

Considered: _____

WATER PERMIT NO. 5423-3

Phone 356-2531
MAP No. _____

Name of Applicant Melvin & Eileen Donnelly

Post Office Address RR 2 Box 50 Elk Point SD 57025

Amount of Water Claimed 2.2 Total Acres 154

Source of Water Supply groundwater

Water to be used for irrigation County Union

About 2 miles S of Junction City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 3/5/90 Fee \$250⁰⁰ Remarks _____

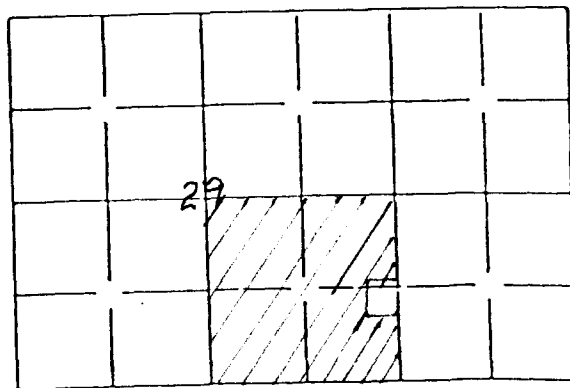
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED _____ APPROVED / CONDITIONAL (Circle one)

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

Diversion Point center of SE¹/₄ Section 29
T92-R50W

Land to be Irrigated SE¹/₄ Section 29-T92-R50W



Well Log: Driller Wetmore Licensed YES X NO _____

Depth of Well 127' REMARKS _____

Type of Map Aerial PREPARED BY Louie DeSmet Reviewed and the Number

assigned on 3/28/90 By Eric Nordlund

(See instructions)

No. 5423-3 Hydrologic Unit 10170101
Basin Vermillion
Newspaper Elk Point / Lead-Courier Box 310

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

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Melvin & Eileen Lanny Donnelly Phone No. 356-2531
- Post Office Address RR 2 Box 50 Elk Point State SD Zip Code 57025
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) 2.2 Total acres irrigated 154
3. Source of Water supply Well
4. Location of point of diversion center of the SE 1/4 Sec. 29-92-50
- County UNION
5. Counties where water will be used Union
6. Annual period during which water is to be used April through October³¹
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

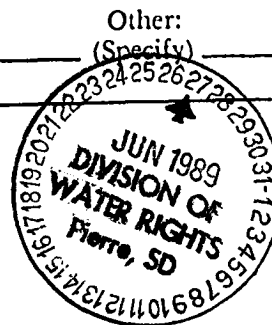
Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Sec 29-92-50	40
SW 1/4 SE 1/4 Sec. 29-92-50	40
NE 1/4 SE 1/4 Sec. 29-92-50	40
SE 1/4 SE 1/4 Sec. 29-92-50	34

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____ (Specify)
9. Crops to be Irrigated: Corn, Soybeans
10. Give a description of proposed project. (Attach sheet if more-space is needed)

Well and center pivot with additional end gun to irrigate corners



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

STATE OF SOUTH DAKOTA)
County of Union, ss

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

Signed Melvin Donnelly

Subscribed and sworn to before me this 22nd day of June 1989

John LaBrune
Notary Public
my Commission expires 11-2-90

**SOUTH DAKOTA
WATER PERMIT No. 5423-3 FOR IRRIGATION**

Date of first receipt of application June 27, 1989.

Date Soil/Water Compatibility Permit received March 26, 1990.

Date of return to applicant for corrections, amendments or changes July 13, 1989.

Date of receipt of corrected application March 6, 1990.

The Water Management Board approved Water Permit Application No. 5423-3 on May 24, 1990 for Melvin & Eileen Donnelly, RR. 2, Box 50, Elk Point, SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. appropriates 2.2 cubic feet of water per second from one well (Missouri - Elk Point Aquifer) 127 feet deep to irrigate 154 acres. The well and land to be irrigated are located in the SE1/4 of Section 29 T92N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 6, 1990.
4. One-fifth of the construction is to be completed on or before November 24, 1992.
5. All construction is to be completed on or before May 24, 1995.
6. Water is to be put to beneficial use on or before May 24, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John H. Hatah
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 22" Depth 127'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4" 100 slot
- d) Gravel Pack Thickness 3" Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
- On applicants property 70 rods On property owned by others 490 yards

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

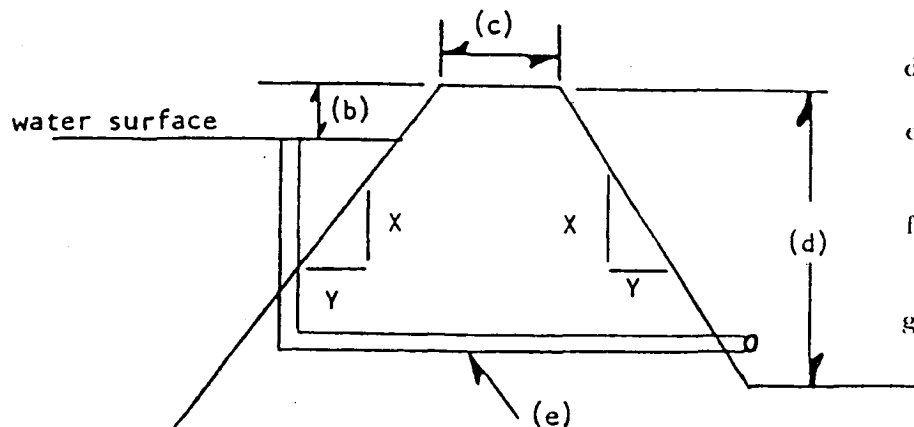
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant



WETMORE DRILLING

P.O. BOX 577 - ELK POINT, SOUTH DAKOTA 57025 - (605) 356-3272

6-30-89

Melvin Donnelly
Rt. 2 Box 50
Elk Point SD 57025

WELL LOG:

Center of SE 1/4 Sec 29 T92N R50W

0 - 3'	Topsoil
3 - 16'	clay w fine sand
16 - 63'	fine sand
63 - 127'	coarse sand & gravel

James Wetmore
James Wetmore
PO Box 577
Elk Point SD 57025

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

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

July 13, 1989

Melvin & Larry Donnelly
RR 2, Box 50
Elk Point, SD 57025

Dear Donnelly's:

This letter is in reference to the water permit application received from you on June 27, 1989.

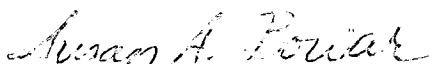
The application is incomplete for the following reason(s):

- (1) A well log or test hole log, signed by a South Dakota Licensed Well Driller, needs to be submitted (see enclosed instruction sheet).
- (2) The application fee needs to be submitted. The fee for irrigating 154 acres is \$250 (see enclosed instruction sheet).

The Water Management Board cannot consider a water permit application until it is complete and until an approved Soil/Water Compatibility Permit has been received from the Department of Agriculture. Please submit a signed log and the required fee to begin processing of your application.

Feel free to contact me if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure

the required fee application



March 5 1990

To: Water Rights Division

I am enclosing the \$250 fee and well log as requested. However I would like to change the applicants names to Melvin Donnelly and Eileen Donnelly.

Thank you,



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412123

Pierre, March 7, 19 90

RECEIVED OF Helvin & Larry Donnelly, RR #2 Box 50, Elk Point, SD 57025

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

Fee for Application for Permit No. <u>5423-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By

John H. H. H. H.
Chief Engineer

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4455

WR#

OWNERS NAME: Melvin & Eileen Donnelly OWNERS ADDRESS: RR 2, Box 50

Elk Point, SD 57025

COUNTY LAND LOCATED IN: Union PHONE: 605-356-2531

LEGAL DESCRIPTION:

1. LOCATION Center of SE 1/4 29-T92N-R50W

☒ Well

☐ Surface

Depth _____



Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 29-T92N-R50W</u>	<u>40</u>		
<u>SW 1/4 29-T92N-R50W</u>	<u>40</u>		
<u>NE 1/4 29-T92N-R50W</u>	<u>40</u>		
<u>SE 1/4 29-T92N-R50W</u>	<u>34</u>		

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

3. CROPS TO BE IRRIGATED: Corn, soybeans

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0292

7. ADJUSTED (SAR): 2.31

5. SALINITY (EC X 10⁶): 1800

8. PERCENT SODIUM: 12.07

6. SODIUM (SAR): 0.89

Requirements:

The soils of the area are subject to seasonal high water tables which may become perched under irrigation and inhibit the leaching of salts. In order to achieve this necessary leaching of salts, the installation of artificial drainage may be necessary, i.e., tile drains. Artificial drainage shall be installed as deemed necessary.

Please be advised we do not consider the Sumpbuster Provision in the development of our recommendations. Before undertaking any drainage project, please contact your local Conservation District and ASCS offices.

[Signature]
Director, Division of Conservation

3/23/90
Date

X APPROVED X REQUIREMENTS
____ DISAPPROVED
____ WAIVER

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

Bf—Blencoe silty clay. This is a level soil on bottom lands along larger streams. Slopes are 0 to 1 percent. Most areas are long and narrow and are less than 100 acres in size. In some small areas the depth to silty material is slightly less than 20 inches. Included in mapping are small areas of Forney and Lakeport soils intermingled with the Blencoe soil.

Runoff is slow, and flooding is a hazard in some areas. Wetness caused by a seasonal high water table is the main limitation in using this soil for crops. It delays farming in some years. If farmed when wet, this soil compacts and easily loses its tilth.

Most areas are used for crops. If adequately drained, this soil is well suited to farming. Capability unit IIw-1, pasture group A, windbreak group 2.

La—Lakeport silty clay loam. This is a nearly level soil on high bottom lands in irregularly shaped areas that range to 200 or more acres in size. Slopes are 0 to 2 percent.

Included with this soil in mapping are small areas of Blencoe and Omadi soils. Blencoe soils are in slightly concave low areas, and Omadi soils are on very slight rises.

Runoff is slow. Wetness from a seasonal high water table delays farming in some years. This soil compacts and loses its tilth if farmed when wet. Overcoming wetness and maintaining tilth are the main concerns of management.

This soil is well suited to all crops commonly grown in the county. Almost all areas are used for crops. Corn and soybeans are the main crops. Capability unit IIw-1, pasture group A, windbreak group 2.

Oa—Omadi silt loam. This is a nearly level soil on high bottom lands in areas that range to 400 acres in size. Slopes are 0 to 2 percent. They are long and plane and in places are broken by small, shallow swales or depressions. In most areas this soil has the profile described as representative of the series, but in some low areas it is moderately well drained and has a surface layer of silty clay.

Included with this soil in mapping are small areas of Blyburg soils on very slight rises that are slightly convex.

Runoff is slow, and the hazards of erosion and soil blowing are slight. This soil generally has few or no limitations for crops, but some areas are subject to flooding in some years. Maintaining fertility is the main concern of management.

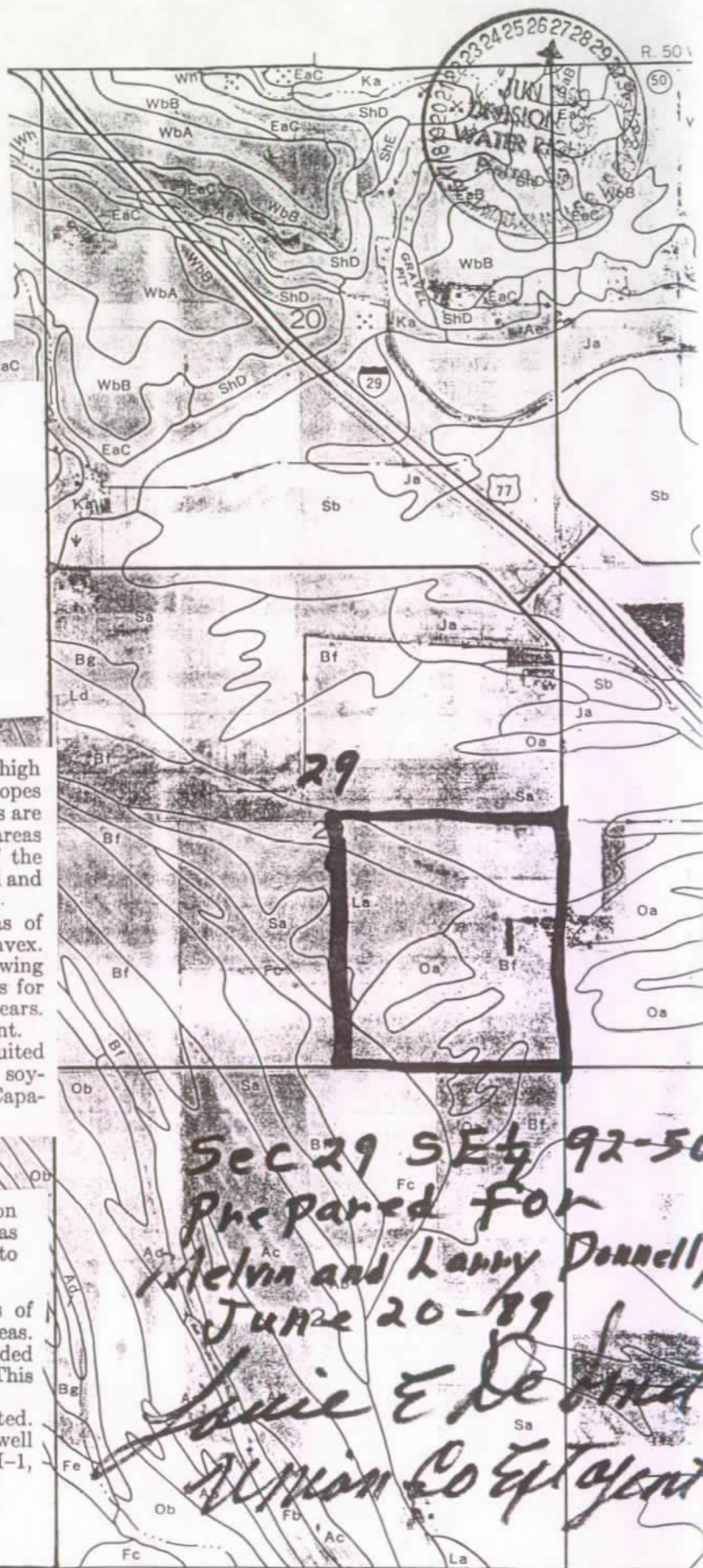
Most areas are used for crops, and this soil is well suited to all crops commonly grown in the county. Corn and soybeans are the main crops. A few areas are irrigated. Capability unit I-1, pasture group F, windbreak group 3.

Sa—Salix silty clay loam. This is a nearly level soil on high stream bottoms. Slopes are 0 to 2 percent. The areas are mostly long and narrow, but a few wide areas range to 200 acres in size.

Included with this soil in mapping are small areas of Benclare and Kennebec soils in swales and concave low areas.

Runoff is slow. Areas along the Big Sioux River are flooded in some years, but wetness generally is not a problem. This soil has only slight limitations for crops.

Most areas are used for crops, and a few areas are irrigated. Corn and soybeans are the main crops, but this soil is well suited to all crops grown in the county. Capability unit I-1, pasture group F, windbreak group 3.



Appl No.

REPORT ON APPLICATION NO. 5423-3
Melvin and Eileen Donnelly
April 3, 1990

Application No. 5423-3 proposes to appropriate 2.2 cubic feet of water per second (cfs) from one well (Missouri - Elk Point) 127 feet deep to irrigate 154 acres. The well and land to be irrigated are to be located in the SE1/4, section 29, T92N, R50W, Union County, SD.

AQUIFER Missouri - Elk Point (M-EP)

AQUIFER INFORMATION AND CHARACTERISTICS

The Missouri-Elk Point Aquifer is a glacial outwash deposit that underlies 99,600 acres in Union County and has approximately 1.5 million acre-feet in recoverable storage (Hedges, 1982). The formation has an average thickness of 100 feet and is under water table conditions in this area. The well log submitted with the application indicates the following:

<u>Depth below ground surface</u>	<u>Description</u>
0 - 3 feet	topsoil
3 - 16 "	clay w/fine sand
16 - 63 "	fine sand
63 - 127 "	coarse sand and gravel

The depth to water below the ground surface was 18 feet at the time the application was submitted.

The formation is hydraulically connected to the Upper Vermillion-Missouri Aquifer in Clay County and the M-EP in Yankton County. In addition, there is a hydraulic connection with the Missouri and Vermillion Rivers. Wells completed in this formation can be expected to yield at least 500 GPM and may yield more than 1000 GPM.

REVIEW OF AREA WATER RIGHTS

According to the 1988 Irrigation Report, there are 217 permits in the Missouri-Elk Point Aquifer with a total appropriation of 91,983.68 acre-feet per year (about 6% of the recoverable water in storage). The actual irrigation pumpage reported from the formation was 22,195.3 acre-feet in 1988 (about 1% of recoverable water).

The Division of Water Rights maintains 28 observation wells in Union County that are completed into the M-EP. One of these wells (UN-77K) is located approximately 2 miles east of the

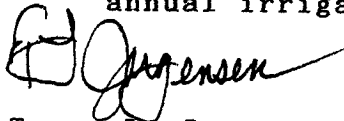
diversion point in Application No. 5423-3. The water levels recorded for UN-77K show very little fluctuation due to pumping or seasonal changes. There are only two other water rights in the immediate vicinity (both for irrigation purposes) and are described as follows:

313-3A	Robert Donnelly	2.43 cfs	170.38 acres
3859-3	Margaret Peterson	1.14 cfs	80.00 acres

These and other area water rights are not expected to be affected by the addition of the proposed well in Application No. 5423-3 since water table conditions exist in this area.

CONCLUSIONS

1. Water is available in the Missouri-Elk Point Aquifer for further appropriations.
2. Application No. 5423-3, if approved, would irrigate 154 acres at a proposed diversion rate of 2.2 cfs (987 GPM). It is not known if the applicant's well will yield this amount of water.
3. There should not be any well interference problems caused by approval of Application No. 5423-3.
4. Approval of this application is subject to completion of the annual irrigation questionnaire.



Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

REFERENCES

Division of Water Rights, 1990, Observation Well Files, DWNR,
Division of Water Rights, Joe Foss Building, Pierre, SD.

Division of Water Rights, 1988, Irrigation Report by Aquifer,
DWNR, Division of Water Rights, Joe Foss Building, Pierre,
SD.

Bugliosi, Edward F., 1986, Water Resources of Yankton County,
South Dakota, U.S. Geological Survey, Huron, SD.

Hedges, L.S, Burch, S.L., Iles, D.L., Barari, R.A., 1982,
Evaluation of Groundwater Resources in Eastern South Dakota
and Upper Big Sioux River, South Dakota and Iowa, U.S. Army
Corps of Engineers contract No. DACW 45-80-C0185, DWNR,

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5423-3, Melvin and Eileen Donnelly

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5423-3, Melvin and Eileen Donnelly, RR 2, Box 50, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5423-3 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) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. 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.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
April 11, 1990



Department of Water & Natural Resources

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

April 12, 1990

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

Melvin & Eileen Donnelly
RR #2 box 50
Elk Point, SD 57025

Dear Mr. & Mrs. Donnelly:

Water Permit Application No. 5423-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Leader-Courier printed at Elk Point SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation is also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of 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 twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

April 12, 1990

Leader-Courier
Box 310
Elk Point, SD 57025-0310

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5423-3 to be published twice. Please publish the first notice on or before April 19, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Melvin & Eileen Donnelly, RR #2 Box 50, Elk Point, SD 57025.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before April 19, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5423-3 to Appropriate Water

Notice is given that Melvin and Bileen Donnelly, RR #2 Box 50, Elk Point, SD 57025 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Missouri - Elk Point Aquifer) 127 feet deep to irrigate 154-acres. The well and land to be irrigated are to be located in the SE1/4 of Section 29 T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5423-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy 212, Watertown, SD on May 23, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Union) ss.



I, Lester E. Emerson

certify that the attached printed Notice was taken
 from the The Leader-Courier

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 Elk Point

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

Thursday, April 19

Thursday, April 26

Lester E. Emerson
 (Signature)

Editor - Publisher
 (Title)

April 26, 1990

(Date Signed)

Cost of Printing: 35.97

must be received by May 11, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Eric Gronlund
 Natural Resources Engineer
 Pub. Apr. 19 and 26. 4-26

NOTICE OF HEARING

On Application No. 5423-3
 To Appropriate Water

Notice is given that Melvin and Eileen Donnelly, RR #2 Box 50, Elk Point, S. D. 57025 has filed an application for a water permit to appropriate 2.2 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 127 feet deep to irrigate 154 acres. The well and land to be irrigated are to be located in the SE 1/4 of Section 29 T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5423-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Pelican Room, Ramkota Inn, Hwy. 212, Watertown, S. D. on May 23, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineering by May 11, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. D. 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay



Department of Water & Natural Resources

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

SEP 12 1990

Melvin & Eileen Donnelly
RR #2 Box 50
Elk Point, SD 57025

Dear Mr. Donnelly:

Enclosed is Water Permit No. 5423-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3, 3531-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 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, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MELVIN DONNELLY
PO BOX 966
ELK POINT SD 57025

4a. Article Number

Z 179 157 137

4b. Service Type

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

7. Date of Delivery

Aug 98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Melvin Donnelly*

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1998

3531-3
5423-3

Melvin & Eileen Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. & Mrs. Donnelly:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 3531-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 5423-3, Melvin and Eileen Donnelly

ADDRESS: COUNTY: Union

DATE: August 11, 1999 (9:00 PM) TELEPHONE: 356-2531

RE: trying to line up a licensing investigation

COMMENTS:

Mr. Donnelly called me back about lining up a time for a licensing investigation. Unfortunately, my state vehicle had broken down and I had to get it fixed the next morning so we were unable to set up a time to conduct the licensing investigation. Mr. Donnelly offered to take me out there in his truck but since it had rained earlier in the afternoon he didn't think we could get in there until Thursday afternoon. I indicated once I got the truck fixed that I would be heading back to Pierre. The next time a staff person is in the area, they'll get ahold of him to conduct the licensing investigation. He said that would be fine.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Swenson



5423-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/dennr

January 14, 2000

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3, 3531-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 24, 2000

Melvin & Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Sirs:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right Nos. 3531-3 & 5423-3 (Melvin) and Water Right Nos. 2750-3 & 3920-3 (Lawrence).

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

5423-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025-0966

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3 and 3531-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No. 5423-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 2001

3531-3
5423-3

Melvin & Eileen Donnelly
PO Box 966
Elk Point, SD 57025

Dear Mr. & Mrs. Donnelly:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit/Right Nos. 3531-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3, 3531-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



5423-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 25, 2002

3531-3
5423-3

Melvin & Eileen Donnelly
PO Box 966
Elk Point SD 57025

Dear Mr. & Mrs. Donnelly:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right or Permit Nos. 3531-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

5423-3

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

MELVIN DONNELLY
PO BOX 966
ELK POINT SD 57025

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Lyndee Donnelly B. Date of Delivery 1-18-02
C. Signature Lyndee Donnelly ☐ Agent ☐ Addressee
X ☒ Yes ☐ No
D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☒ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☒ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Arti 7001 2510 0004 4797 5804

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 4, 2002

5423-3

Melvin & Eileen Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. & Mrs. Donnelly:

On June 18, 2002, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5423-3, was completed by Ron Duvall, a staff engineer with our program. Permit No. 5423-3 authorizes irrigation of portions of the SE ¼ Section 29, T92N, R50W.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 20, 20 03

RECEIVED OF Aileen Donnelly, Box 336, 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>5423-3</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. 000002

By Darlan S. Ebel

Chief Engineer gm

Also enclosed
with questionnaires
is fifty dollars
for permit # 5423-3
which was inspected
summer 2002.

Thank you
Neil Connolly

Permit No. 5423-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 18, 2002, made a thorough examination of the water use system constructed by Melvin and Eileen Donnelly of PO Box 966, Elk Point SD 57025 holder of Permit No. 5423-3, bearing the priority of March 6, 1990 authorizing the diversion of 2.2 cu. ft. per second of the waters of ground water (Missouri Elk Point aquifer) for irrigation purposes, in Union County.

Inspection contact & relationship to permit holder, if applicable: **Melvin Donnelly**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 127 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 67 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 60 feet
- 3) Static water level 21 feet

Pump:

- 1) Make Sargent
- 2) Serial No GV89029
- 3) Size 2 stage

Motor:

- 1) Make US Electrical
- 2) Frame No. 324TP WPI
- 3) Horsepower rating 40 hp

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

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 20 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 7
- 3) End gun Y
- 4) High or low pressure low
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 5423-3

The system is in good condition with the point of diversion located as follows: Well (SW $\frac{1}{4}$ SE $\frac{1}{4}$): 1,300 feet N and 1,300 feet E from the S $\frac{1}{4}$ corner section 29-T92N-R50W (Lat 42.75351 Long -96.77129). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in sec 29-92N-50W

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 27 ac
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 ac

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 ac
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 31 ac

comprising a total of 126 acres of land and the license should be issued for 1.78 cfs.

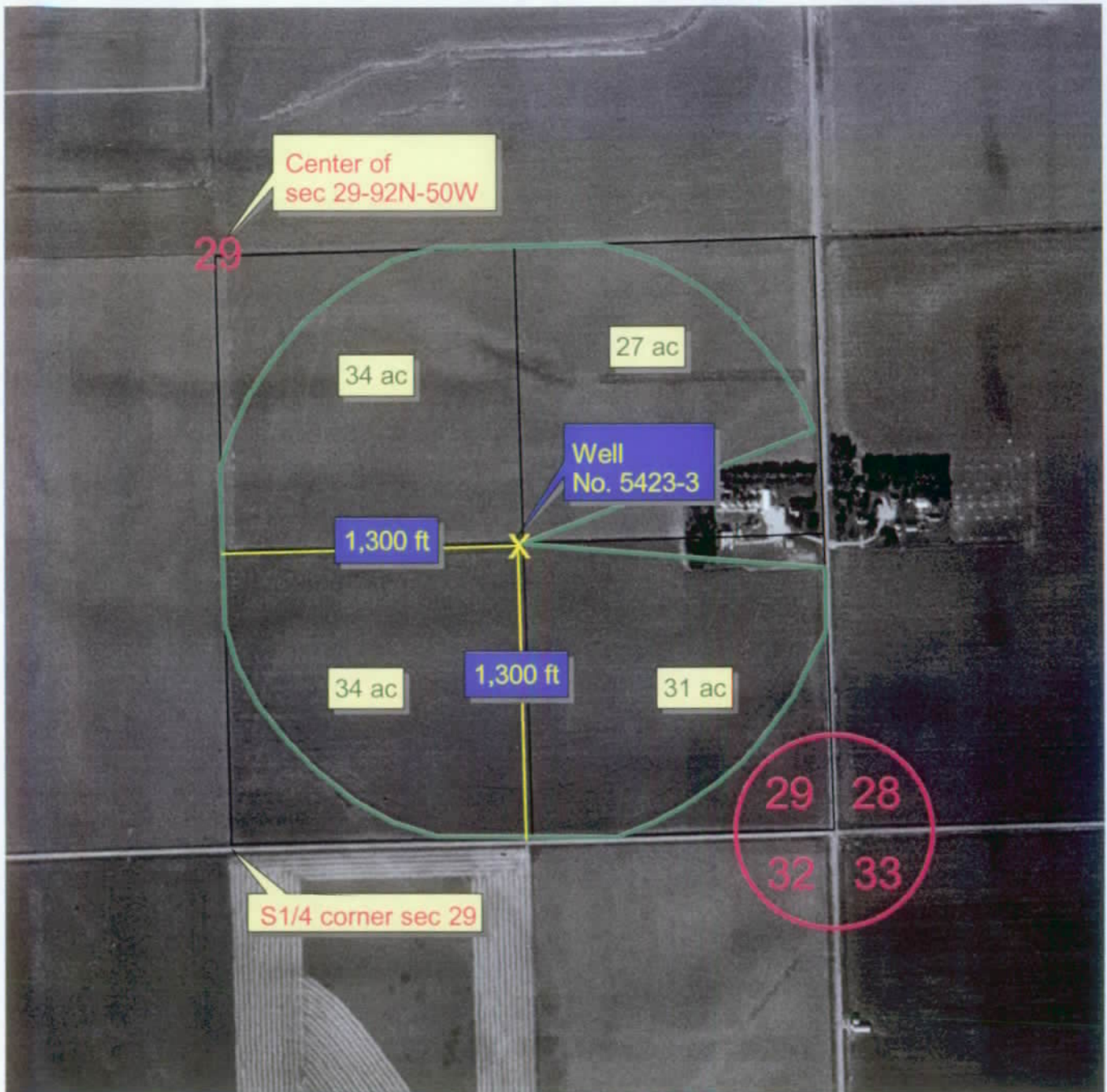
Comments or other permit(s) associated with the project: **none** | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: September 3, 2002

1000 0 1000 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat. Res. Engineer
September 3, 2002

No. 5423-3

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5423-3**

(1) Melvin & Eileen Donnelly, PO Box 966, Elk Point, SD 57025 made Application No. 5423-3, June 27, 1989 for a water permit to divert 2.20 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 5423-3, with a priority date of March 6, 1990 was approved May 24, 1990 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 24, 1995 and for the application to beneficial use of water on or before May 24, 1999.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Melvin & Eileen Donnelly the holders and/or owners of Water Right No. 5423-3 are issued a license, bearing a priority date of March 6, 1990 to appropriate 1.78 cubic feet of water per second from ground water (one well – Missouri Elk Point Aquifer) to irrigate 126 acres.

The diversion point is located:

1,300'N and 1,300'E of the S ¼ corner of Section 29, T92N, R50W (SW ¼ SE ¼)

The acres authorized for irrigation are as follows:

NE ¼ SE ¼	27 acres	SW ¼ SE ¼	34 acres
NW ¼ SE ¼	34 acres	SE ¼ SE ¼	31 acres

Total acres irrigated - 126

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5423-3 including the following qualifications:

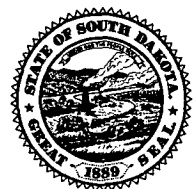
- The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain 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.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 11 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 11 2003

5423-3

Melvin & Eileen Donnelly
PO Box 966
Elk Point SD 57025

Dear Mr. & Mrs. Donnelly:

Enclosed is Water License No. 5423-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000662 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5423-3, 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,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 17, 2003

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3, 3531-3. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



5423-3

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5423-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2003

2750-3
3531-3
3920-3
5423-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025

Dear Mr. Donnelly:

I am writing to acknowledge receipt of the 2002 irrigation questionnaires water permits/rights listed in your name and in the name of Lawrence Donnelly. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit No. 5423-3 and Water Right Nos. 2750-3, 3531-3 and 3920-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

5423-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 5423-3, 3531-3. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



5423-3
DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 17, 2004

3531-3
5423-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025

Dear Mr. Donnelly:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 3531-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 20, 2005

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



5423-3
DEPARTMENT of ENVIRONMENT
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February 15, 2005

2750-3
3531-3
3920-3
5423-3

Melvin & Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Sirs:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2750-3, 3531-3, 3920-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5423-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
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PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
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February 14, 2006

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

RE: Water Right Nos. 2750-3 & 3920-3 (Lawrence Donnelly)
Water Right Nos. 3531-3 & 5423-3 (Melvin Donnelly)

Dear Mr. Donnelly:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 2750-3, 3531-3, 3920-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5423-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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523 EAST CAPITOL
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www.state.sd.us/denr

January 26, 2007

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

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5423-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 13, 2007

Melvin & Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

RE: Irrigation Questionnaires for Water Right Nos. 2750-3 & 3920-3, Lawrence Donnelly and
Water Right Nos. 3531-3 and 5423-3, Melvin Donnelly

Dear Sirs:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2750-3, 3531-3, 3920-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5423-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2008

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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



**DEPARTMENT of ENVIRONMENT
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February 19, 2008

Melvin & Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

RE: Water Right Nos. 2750-3, 3531-3, 3920-3 and 5423-3

Dear Sirs:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 2750-3, 3531-3, 3920-3 and 5423-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PMB 2020
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025 0966
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaires

Our records indicate that the 2008 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 & 6975-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 & 6975-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

5423-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2009

Melvin or Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

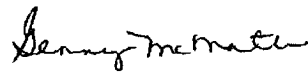
Dear Sirs:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2750-3, 3531-3, 3920-3, 5423-3 and 6975-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


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



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025 0966

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaires

Our records indicate that the 2009 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 & 6975-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 & 6975-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<https://denr.sd.gov/iq.aspx>

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



5423-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 9723

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:32 AM on January 27, 2010 in ELK POINT, SD 57025. The item was signed for by L DONNELLY.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 27, 2010, 9:32 am, ELK POINT, SD 57025
- Notice Left, January 23, 2010, 9:25 am, ELK POINT, SD 57025
- Arrival at Post Office, January 23, 2010, 7:41 am, ELK POINT, SD 57025

Notification Options

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 9723

MELVIN DONNELLY
PO BOX 966
ELK POINT SD 57025 0966

mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2010

Melvin & Lawrence Donnelly
PO Box 966
Elk Point SD 57025-0966

RE: Water Right Nos. 2750-3, 3531-3, 3920-3, 5423-3 and Water Permit No. 6975-3

Dear Sirs:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 2750-3, 3531-3, 3920-3, 5423-3 and Water Permit No. 6975-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025 0966

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaires

Our records indicate that the 2010 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3 & 6975-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3 & 6975-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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www.state.sd.us/denr

March 3, 2011

Melvin Donnelly
PO Box 966
Elk Point SD 57025 0966

RE: Water Right or Permit Nos. 2750-3, 3920-3 (Lawrence Donnelly) and 3531-3, 5423-3 &
6975-3 (Melvin Donnelly)

Dear Mr. Donnelly:

I am writing to acknowledge receipt of your 2010 irrigation questionnaires.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: MELVIN DONNELLY, PO BOX 966, ELK POINT, SD 57025 0966

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 3531-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 5423-3, 6975-3, 7808-3 & 8079-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5423-3, 6975-3, 7808-3 & 8079-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 3531-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



5423-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 1, 2016

Melvin Donnelly
PO Box 966
Elk Point SD 57025 0966

RE: Water Permit or Right Nos. 2750-3, 3531-3, 3920, 5423-3, 6975-3, 7808-3 & 8079-3

Dear Mr. Donnelly:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for the water permits and water rights described above. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

5423-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 4, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

We have received your irrigation questionnaires for 2019. Thank you for letting us know that ownership changes were needed for Water Right Nos. 5423-3 (Melvin & Eileen), 7808-3 and 8079-3 (Melvin & Larry).

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$150.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning completion of the forms, please give me a call. Thank you in advance for updating the water rights.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is fluid and cursive.

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

enclosures

PAID

DEC 16 2019

Ck# 9063

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 16 2019

WATER RIGHTS
PROGRAM

No. 5423-3

Date: 12-11-19

I/We request that Water Right No. 5423-3

formerly owned by: Melvin & Eileen Donnelly

be transferred to: (name & address) Melvin Donnelly, PO Box 966, Elk Point SD 57025-0966

Telephone No. 712-389-0090

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

126 acres - SE 1/4 Section 29, T92N, R50W

I/We understand that the validity of Water Right No. 5423-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Melvin Donnelly, the new owner, certify that the above information is true and correct.

Melvin Donnelly
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 16, 20 19

RECEIVED OF Mr. or Mrs. Melvin Donnelly PO Box 966 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. _____		
Fee for Filing Transfer Form <u>5423-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09282**

By Jeannette Goodman
Chief Engineer JM

5423-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 17, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 5423-3, 7808-3 and 8079-3.

The ownership changes have been completed. The above listed water rights are now listed solely in your name.

Enclosed for your records are Receipt Nos. 09282, 09283 and 09284 in the amount of \$50 each.

Thank you for updating the water rights. If you have any questions, please let me know.

Sincerely,

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

enclosures