

WATER PERMIT NO. 6367-3

Name of Applicant: Foley Family Limited Partnership

Address: PO Box 863, Yankton SD 57078 Phone: 605 665-9636

Amount of Water Claimed: 3.0 Total Acres: 210

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Bon Homme

Type of Waste Disposal System:

Location: 8 miles southeast Tyndall

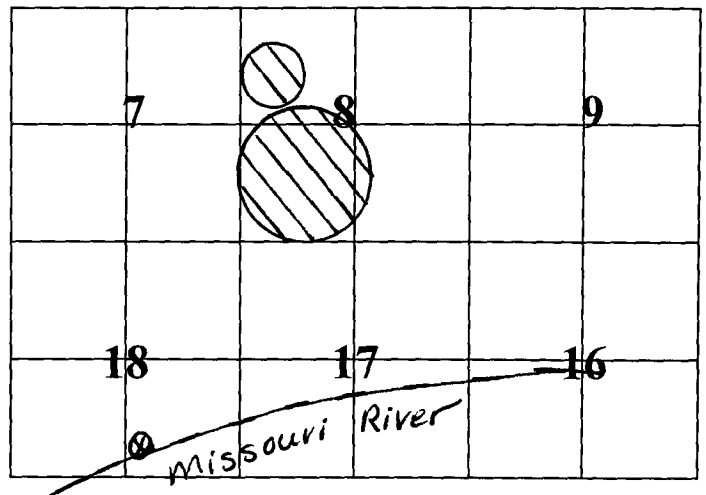
PRIORITY Date Received: 10-31-02 Application/License Fee: \$350

Corrected Application Received: Period of Annual Use: May 1 – August 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 18-T93N-R59W

Land to be Irrigated: W ½ NW ¼, SE ¼ NW ¼,
SW ¼, W ½ SE ¼ Sec 8-T93N-R59W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: aerial

Prepared by: Erin Bures, Bon Home Co. FSA

Reviewed and the Number Assigned on: 10-31-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6367-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Tyndall Tribune & Register, Tyndall</u>

RECEIVED
OCT 31 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Foley Family Limited Partnership Phone 605 665 9636
(check one) ✓ Owner Tenant/lessee
- Mailing Address Po Box 863 Yankton State SD 57078
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 3.0 *CFS or **GPM ***AF Total Acreage 210
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply LEWIS + CLARK LAKE ONE INTAKE
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Bon Homme County
RIVER Pump SE 1/4 section 18 T93N R59W (SW 1/4 SE 1/4)
CORPS RIVER mile 830.7 County Bon Homme
5. County or counties where water will be used Bon Homme
6. Annual period during which water is to be used MAY - AUGUST 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 section Sec 8 T93N R59W	160		
NW 1/4 sec Sec 8 T93N R59W	50		
EW 1/2 SE 1/4			

8. Give a description of the project. (Attach sheet if more space is needed)
ELECTRICAL motor drives WATERPUMP from LEWIS + CLARK LAKE. Pipeline
transports water to CORN/soybean cropland.

STATE OF SOUTH DAKOTA)
County of Yankton SS

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

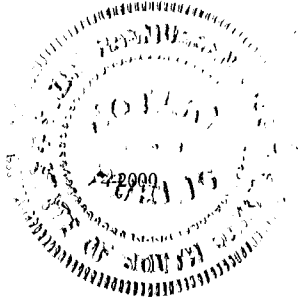
I, Don Foley, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Don Foley

Subscribed and sworn to before me this 2nd day of October 20 02

Suzan Rasmussen Hall
Notary Public signature

My Commission Expires 2/11/05



P. R. B. - CED Bon Homme County FSA
 9-30-02



**SOUTH DAKOTA
WATER PERMIT NO. 6367-3**

Date of first receipt of application October 31, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6367-3 to Foley Family Limited Partnership, PO Box 863, Yankton SD 57078 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. 6367-3 appropriates 3.0 cubic feet of water per second from the Missouri River (Lewis and Clark Lake) located in the SW ¼ SE ¼ Section 18 to irrigate 210 acres located in the W ½ NW ¼, SE ¼ NW ¼, SW ¼, W ½ SE ¼ Section 8; all in T93N-R59W.
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: May 1 – August 31.
3. The date from which applicant may claim right is October 31, 2002.
4. The date of approval of Permit No. 6367-3 is December 16, 2002.
5. One-fifth of the construction is to be completed on or before June 16, 2005.
6. All construction is to be completed on or before December 16, 2007.
7. Water is to be put to beneficial use on or before December 16, 2011.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 19 2003

date



RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date OCTOBER 31, 20 02 52

RECEIVED OF Foley Family Limited Partnership, PO Box 7, Tyndall SD 57066

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	300	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. _____	50	00
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	350.00	

W/12

No.

000335

By

Darland Eble
Chief Engineer gm



Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6367-3,
Foley Family Limited Partnership

ADDRESS: COUNTY: Bon Homme

DATE: November 5, 2002 TELEPHONE: 665-9636

RE: Breakdown of acreage for application

COMMENTS:

I used Arcview and an orthoquadrangle image of Section 8, T93N, R59W to breakdown the acreage proposed to be irrigated by Application No. 6367-3. The following is what I found:

All in Section 8, T93N, R59W

NW $\frac{1}{4}$ NW $\frac{1}{4}$	10 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	34 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	14 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	10 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	36 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26 acres		

TOTAL 210 acres

I contacted Mr. Foley to confirm these acres.

NAME: Eric Hundert

REPORT ON WATER PERMIT APPLICATION NO. 6367-3

Foley Family Limited

November 8, 2002

Application No. 6367-3, proposes to appropriate 3.0 cubic feet of water per second (cfs) from the Missouri River located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 to irrigate 210 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8; all in T93N-R59W.

The proposed project is located approximately two miles southwest of Springfield in Bon Homme county.

Water Source – Missouri River

The source of water is the Missouri River. The Missouri River is known to have ample supplies of unappropriated water available.

Review of Proposed Project and Existing Water Rights

Water will be diverted from the Missouri River by using a pump. The water will then be transported to the irrigated lands via a pipeline.

Downstream of this project, to the boundary of Bon Homme and Yankton Counties, there are 18 water rights appropriating 54.3 cfs from the Missouri River. Downstream of Bon Homme and Yankton Counties there are also numerous water rights/permits that divert water from the Missouri River. Because there is ample water in the Missouri River, Application No. 6367-3 is unlikely to cause adverse effects to downstream water rights/permits. There have been no water use complaints reported on the Missouri River.

Conclusions

1. Application No. 6367-3, proposes to divert 3.0 cfs from the Missouri River to be used to irrigate 210 acres.
2. The source of water is the Missouri River. Because there is ample water in the Missouri River, Application No. 6763-3 is unlikely to cause adverse effects to downstream water rights/permits.



Stacy J. Johnson

Natural Resources Project Engineer

Reviewed by:



Lynn Beck

Natural Resources Engineering Specialist

Reference

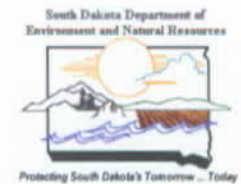
Water Rights Program files 2002, DENR-Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD 57501.

Water Permit Application No. 6367-3



Irrigated Lands

NW 1/4 NW 1/4 = 10 Acres
SW 1/4 NW 1/4 = 35 Acres
SE 1/4 NW 1/4 = 14 Acres
NW 1/4 SW 1/4 = 36 Acres
SW 1/4 SW 1/4 = 26 Acres
NE 1/4 SW 1/4 = 40 Acres
SE 1/4 SW 1/4 = 34 Acres
NW 1/4 SE 1/4 = 10 Acres
SW 1/4 SE 1/4 = 5 Acres



Stacy J. Johnson 11-18-02

Stacy J. Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6367-3, Foley Family Limited Partnership**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6367-3, Foley Family Limited Partnership, c/o Don Foley, PO Box 863, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6367-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
November 18, 2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2002

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066-0520

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6367-3 to Appropriate Water to be published twice. Please publish the first notice on November 27, 2002 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 Foley Family Limited Partnership, %Don Foley, PO Box 863, Yankton SD 57078 (Ph # 605-665-9636).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 6367-3

Date _____

We are in receipt of your letter of November 19, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6367-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newsman



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 19, 2002

Foley Family Limited Partnership
% Don Foley
PO Box 863
Yankton SD 57078

Dear Mr. Foley:

Water Permit Application No. 6367-3 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 Tyndall Tribune & Register printed at Tyndall, SD (Ph # 605-589-3242). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on November 27, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6367-3 to Appropriate Water

Notice is given that the Foley Family Limited Partnership, c/o Don Foley, PO Box 863, Yankton SD 57078 has filed an application for a water permit to appropriate 3.0 cubic feet of water per second from the Missouri River (Lewis and Clark Lake) located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 to irrigate 210 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8; all in T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6367-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 16, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyck Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Hearing: App # 6367-3
62 e34.5 + 8090 X1

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive weeks, upon the following dates:

Nov. 27 200220.....
Dec. 4 20.....20.....
.....20.....20.....
.....20.....20.....

That the full amount of the fee charged for the publication of said notice, \$38.50, inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyck, publisher

Subscribed and sworn to before me this

Dec. 4 2002

Leggy Dickson
Notary Public, South Dakota

My commission expires Oct. 24, 2003

ddc . f 1-1

NOTICE OF APPLICATION NO. 6367-3 to Appropriate Water

Notice is given that the Foley Family Limited Partnership, c/o Don Foley, PO Box 863, Yankton, SD 57078 has filed an application for a water permit to appropriate 3.0 cubic feet of water per second from the Missouri River (Lewis and Clark Lake) located in the SW1/4 SE1/4 Section 18 to irrigate 210 acres located in the W1/2 NW1/4, SE1/4 NW1/4, SW1/4, W1/2, SE1/4, Section 8, all in the T93N-R59W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6367-3 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3552)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 16, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Firner, Secretary,
Department of Environment
and Natural Resources
(Nov. 27 & Dec. 4)

RECEIVED
DEC 02 2002
WATER RIGHTS
PROGRAM

PAYMENT REQUEST FORM

PAYEE: Foley Family Limited Partnership
% Don Foley
PO Box 863
Yankton SD 57078

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund \$25.00. Overpaid fee.

AMOUNT: \$25.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barland Eubels

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



MAR 25 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Foley Family Limited Partnership
% Don Foley
PO Box 863
Yankton SD 57078

Dear Mr. Foley:

Enclosed is Water Permit No. 6367-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

At the time of application, you submitted \$350 for the application/license fee. The correct fee for the amount of water requested is \$325. Therefore, you will be receiving a refund check for \$25 within the next couple of weeks.

Sincerely,

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

enclosures



6367-3
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 18, 2008

NOTICE

TO: FOLEY FAMILY LIMITED PART, DON FOLEY, PO BOX 863, YANKTON, SD 57078 0863
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6367-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6367-3 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) 6367-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 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.

6367-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 2847
Status: **Delivered**

Your item was delivered at 10:28 AM on January 30, 2008 in YANKTON, SD 57078. The item was signed for by D FOLEY.

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No FEAR Act EEO Data

FOIA

USPS.com
Internet MailUSPS.com
Internet Mail

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 2847	
FOLEY FAMILY LIMITED PART DON FOLEY PO BOX 863 YANKTON SD 57078 0863	
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

February 4, 2008

6367-3

Don Foley
Foley Family Limited Partnership
PO Box 863
Yankton SD 57078-0863

Dear Mr. Foley:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Permit No. 6367-3.

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

Permit No. 6367-3
Missouri 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, **July 19, 2010**, made a thorough examination of the water use system constructed by **Foley Family Partnership** of **P.O. Box 863, Yankton, SD 57078** holder of Permit No. **6367-3**, bearing the priority of **October 31, 2002** authorizing the diversion of **3.0** cu. ft. per second of the waters of **the Missouri River** for **irrigation** purposes, in **Bon Homme** County.

Inspection contact & relationship to permit holder, if applicable: **Don Foley, Permit Holder**

A. Works used to divert the water:

Pump:

- 1) Make Berkeley
- 2) Model 208073-09
- 3) Size 100 hp
- 4) Capacity 1,000 GPM

Motor:

- 1) Make Westinghouse
- 2) Model No. TCEP
- 3) Horsepower rating 100 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length 11,000 feet

C. Works used to apply water to beneficial use:

Center pivot: (2-pivots)

- 1) Make CP
- 2) Overall length 900, 1440 feet
- 3) Number of towers 5, 8
- 4) Distance between towers 180 feet
- 5) End gun Yes
- 6) High pressure

7) Capacity 800, & 1,000 GPM

Chemigation Equipment:

- 1) Does chemigate Yes
- 2) Main line check valve Yes
- 3) Inspection port/air relief Y/N
- 4) Low pressure drain N/A
- 5) Discharge is 20' from source Yes
- 6) Interlock type mechanical
- 7) Injection pump type piston or other-unknown
- 8) Injection check valve Yes
- 9) Injection line check valve or positive displacement pump unknown
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules Yes

D. Compliance with Permit Requirements:

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

The system is in good condition with the point of diversion located as follows: 710 feet north and 2,900 feet east of the southwest corner, Section 18, Township 93N, Rang 59W, lat/long N 42.86683 W -97.86107. The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage (small pivot (NW))

NW ¼ NW ¼ ---5ac

SW ¼ NW ¼ ---35ac

SE ¼ NW ¼ ---7ac

legal description/acreage (larger pivot (S))

NW ¼ SW ¼ ---36ac

SW ¼ SW ¼ ---26ac

NE ¼ SW ¼ ---40ac

SE ¼ SW ¼ ---34ac

NW ¼ SE ¼ ---4ac

SW ¼ SE ¼ ---3ac

Section 8, T93N- R59W.

Section 8, T93N- R59W.

comprising a total of 190 acres of land and the license should be issued for 2.23 cfs.

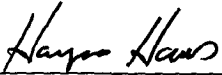
All structures, wells and lands on map Yes

Report of Examination of Works

Permit No. 6367-3

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

Permittee pumps water from the Missouri River (at lat/long N 42.86683 W -97.86107) in Section 18 via approximately 11,000 feet of 8" PVC pipe to two center pivot irrigation systems located in Section 8, all in T93N-R53W.



Hayes Haas

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 2/17/2011





**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 03 2011

6367-3

Don Foley
Foley Family Ltd Partnership
PO Box 863
Yankton SD 57078 -863

Dear Mr. Foley:

Enclosed is your Water License No. 6367-3. The license is the final document which completes the process of obtaining a water right. Included with your license is a map of the project area prepared by the staff engineer who conducted the licensing investigation.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6367-3

(1) Foley Family Limited Partnership, PO Box 863, Yankton SD 57078 made Application No. 6367-3, October 31, 2002 for a water permit to divert 3.00 cubic feet of water per second from the Missouri River, Bon Homme County, South Dakota for irrigation purposes. Permit No. 6367-3, with a priority date of October 31, 2002 was approved December 16, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 16, 2007 and for the application to beneficial use of said water on or before December 16, 2011.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.23 cubic feet of water per second for beneficial use.

The location of the diversion point is 710 feet north and 2,900 feet east of the SW corner of Section 18, T93N, R59W (SW ¼ SE ¼ Section 18).

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

Section 8, T93N, R59W (small pivot)		Section 8, T93N, R59W (large pivot)			
NW ¼ NW ¼	5 acres	NW ¼ SW ¼	36 acres	NW ¼ SE ¼	4 acres
SW ¼ NW ¼	35 acres	SW ¼ SW ¼	26 acres	SW ¼ SE ¼	3 acres
SE ¼ NW ¼	7 acres	NE ¼ SW ¼	40 acres		
		SE ¼ SW ¼	34 acres		
Total irrigated – 190 acres					

(4) Pursuant to South Dakota Water Law 46-5-30.1 Foley Family Limited Partnership, PO Box 863, Yankton SD 57078 the holder and/or owner of Water Right No. 6367-3 is issued a license to appropriate water, the right to use 2.23 cubic feet of water per second from the Missouri River with a priority date of October 31, 2002 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6367-3 and subject to the following qualification:

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


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

MAR 03 2011
date



From: Robert Foley [<mailto:piedmontcirc@gmail.com>]
Sent: Thursday, August 30, 2012 10:20 AM
To: DENR INTERNET INFORMATION
Cc: Mr. Jeffrey James Foley
Subject: Foley Family Limited Partnership - change of contact information

Foley Family Limited Partnership holds Permit No: 6367-3 for irrigation in Bon Homme County. Our Primary Contact changed to Phyllis K Foley (from Don Foley), our mailing address changed to PO Box 7 Tyndall SD 57066-0007 (from PO Box 863 Yankton SD 570780, and our phone changed to 605.589.3557 (from 605.665.9636).

All other permit information remains exactly the same.

Is this sufficient information to post the changes? If no, please reply by e-mail with instructions.
Thank You.

--

Robert Foley
Piedmont Circulation Service
Phone: 704.438.0949
E-mail: piedmontcirc@gmail.com

8-30-2012: changes were made as requested in his email and a follow-up email was sent letting him know his email was sufficient for the change in contact person and address.

Genny



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: FOLEY FAMILY LIMITED PARTNERSHIP, PHYLLIS K FOLEY, PO BOX 7, TYNDALL, SD 57066 0007

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6367-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6367-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6367-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QFAFNX**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 24, 2025

6367-3

Foley Family Limited Partnership
c/o Phyllis Foley
PO Box 7
Tyndall SD 57066

Dear Mr. Foley:

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

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 6367-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

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

Sincerely,

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