of the
Chief Engineer's recommendation,
further information on this
application or to assure access to the
hearing by the handicapped can
contact the Water Right Division,
DWNR, Joe Foss Bldg., Pierre, SD
(605-773-3352) for assistance prior to
the hearing date.

6-9, 6-16

REPORT MADE BY SA IN THE FIELD OFFICE OF DIVISION OF U.S. DEPARTMENT OF JUSTICE
 FILE NO. 7 DATE 2/27/52
 TITLE RECEIVED OFFICE NEW YORK
 SPECIAL AGENT

ROLL NO. 7

77

Dist. 1000

1



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

July 22, 1983

Bernard and Mary Jane Donelan
RR 2
Montrose SD 57048

Dear Mr. & Mrs. Donelan:

The Board of Water Management deferred action on your Application No. 4951-3
at the July 19, 1983 Board meeting, pending investigation by the
Staff.

If you have any questions, feel free to contact this office.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Division

ks



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2002

NOTICE

TO: Bernard & Mary Jane Donelan
PO Box 128
Montrose SD 57048

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of the Hearing on deferred Water Permit Application No. 4951-3

Water Permit Application No. 4951-3 proposed to appropriate 2.0 cubic feet of water per second from the East Fork of the Vermillion River and divert the water to a 48 acre-feet storage reservoir to irrigate 147 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 10; all in T103N-R53W. The permit application was deferred by the Water Management Board in July, 1983.

The Chief Engineer is recommending denial of this water permit application because it has been dormant for 19 years with no effort to pursue obtaining the permit. The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) allow to remain deferred, or 4) deny this permit application based on the facts presented at the public hearing.

The Water Management Board will consider Water Permit Application No. 4951-3 on March 13, 2002, at 10:00 AM, in the Visitor Center (west bank of Capitol Lake) 650 East Capitol, Pierre SD. If you intend to appear at the March 13th meeting, please contact us by March 1, 2002, so we may allot adequate time on the agenda.

You have the right to be present and to be represented by a lawyer for the purpose of presenting testimony. 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 State Supreme Court as provided by law.

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 1, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 1, 2002 regarding Notice of Scheduling of the Hearing on deferred Water Permit Application Nos. 4751-3, 4857-3, 5033-3, and 4951-3 addressed as stated below:

Lloyd D. Schuldt
RR 1 Box 100
Colman, SD 57017

Evelyn Fluit
1274 Able Blvd.
Inwood, IA 51240

Steven Bierle
28376 481st Ave.
Canton, SD 57013

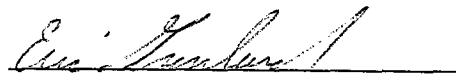
Truman Rhead
28311 480th Ave.
Canton, SD 57013

City of Redfield
Joan Marlette, Finance Officer
626 Main St.
Redfield, SD 57469-1127

Bernard & Mary Jane Donelan
PO Box 128
Montrose, SD 57048

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



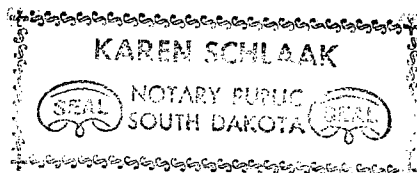
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of February, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 13, 2001

4951-3

Bernard & Mary Jane Donelan
PO Box 128
Montrose SD 57048

Dear Mr. & Mrs. Donelan:

On March 30, 1983 you submitted Water Permit Application No. 4951-3 to appropriate 2.0 cubic feet of water per second from the East Fork of the Vermillion River to a 48 acre-feet storage reservoir to irrigate 147 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 10; all in T103N-R53W.

When the permit application was considered by the Water Management Board it was deferred because of concerns raised by department staff regarding water availability.

We are in the process of revisiting all permit applications that have been deferred for an extended period of time with the intention of bringing closure to these applications. Our review indicates this permit application still remains in deferred status.

This letter is to notify you that unless we hear from you **within 30 days**, we intend to schedule a hearing before the Water Management Board and recommend denial of the permit over concerns with water availability. You may choose to withdraw the application, pursue obtaining the permit, or choose to do nothing. State law requires that downstream prior rights may not be affected.

If you have any questions, please contact Karen Schlaak with this office.

Sincerely,

Garland Erbele, Chief Engineer
Water Right Program
605 773-3352

RECEIVED

FEB 27 2002

WATER RIGHTS
PROGRAM

Sir, — Eric Evonlund

I would like to reconsider
suspending the right to pump
2 cubic foot of water from the
Vermillion River $2\frac{1}{2}$ - $2\frac{3}{4}$ miles
North of Montrose.

The following information
is submitted for your consideration

1) Dr B W Donelan S DSC 1952

Army & US 52-54 (Ranger)
College of Vet Med

Ames Iowa 1959
Large animal practitioner
1959 - 1999-6 Dr. practice

2) The Corp of Engineers were going
to build 5 dams N of Montrose
Construction cost on my Dam
was 92,000 by time it got
to Washington DC.
— it was Disapproved —
(their figures — not mine)

3) I got contour map and aerial photo from EROS

4) In 1 Saturday + Sunday afternoon, I surveyed in the Dam. I also put in 18' x 30" downspout with 92' culvert thru the Dam (5 yds concrete)

A local contractor moved the dirt for the core and Dam for 2500

The Dam has 7 ft surface A.

I can siphon out 7 ft / ft without power

5) I secured 8" Irri. pipe from a rancher at Cheyenne River N of Ft Pierre

6) The pipe is laying along my field or stacked below the

dam. Bruce Jennings drew
up my plans. He has a
Masters in Eng. from SDSU

I do not have a renewable
water source.

If the water drops 34"/year
for 2 years I will have
to make a \$450,000 seed/14

If I could refill my dam
by pumping out of the river
it would lower the risk
of my financial investment.

The reason this hasn't been
completed yet is - Cash Flow

I have 3 sons 4 daughters
Kent - our baby - will enter
medical school in July. He
gets his masters at Brookings
in July. That will be the

end of 47th year of college
with no student loans.
— only got 4 more years
to go.

8) However:

I have a 14yr old grandson
also 13yr old and 2yr old
granddaughters

In between there are
13 Dandelion boys

Suppose we will get 1
Rancher-farmer

9) With the downstream
discharge of the Vermillion
river 8-10 times it was
before we got drainage
from Lake Thompson, and
the fact I shouldn't need
the water ever year,
I was hoping you would
extend the water useage

rights to the Donelan
Gumby for another 10-15
years. (I'm coming up 72)

I will follow this letter up
with a phone call next week
to see if you think it would
be to my advantage to attend
your meeting in ~~the~~ March

Thanks for your time and
consideration

Sincerely

Pat Donelan
363-5204



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2002

NOTICE

TO: Bernard & Mary Jane Donelan
PO Box 128
Montrose SD 57048

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Scheduling of Hearing on Deferred Water Permit Application No. 4951-3

I am in receipt of your letter requesting reconsideration of the denial recommendation in the matter of deferred Water Right Permit Application No. 1348-1. This application proposes to appropriate 2.0 cubic feet of water per second from the East Fork of the Vermillion River and the use of an off stream storage reservoir to irrigate 147 acres. The Water Management Board deferred the application in July, 1983.

Based on your letter stating an interest to obtain a water permit for irrigation, we will reevaluate our recommendation on the application. This will require a staff report to be prepared which looks at the availability of water for the irrigation project. This report will not be completed prior to March 13th hearing. In addition, since this application has been deferred for almost 20 years, we will re-publish notice of the application in the newspaper. Therefore, the hearing will not be held on March 13th.

The hearing on your application will now be scheduled for the May 1 - 2, 2002 Board meeting. Future notice of the exact time, date and location of the hearing will be provided to you. A copy of the staff report prepared on the application will be sent to you prior to the May hearing. Based on the contents of this report and the Chief Engineer's recommendation you will need to decide whether to attend the May hearing.

Finally, I want to make sure you are aware that there is not a permit currently in place from either the East Fork of the Vermillion River or from the dam for irrigation of your land.

If you have any questions on the hearing before the Board, please contact Eric Gronlund at (605) 773-3352.

c: Diane Best

CERTIFICATION

I hereby certify that on February 28, 2002 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 28, 2002 regarding Notice of Scheduling of Hearing on Deferred Water Permit Application # 4951-3 addressed as stated below:

Bernard & Mary Jane Donelan
PO Box 128
Montrose, SD 57048

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



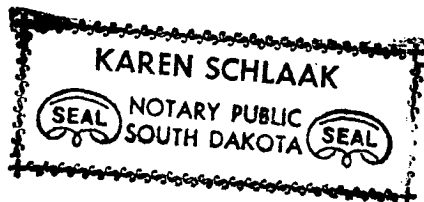
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of March, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



REPORT ON DEFERRED WATER PERMIT APPLICATION 4951-3

Bernard and Mary Jane Donelan

PO Box 128

Montrose, SD 57048

Deferred Water Permit Application 4951-3 was originally submitted for consideration on March 30, 1983. The Water Management Board deferred the application on July 19, 1983 for staff investigation into the availability of water in the East Fork of the Vermillion River. No further action was taken on this application until February 1, 2002 when the Chief Engineer notified the applicants that the Water Management Board would consider a decision of cancellation of Deferred Water Permit Application No. 4951-3 on March 13, 2002. Mr. Donelan submitted a written request to the Water Rights Program on February 27, 2002 to reconsider the application for approval and not cancellation.

Deferred Water Permit Application No. 4951-3, Bernard and Mary Jane Donelan, proposes to appropriate 2.0 cubic feet of water per second (897.66 gallons per minute) from the East Fork of the Vermillion River in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4 T103N R53W approximately 2.5 miles north of Montrose, McCook County, SD. The water would be diverted into a 100 acre-feet storage reservoir located in the S $\frac{1}{2}$ Section 3 T103N R53W. Stored water would be used to irrigate 147 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, all T103N R53W (Attachment 1). Water would be pumped annually from the East Fork of the Vermillion River to the storage reservoir during the February 1 to October 31 interval. Annual withdrawals from the storage reservoir for irrigation would be during the June 1 to October 31 interval.

Review of Storage Reservoir and Water Sources

The 100 acre-feet storage reservoir was constructed in 1980 on an intermittent stream draw with a drainage area of approximately 400 acres. A local contractor moved the dirt and Mr. Donelan constructed the overflow downspout and culvert through the dam.

The storage reservoir maintains an adequate supply of water during years with normal or greater precipitation. During years of below normal precipitation water would be pumped as needed from the East Fork of the Vermillion River to augment the captured runoff water.

Originating just west of the Miner-Lake Counties' border south of Lake Thompson in eastern South Dakota, the East Fork of the Vermillion River flows south-southeast joining with the Little Vermillion River near Montrose and the West Fork of the Vermillion River near Parker forming the Vermillion River. The Vermillion River continues flowing south-southeast joining the Missouri River at Vermillion, SD.

The U.S. Geological Survey (USGS) has maintained stream flow gaging stations on the East Fork of the Vermillion River near Ramona, SD since 1986 and Parker, SD since 1995. Ramona, SD is about 30 miles upstream and Parker, SD is about 23 miles downstream of the proposed project.

There is limited stream flow data available for the East Fork of the Vermillion River. The data from the Parker and Ramona gages are biased towards high stream flows since their periods of record coincide with high precipitation years of the 1990s. The high stream flow bias is evident in the comparison of the East Fork of the Vermillion River at Parker, SD and the Vermillion River at Wakonda-Vermillion, SD data. Although the Wakonda-Vermillion data was collected on the Vermillion River downstream of all contributing tributaries, about 77 percent of the recorded annual median flow rates at Parker, SD (1995-2000 period of record) are greater than the Wakonda-Vermillion, SD (1945-2000 period of record) recorded median flow rates (Attachment 2).

The Wakonda-Vermillion USGS stream flow data and Water Rights Program historical records indicate the Vermillion River and tributaries can not be considered a reliable source of water during extended periods of diminished precipitation in the area.

Review of Existing Water Rights

Downstream of this project and Parker, SD there is one prior license held by the SD Game, Fish, and Parks for the annual storage of up to 1650 acre-feet of water at the Lake Vermillion State Recreation Area. The USGS Parker, SD gaging station is located approximately 15 miles downstream of this recreation area. Past the confluence of the East and West Forks on the Vermillion River, the town of Centerville, Turner County, SD has a prior right for annual storage for up to 40 acre-feet of water for recreational use. Three prior rights with total diversions of 9.88 cfs for irrigation purposes are located between the City of Vermillion, SD and the Missouri River. These three withdrawals are from the Missouri River backwater section of the Vermillion River. The following qualification should protect these senior rights and downstream domestic use:

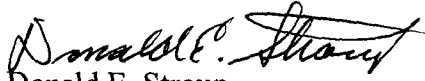
Diversions under this permit are authorized only when 5 cfs (2244.15 gpm) or greater flow is bypassed at the USGS Parker, SD East Fork of the Vermillion River stream flow gaging station.

Flows of 5 cfs or greater measured at the Parker, SD East Fork of the Vermillion River stream flow gaging station would indicate that flow over the spillway of the dam at the Lake Vermillion State Recreation Area was occurring to fulfill downstream requirements.

Conclusions

1. Deferred Water Permit Application No. 4951-3, Bernard and Mary Jane Donelan , proposes to appropriate 2.0 cubic feet of water per second (897.66 gallons per minute) from the East Fork of the Vermillion River for storage in a 48 acre-feet reservoir. The stored water would be used to irrigate 147 acres.
2. USGS data and Water Rights Program Records indicate that the East Fork of the Vermillion River can not be considered a reliable source of water during extended periods of diminished precipitation in the area.

3. Diversions under this permit should only be authorized when 5 cfs (2244.15 gpm) or greater flow is being bypassed at the USGS Parker, SD East Fork of the Vermillion River stream flow gaging station.



Donald E. Stroup
Natural Resources Engineer
DENR Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resource Engineering Specialist
DENR Water Rights Program

References:

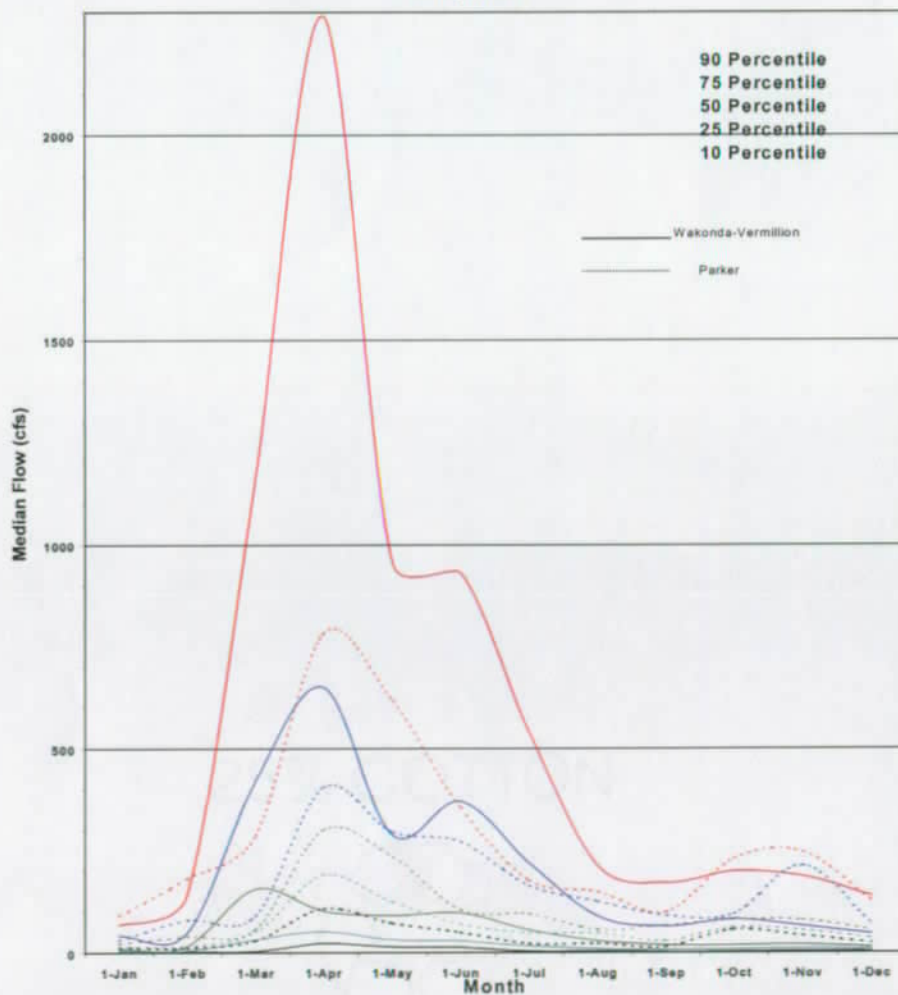
South Dakota Department of Environment and Natural Resources, Water Rights Program Records

U.S. Geological Survey Water Resources South Dakota Water-Data

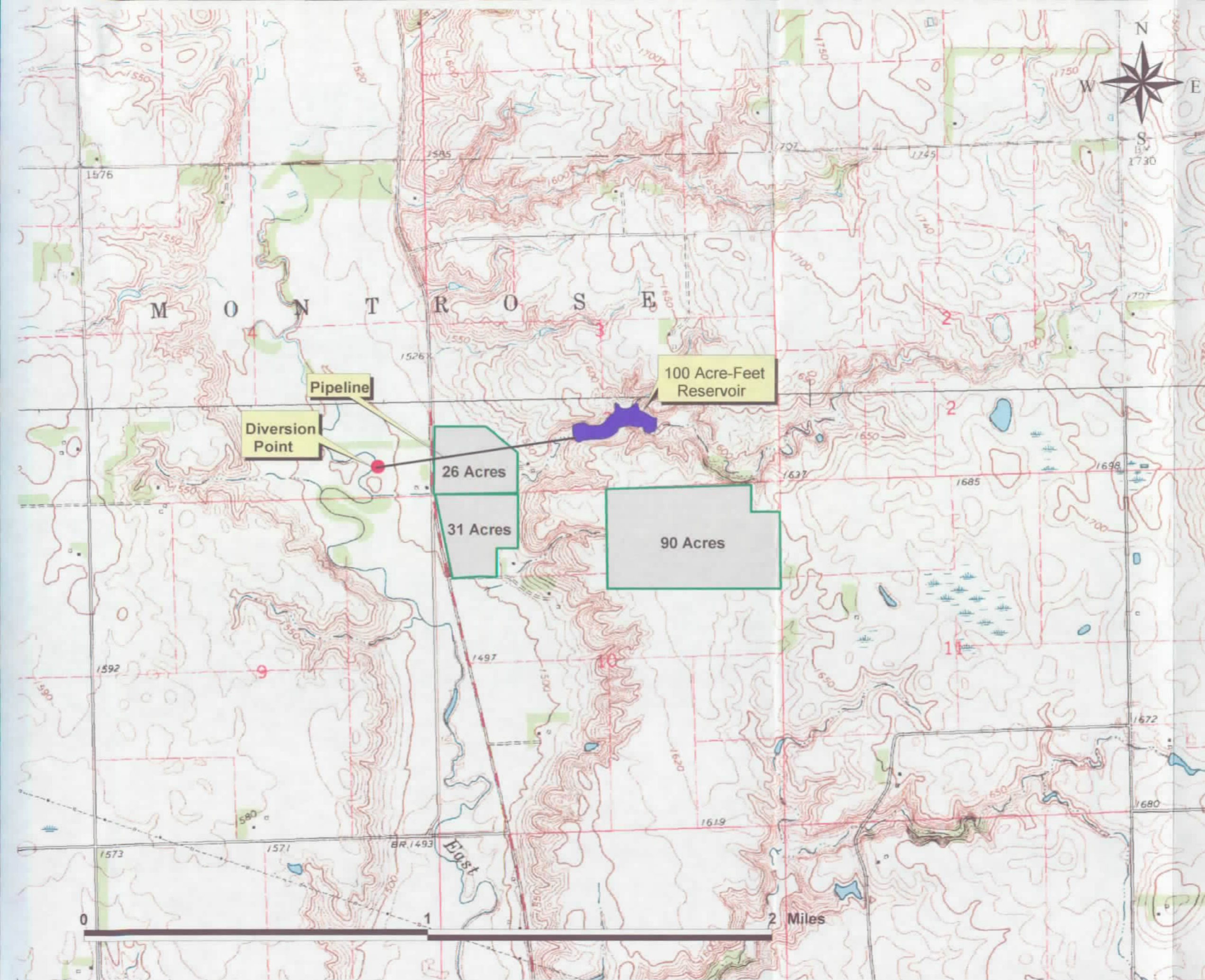
East Fork and Vermillion River Median Flow Percentiles (cfs)

Location	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Wakonda	1	2	3	23	14	13	3	3	1	1	3	2
Parker	13	11	29	108	72	49	22	22	14	56	41	23
Wakonda	4	4	31	51	31	28	16	8	6	7	9	7
Parker	15	15	49	190	124	69	48	47	28	61	54	35
Wakonda	9	15	156	102	90	97	55	28	18	17	19	12
Parker	22	39	57	301	235	104	94	56	66	80	80	55
Wakonda	41	48	420	650	288	370	219	89	64	82	65	46
Parker	30	79	90	405	296	272	164	125	91	94	213	70
Wakonda	68	140	1156	2290	954	931	541	213	171	199	187	139
Parker	90	181	287	783	617	355	177	149	100	230	247	128

**East Fork and Vermillion River
Parker and Wakonda-Vermillion
Comparison**



Deferred Permit # 4951-3
Bernard & Mary Jane Donelan
PO Box 128
Montrose, SD 57048



Irrigated Acres

Donald E. Stroup
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4951-3, Bernard and Mary Jane Donelan**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 4951-3, Bernard and Mary Jane Donelan, PO Box 128, Montrose SD 57048.

The Chief Engineer is recommending APPROVAL of deferred Application No. 4951-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Water Permit No. 4951-3 authorizes diversion of water from the East Fork of the Vermillion River only when 5 cfs or greater flow is bypassed at the USGS Parker, SD stream flow gaging station.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 27, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 27, 2002

Bernard and Mary Jane Donelan
PO Box 128
Montrose SD 57048

Dear Mr. & Mrs. Donelan:

Enclosed is a copy of Notice of Hearing on Deferred Water Permit Application No. 4951-3 that has been sent to the Publisher of the Salem Special. A copy of the recommendation of the Chief Engineer and a report on the application are also enclosed. Please note the recommendation is for approval of the application.

The Water Management Board will consider Water Permit Application No. 4951-3 on May 1, 2002, at 10:00 AM, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. This deferred application is being brought before the Board for reconsideration and is being readvertised to allow the public to comment since it has been 19 years since the application was filed.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2002

Salem Special
PO Box 220
Salem SD 57058-0220

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 4951-3 to be published twice. Please publish the first notice on April 4, 2002 with the second publication 7 days later.

Please BILL Water Rights, 523 E. Capitol, Foss Building, Pierre, SD 57501 (Ph #650-773-3352) for the cost of publication.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 4951-3

Date _____

We are in receipt of your letter of March 27, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 4951-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF HEARING
ON DEFERRED WATER PERMIT APPLICATION NO. 4951-3
BERNARD & MARY JANE DONELAN

Water Permit Application No. 4951-3 was filed by Bernard and Mary Jane Donelan, PO Box 128, Montrose SD 57048 on March 30, 1983. The application requested an appropriation of 2.0 cubic feet of water per second from the East Fork of the Vermillion River. River water is to be diverted to a 48 acre-foot storage reservoir to irrigate 147 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 10; all in T103N-R53W. The point of diversion from the river is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4-T103N- R53W. The storage reservoir is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3-T103N-R53W and receives incidental surface run-off in addition to water diverted from the river. This application was originally public noticed on June 9 and 16, 1983. The Water Management Board deferred the application July 19, 1983 for staff investigation. This deferred application is being brought before the Board for reconsideration and is being readvertised to allow the public to comment.

The Water Management Board will consider Water Permit Application No. 4951-3 on May 1, 2002, at 10:00 AM, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

The Chief Engineer of the Water Rights Program recommends APPROVAL of Water Permit Application No. 4951-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) allow to remain deferred, or 4) deny this permit application based on the facts presented at the public hearing.

Any person interested in opposing or supporting this application that wishes to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-12, must file a written petition with the Chief Engineer and the applicant by April 22, 2002. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre SD 57501 (phone 605 773-3352). The petition may be informal, but it must include a statement describing your interest in this application, the reason for your support or opposition to the application, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The May 1, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any interested person opposing or supporting the application. The request for an automatic delay must be filed by April 22, 2002.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application was made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Public Notice

NOTICE OF HEARING ON DEFERRED WATER PERMIT APPLICATION NO. 4951-3 BERNARD & MARY JANE DONELAN

Water Permit Application No. 4951-3 was filed by Bernard and Mary Jane Donelan, PO Box 128, Montrose SD 57058 on March 30, 1983. The application requested an appropriation of 2.0 cubic feet of water per second from the East Fork of the Vermillion River. River water is to be diverted to 48 acre-feet storage reservoir to irrigate 147 acres located in the SW1/4/SW1/4 Section 3 and NW1/4/NW1/4, NE 1/4 Section 10; all in T103N-R53W. The point of diversion from the river is located in the SE1/4SE1/4 Section 4- T103N-R53W. The storage reservoir is located in the SE1/4SW1/4 and SW1/4SE1/4 Section 3-T103N-R53W and receives incidental surface run-off in addition to water diverted from the river. This application was originally public noticed on June 9 and 16, 1983. The Water Management board deferred the application July 19, 1983 for staff investigation. This deferred application is being brought before the Board for reconsideration and is being readvertised to allow the public to comment.

The Water Management Board will consider Water Permit Application No. 4951-3 on May 1, 2002, at 10:00 a.m. in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD.

The Chief Engineer of the Water Rights Program recommends APPROVAL of Water Permit Application No. 4951-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest. The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) allow to remain deferred, or 4) deny this permit application based on the facts presented at the public hearing.

Any person interested in opposing or supporting this application that wishes to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-12, must file a written petition with the Chief Engineer and the applicant by April 22, 2002. The Chief Engineer's address is Water Rights Program, Joe Foss Building, 523 E. Capitol, Pierre SD 57501 (phone 605-773-3352). The petition may be informal, but it must include a statement describing your interest in this application, the reason for your support or opposition to the application, and your signature and mailing address or your legal counsel if legal counsel is obtained.

Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed *Notice of Hearing on Deferred Water Permit Application No. 4951-3*

a printed copy of which is hereto attached, was printed and published in the newspaper for *2* weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:

The first publication being made on

April 4, 19*2002*

the second publication on *April 11*, 19*2002*

the third publication on ,19

the fourth publication on ,19

the fifth publication on ,19

the sixth publication on ,19

and the last publication on ,19

that \$ *72.27* being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.

[Signature]
Subscribed and sworn to before me this *11th*

day of *April*, 19*2002*

Phyllis Knudson
Notary Public, *McCook* County

My commission expires *5-19-02*

The May 1, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any interested person opposing or supporting the application.

The request for an automatic delay must be filed by April 22, 2002.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the application have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 22, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application was made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1; 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24; 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

4/4. 4/11



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2002

NOTICE

TO: Bernard Donelan
PO Box 128
Montrose SD 57048

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

SUBJECT: Teleconference call for consideration of deferred Water Permit Application No. 4951-3, Bernard and Mary Jane Donelan

The May 1, 2002, Water Management Board meeting will be held by teleconference. The Board is scheduled to consider your deferred Water Permit Application No. 4951-3 at this meeting. This application proposes to appropriate water from the East Fork of the Vermillion River and divert it to a storage reservoir prior to irrigation of 147 acres. Applicable provisions of the notice published April 4 and 11, 2002 in the Salem Special and the personal notice sent to you on February 28, 2002, will still apply during this teleconference call. No one petitioned to intervene in the hearing.

The teleconference will commence at 9:00 AM CDT on Wednesday, May 1, 2002, and agenda items will be taken in order as they appear on the enclosed amended agenda. If you wish to participate in the teleconference call, the following sites will be connected to the conference call:

Lower Level Conference Room
Basement of the Joe Foss Building
523 E. Capitol Avenue
Pierre SD 57501

Conference Room
Rapid City Regional Office of DENR
2050 West Main, Suite 1
Rapid City SD 57702-2493

Please contact Eric Gronlund at (605) 773-3352 if you have any questions on arrangements for the teleconference Board meeting.

Enclosure

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 25, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 25, 2002, regarding notification of consideration by teleconference call of deferred Water Permit Application No. 4951-3, addressed as stated below.

Bernard Donelan
PO Box 128
Montrose SD 57048

A copy of the Notice was sent Inter-office to:

Diane Best, Assistant Attorney General



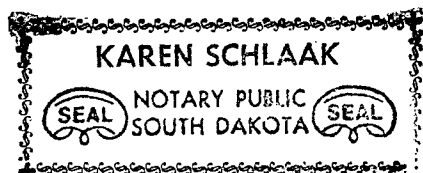
Eric Gronlund
Natural Resource Engineer
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of April, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





May 6, 2002

Bernard and Mary Jane Donelan
PO Box 128
Montrose SD 57048

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dear Mr. & Mrs. Donelan:

On May 1, 2002, the Water Management Board approved Water Permit No. 4951-3 to appropriate 2.0 cubic feet of water per second from the East Fork of the Vermillion River to be diverted to a 48 acre-feet storage reservoir to irrigate 147 acres. It has come to my attention that there appears to be some question on what is the actual storage capacity of the reservoir. The original application stated the reservoir is capable of storing 48 acre feet of water. However, when Don Stroup contacted you to discuss the application you indicated the reservoir constructed in 1980 has a storage capacity of approximately 100 acre-feet.

The permit application was public noticed on April 4 and 11, 2002. The notice indicated the reservoir storage capacity as 48 acre-feet based on your original filing of the application in 1983. If the dam only impounds 48 acre-feet of water we will proceed with issuing the permit. However, if the dam has a storage capacity of more than 48 acre-feet then the notice will need to be readvertised for the correct storage capacity of the reservoir.

I am writing to clarify the capacity of the dam and ask that you to complete the enclosed Form 2A, Supplemental Information. Please complete Item No. 4 "Water Storage Dams" and return to me in the self addressed stamped envelope.

If you are unsure of the how to calculate the approximate storage capacity of reservoir, your local Natural Resource Conservation Service agent may be able to assist you.

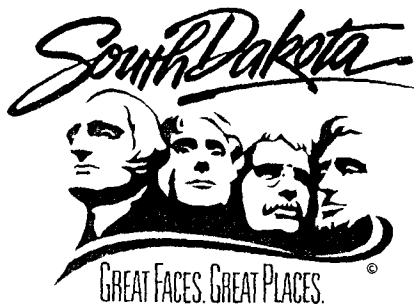
Obtaining a water permit that accurately reflects your water use ultimately benefits you by protecting your right to use water.

Please let us know the correct storage capacity. If you have any questions, please contact Don Stroup at 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 20, 2007

Bernard Donelan
PO Box 128
Montrose SD 57048

Dear Mr. Donelan:

Back in 2002, the Water Rights Program corresponded with you about Water Permit No. 4951-3 to appropriate 2.0 cubic feet of water per second from the East Fork Vermillion River for irrigation. The permit authorized the diversion of water from the river to an existing dam prior to be used for irrigation of 147 acres of land. The issuance of the permit was put on hold until we resolved the storage capacity of the dam.

A copy of the May 6, 2002 letter to you from Karen Schlaak is enclosed. Water Rights asked that you clarify the storage capacity of the storage dam by completing Item No. 4 on the supplemental form. I am again asking that you complete this section on the enclosed form and return to me in the self addressed stamped envelope.

Once we get the storage capacity of the dam resolved, we can proceed with issuing the water permit. Until the permit is issued, there is not a legal right to divert and irrigate since the permit is not issued. I want to make sure the water permit accurately reflects your water use system.

Please feel free to contact me if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 4951-3**

I have this day, July 8, 2024, made a thorough examination of the water use system constructed by Bernard and Mary Jane Donelan, RR 2, Montrose, SD 57048 of Permit No. 4951-3, bearing the priority of March 30, 1983 authorizing the diversion of 2.0 cu. ft. per second and/or the storage of 48 acre-feet of the waters of East Fork Vermillion River and storage reservoir for irrigation purposes, in McCook County.

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

I contacted Mr. Kurt Donelan (605/270-3428) via phone during the field visit to learn that his deceased father had initiated the irrigation project. There was no evidence of current irrigation activity on the property.

The last Irrigation Questionnaire was submitted in 2006 and showed no construction or irrigation on that report.

Mr. Donelan, owner of the land associated with the permit, indicated that he had no plans for irrigation of the property. He was advised that he should expect a communication from the DANR regarding a termination of the permit.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 12, 2024

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kurt Donelan – Montrose SD

RE: What to do w/ un-permitted 4951-3

COMMENTS:

In 1983, the Water Management Board deferred Permit App No. 4951-3 until the dam's storage capacity was determined. In 2002, the Board approved App No. 4951-3, identifying a storage capacity of 100 ac-ft; however, the original public notice only identified 48 ac-ft, therefor the permit was never actually issued.

In July 2024, Darrell DeBoer conducted a site visit, noting the absence of any irrigation development. Darrell's write up triggered a conversation with Program staff. Whitney Kilts has had concerns with the dam being "high hazard" due to a residence being built directly west of the dam head.

At this time, the planned course of action is for Whitney Kilts & Mark Rath to make an inspection/survey of the dam in Summer 2025 to identify whether the dam may remain in place or if it needs to be removed due to safety concerns, after which administrative needs will be determined.



Amanda Dewell
Water Rights Program